

ORDINANCE NO. 08-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE II OF THE TOWN CODE, ENTITLED "TOWN COMMISSION"; PROVIDING FOR THE AMENDMENT OF SECTION 2-81(a) PERTAINING TO THE APPOINTMENT AND REMOVAL OF THE TOWN MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 2, Article II, of the Town Code establishes certain powers and duties pertaining to the Town Commission and the Town Manager; and

WHEREAS, Section 2-81 of the Code of Ordinances of the Town of Lake Park sets forth the specific powers and duties of the Town Commission; and

WHEREAS, the Town Commission has determined that it is necessary and advisable to amend Section 2-81 of the Code of Ordinances of the Town of Lake Park with respect to the appointment and removal of the Town Manager; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct.

Section 2. Section 2-81(a) of the Code of Ordinances of the Town of Lake Park is hereby amended to read as follows:

(a) Appointment and removal. The Town Commission shall appoint and remove the Town Manager by a majority of the membership of the commission ~~by a four-fifth majority vote of its members~~. The Town Manager shall hold office at the pleasure of the commission. The Town Manager shall give the Town Commission at least 30 days notice in writing before resigning from such position. The Town Commission may then remove the Town Manager from office at once or permit the ~~city~~ town manager to serve out the time in office.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Codification. The sections of the ordinance may be renumbered or relettered to accomplish codification, and the words “ordinance,” “section,” “article,” or “paragraph” may be changed to provide for continuity.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Effective Date. This ordinance shall take effect immediately upon adoption.

Upon First Reading this 9 day of May, 2012, the foregoing Ordinance, was offered by Vice-Mayor Rumsey, who moved its approval. The motion was seconded by Commissioner Stevens and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	<u>Absent</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>Absent</u>	_____
COMMISSIONER TIM STEVENS	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 27 DAY OF May, 2012

Upon Second Reading this 6 day of June, 2012, the foregoing Ordinance, was offered by Commissioner Stevens, who moved its adoption. The motion was seconded by Vice-Mayor Rumsey and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	_____
COMMISSIONER STEVEN HOCKMAN	_____	<u>/</u>
COMMISSIONER JEANINE LONGTIN	<u>/</u>	_____
COMMISSIONER TIM STEVENS	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 08-2012** duly passed and adopted this 6 day of June, 2012.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
Mayor, James DuBois

ATTEST:

[Signature]
Town Clerk, Vivian Lemley
(Town Seal)
TOWN OF LAKE PARK
SEAL

Approved as to form and legal sufficiency:
[Signature]
Town Attorney, Thomas J. Baird

FLORIDA