

ORDINANCE NO. 17-18

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, APPROVING A PROPOSED VILLAGE INITIATED AMENDMENT TO THE VILLAGE'S CHARTER; WHICH PROPOSED AMENDMENT WOULD REVISE THE CURRENT REQUIREMENT FROM REQUIRING NO LESS THAN FOUR MEMBERS OF THE VILLAGE COUNCIL TO VOTE IN FAVOR OF HIRING A VILLAGE MANAGER OR REMOVING A VILLAGE MANAGER, TO REQUIRING NO LESS THAN THREE MEMBERS OF THE VILLAGE COUNCIL TO TAKE SUCH ACTIONS, AND ALSO REQUIRING A 30 DAY NOTICE BE PROVIDED TO THE VILLAGE MANAGER PRIOR TO ANY COUNCIL DISCUSSION OR ACTION REGARDING THE REMOVAL OF THE VILLAGE MANAGER; FURTHER PROVIDING A BALLOT TITLE AND A BALLOT SUMMARY IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA LAW; PROVIDING FOR THE PROPOSED CHARTER AMENDMENT QUESTION LANGUAGE; AND PUTTING SAID CHARTER AMENDMENT QUESTION TO A VOTE OF THE ELECTORS OF THE VILLAGE AT THE MARCH 12, 2019 MUNICIPAL ELECTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the current Village Charter provides, at Sec. 3.02, that "The Village Manager shall be appointed by affirmative vote of at least four (4) members of the Council, and must be removed by a like vote of said Council"; and

WHEREAS, the Village Council believes it to be in the best interest of the Village of Tequesta to revise this requirement by reducing the number of affirmative votes required to take such actions from four (4) to three (3), being a majority of the Village Council, and also by requiring that the Village Manager be given 30 days' notice prior to Village Council discussion or action regarding the removal of the Village Manager; and

WHEREAS, the Village Council desires to place this proposed revision to the Village Charter before the Village Electors to be considered for adoption in accordance with state law; and

WHEREAS, the question to be placed before the Village Electors is whether to amend the Village Charter to reduce from four (4) to three (3), the number of votes required to both appoint into employment a new Village Manager, or to remove from employment a sitting Village Manager, and to require a 30 day notice be given to the Village Manager prior to Village Council discussion regarding removal; and

WHEREAS, the next municipal election to be held within the Village is March 12, 2019; and

WHEREAS, the deadline for submission of such ballot titles and summaries to the Palm Beach County Supervisor of Elections Office for the March 12, 2019 municipal election is

January 11, 2019; and

WHEREAS, the Village Council desires to provide the Palm Beach County Supervisor of Elections Office with a legally sufficient ballot title and summary as set forth in this ordinance within the deadline for placement on the March 12, 2019, municipal election.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, THAT:

Section 1: The above recitals are true and accurate, and are incorporated herein.

Section 2: The Village Council hereby directs that the following ballot title and ballot summary shall be put to a vote of the Village Electors at the March 12, 2019 municipal election:

“CHARTER AMENDMENT REDUCING MINIMUM COUNCIL VOTES REQUIRED TO APPOINT OR REMOVE MANAGER, AND PROVIDING NOTICE.”

“SHALL THE CHARTER OF TEQUESTA BE AMENDED TO REDUCE FROM FOUR (4) TO THREE (3), THE MINIMUM NUMBER OF VILLAGE COUNCIL MEMBERS REQUIRED TO VOTE IN FAVOR OF APPOINTING OR REMOVING A VILLAGE MANAGER, AND TO ALSO REQUIRE THIRTY DAYS NOTICE BE GIVEN TO THE VILLAGE MANAGER PRIOR TO VILLAGE COUNCIL DISCUSSION OR ACTION FOR REMOVAL OF THE VILLAGE MANAGER?”

YES _____

NO _____

Section 3: Based on the language contained in the summary, the proposed new Charter language, if approved by a majority of the Village Electors at the March 12, 2019 municipal election, would be at Section 3.02 of the Village Charter as follows:

Section 3.02. - The Village Manager—Appointment, Removal, Qualifications, Vacancy.

The Village Council shall appoint a Village Manager who shall serve at the pleasure of the Council and who shall be the Chief Administrator under the direction and supervision of the Village Council. The Manager shall be chosen by the Council solely on the basis of his or her administrative and executive qualifications.

The Village Manager shall be appointed by affirmative vote of at least three (3) ~~four (4)~~ members of the Council, and must be removed by a like vote of said Council.

No Village Council discussion or action regarding the removal of the Village Manager shall occur until the Village Manager has been provided with a minimum of 30 days advance written notice of the intent to have such discussion or action.

A vacancy in the position of Village Manager by death, resignation or otherwise shall be filled by either temporary or permanent appointment by the Village Council at a regular or special Council meeting within thirty (30) days of the creation of the vacancy.

Section 4: The Village Clerk is hereby directed to provide a certified copy of this Ordinance to the Palm Beach County Supervisor of Elections immediately, but in no event any later than Noon of January 11, 2019.

Section 5: This Ordinance shall take effect immediately upon adoption.