

1 **WHEREAS**, the City Commission finds that it is in the best interest of the
2 public to amend the Charter to delete the forfeiture of office provision and to provide
3 for filling of vacancies in the office of Mayor and City Commission; and

4 **WHEREAS**, the proposed amendment to the City’s Charter shall be put before
5 the registered electors of the City in a duly called referendum at the general election on
6 November 8, 2022, to amend Article IIIA of the City’s Charter by specifically
7 amending Section 5 to delete the forfeiture of office provision and provide for filling
8 vacancies in the office of Mayor and City Commission.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
10 **OF THE CITY OF WILTON MANORS, FLORIDA:**

11 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being
12 true and correct and are hereby made a specific part of this Ordinance upon adoption
13 hereof.

14 **Section 2:** Article IIIA of the Charter of the City of Wilton Manors, entitled
15 “Legislative,” shall be amended by the specific amendment of Section 5 entitled
16 “Vacancies; forfeiture of office; filling of vacancies” as follows:

17 (a) Vacancies. The office of mayor or city commission shall become vacant
18 upon their death, resignation, removal from office in any manner authorized by
19 law, ~~or forfeiture of their office, such forfeiture to be declared by the remaining~~
20 ~~members of the city commission.~~

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22 (b) ~~— Forfeiture of office. A mayor or city commissioner shall forfeit their~~
23 ~~office if they: (1) lacks at any time during their term of office any qualification~~
24 ~~for the office prescribed by this Charter or by law, or (2) violates any standard of~~
25 ~~conduct or code of ethics established by law for public officials, such violation~~
26 ~~to be determined by remaining members of the city commission.~~

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1 (be) Filling of vacancies. A vacancy in the office of the mayor or on the city
2 commission shall be filled ~~as in one (1) of the following ways:~~

3
4 (1) Vacancy in Office of Mayor.

5 (1) When a vacancy occurs in the office of Mayor, the Vice-
6 Mayor selected at the organizational meeting pursuant to section
7 2-27 of the City Code, as may be amended or selected otherwise,
8 shall automatically succeed to the office of Mayor and shall serve
9 for the remainder of the Mayor's unexpired term until a new
10 Mayor is seated. Thereafter, the Vice-Mayor shall return to the
11 Vice-Mayor's former seat as a Commissioner and complete the
12 remainder of the Commission term, if any part thereof remains
13 unexpired.

14 (2) The succession of the office of Mayor by the Vice-Mayor
15 shall create a vacancy in the Commission. The vacancy on the
16 Commission shall be filled in the manner set forth in this Charter.

17 (3) If the Vice-Mayor is unable or unwilling to succeed to the
18 office of Mayor, the Commission shall then select a Mayor from
19 the remaining Commissioners. If the Commission is unable to
20 select a Mayor by the end of the fourth regular meeting after the
21 vacancy, then the Mayor shall be elected at a special election
22 shall to be held for the election of the Mayor as soon as
23 reasonably practicable after conferring with the Broward County
24 Supervisor of Elections and on a date when another municipal,
25 primary, or general election is scheduled.

26 (4) If a vacancy occurs in the office of Vice-Mayor, the
27 Commission shall then select a new Vice-Mayor from among its
28 members.

29 ~~If there is less than six (6) months remaining in the unexpired term or if there is less~~
30 ~~than six (6) months before the next regular city election, the commission by a majority~~
31 ~~vote of the remaining members shall choose a successor to serve until the newly elected~~
32 ~~mayor or city commission is qualified. If two (2) years remain in the term of the vacated~~
33 ~~seat at the time of the next regular election, that seat shall be filled by election for the~~
34 ~~remaining two (2)~~

35 (2) Vacancy in Office of Commissioner. In the event of a vacancy
36 other than in the office of the Mayor:

37 (1) If there is more than one hundred eighty (180) calendar
38 days remaining in the unexpired term, the City Commission shall
39 call a special election to fill the vacancy of the unexpired term of
40 office of the Commissioner as soon as reasonably practicable
41 after conferring with the Broward County Supervisor of Elections
42 and on a date when another municipal, primary, or general
43 election is scheduled. The remaining Commissioners, including
44 the Mayor, shall appoint, by a majority vote, a qualified person to

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fill the vacancy pending the outcome of the special election. If a majority of the remaining Commissioners, including the Mayor, are unable to agree on the appointment by the end of the fourth regular meeting after the vacancy, then the Commissioner shall be elected at a special election to fill the vacancy. The special election shall be held as soon as reasonably practicable after conferring with the Broward County Supervisor of Elections and on a date when another municipal, primary, or general election is scheduled.

(2) If there is less the one hundred eighty (180) calendar days remaining in the unexpired term, the remaining Commissioners, including the Mayor, shall appoint, by a majority vote, a qualified person to fill the vacancy for the remainder of the unexpired term.

~~If there is more than six (6) months remaining in the unexpired term and no regular city election is scheduled within six (6) months, the city commission shall fill the vacancy on an interim basis as provided in subsection (1), and shall schedule a special election to be held not sooner than sixty (60) days, nor more than ninety (90) days, following the occurrence of the va~~

Notwithstanding any quorum requirements established herein, if at any time the membership of the mayor/city commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint additional members under either (1) or (2) above.

(c) Extraordinary vacancies. In the event that all members of the city commission are removed by death, disability, or forfeiture of office, the Governor shall appoint an interim city commission that shall call a special election as provided in paragraph (c) above and such election shall be done in such manner as to fill the unexpired terms until the next regular municipal election.

Section 4: The Ballot Title shall be as follows:

FORFEITURE OF OFFICE; FILLING OF VACANCIES FOR OFFICE OF MAYOR AND CITY COMMISSION

Section 5: At the General Election of November 8, 2022, the following

question shall be placed on the ballot for consideration by the qualified electors of the City of Wilton Manors, Florida, and shall read as follows:

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1 Shall Article IIIA, Section 5 of the City Charter be Amended to Delete the
2 Provision Authorizing the City Commission to Declare a Forfeiture in the Office
3 of Mayor or Commissioner; and to Amend the Provisions For Filling Vacancies
4 in the Office of Mayor and City Commission

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YES () NO ()

9 **Section 6: Advertisement.** The City Clerk of the City of Wilton
10 Manors is hereby authorized and directed to advertise the referendum election
11 contemplated herein all in accordance with the Code of Ordinances of the City of Wilton
12 Manors, Florida, as well as the State of Florida Election Code.

13 **Section 7: Referendum Election.** Pursuant to Section 166.031(1), Florida
14 Statutes, the City Commission of the City of Wilton Manors hereby calls a special
15 election to be conducted with the State of Florida General Election on November 8,
16 2022, for the purpose of placing the referendum to a vote of the electors of the City of
17 Wilton Manors. The Broward County Supervisor of Elections is hereby appointed as
18 the election officer of the election to be held on November 8, 2022 in accordance with
19 Florida Law to shall conduct the referendum. The City of Wilton Manors shall
20 reimburse the Broward County Supervisor of Elections for the cost of the referendum
21 consistent with Florida Law.

22 **Section 8: Place of Election.** The election shall be conducted within the
23 geographical limits of the City, at polling locations determined in conjunction with the
24 Broward County Supervisor of Elections.

25 **Section 9: Codification.** It is the intention of the City Commission
26 of the City of Wilton Manors, that upon approval by the electorate of the City at the
November 8, 2022, election-, the provisions of Sections 2 and 3 of this Ordinance shall

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1 become and be made a part of the Charter of the City of Wilton Manors, Florida, and
2 that the Sections of this ordinance may be renumbered, re lettered and the word
3 "Ordinance" may be changed to "Section," "Article," or such other word or phrase in
4 order to accomplish such intention. In the event the Charter change proposed by this
5 Ordinance is approved, the City Clerk or designee shall cause the amendment to be
6 incorporated into the Charter and the revised Charter shall be filed with the Department
7 of State.

8 **Section 10: Severability.** If any clause, section, or other part of this
9 Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or
10 invalid, such unconstitutional or invalid part shall be considered as eliminated and in no
11 way affecting the validity of the other provisions of this Ordinance.

12 **Section 11: Conflicts.** That all Ordinances or parts of Ordinances,
13 Resolutions, or parts of Resolutions in conflict herewith, be and the same are repealed
14 to the extent of such conflict.

15 **Section 12. Effective Date.** That this Ordinance shall take effect
16 immediately upon adoption. The amended Charter as set forth in Sections 2 and 3 above
17 shall be effective upon approval by a majority of the electorate of the City at the
18 November 8, 2022, election. In the event the Charter change proposed by this
19 Ordinance is not approved, the existing Charter shall remain in full force and effect.

20 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**
21 **WILTON MANORS, FLORIDA, THIS 9th DAY OF November, 2021.**

22
23 **PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY**
24 **COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 23rd**
25 **DAY OF November, 2021.**

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CITY OF WILTON MANORS, FLORIDA

By: 
SCOTT NEWTON, MAYOR

ATTEST:


FAITH LOMBARDO
CITY CLERK

RECORD OF COMMISSION VOTE: 1ST
Reading

MAYOR NEWTON
VICE MAYOR ROLLI
COMMISSIONER BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER RESNICK



I HEREBY CERTIFY that I have
approved the form of this Ordinance.

/s/ Kerry L. Ezrol
KERRY L. EZROL, ESQ.
CITY ATTORNEY

RECORD OF COMMISSION VOTE: 2ND
Reading

MAYOR NEWTON
VICE MAYOR ROLLI
COMMISSIONER BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER RESNICK

