

ORDINANCE NO. 590

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, IMPLEMENTING THE PROCEDURES FOUND IN ARTICLE III, SECTION 3.06 OF THE TOWN'S CHARTER FOR FILLING VACANCIES IN THE OFFICE OF COMMISSIONER AND ADDING PROCEDURES FOR FILLING VACANCIES IN CANDIDACY FOR THE OFFICE OF COMMISSIONER OCCURRING AFTER THE CLOSE OF QUALIFYING AS REQUIRED BY SECTION 166.031(6), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Ocean Ridge, pursuant to Section 166.031(6), Florida Statutes, is required to have procedures for filling a vacancy in office caused by death, resignation, or removal from office and procedures for filling a vacancy in candidacy caused by death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two candidates for an office; and

WHEREAS, the Town of Ocean Ridge's Charter already has procedures for filling vacancies in the office of Commissioner but the Town does not have procedures, either by ordinance or charter provision, for filling vacancies in candidacy for the office of Commissioner following the end of the qualifying period where there are fewer than two candidates for an office; and

WHEREAS, the Town Commission is enacting this Ordinance to implement the Town of Ocean Ridge's Charter provision providing procedures for filling vacancies in the office of Commissioner and creating procedures for filling vacancies in the candidacy for the office of Commissioner following the end of the qualifying period where there are fewer than two candidates for the office of Commissioner, as the Town of Ocean Ridge is required to do pursuant to Section 166.031(6), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

Section 1. Findings of Fact. The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. Amendment. The Code of Ordinances of the Town of Ocean Ridge, Florida, is hereby amended by adding a new Section 2-199 to Chapter 2, Article V, of the Code which shall read in its entirety as follows:

Sec. 2-199. Vacancies; forfeitures of office; filling of vacancies in office and candidacy.

- (a) *Vacancies in office.* The office of a Commissioner shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law or forfeiture of his/her office, such forfeiture to be declared by the remaining members of the Commission.
- (b) *Forfeiture of office.* A Commissioner shall forfeit his/her office if he/she (1) lacks at any time during his/her term of office any qualification for the office prescribed by the Charter or by law, or (2) violates any standard of conduct or code of ethics established by law for public officials, such violation to be determined by remaining members of the Commission.
- (c) *Filling of vacancies on the Commission.* A vacancy on the Commission shall be filled by a majority vote of the remaining members of the Commission for the period of time until the next election, when a Commissioner shall be elected for the remainder of the term vacated.
- (d) *Extraordinary vacancies.* In the event that all members of the Commission are removed by death, disability or forfeiture of office, the Governor shall appoint an interim Commission that shall call a special election.
- (e) *Vacancies in candidacy.* There shall be a vacancy in candidacy for the office of a Commissioner where the candidate withdraws, dies, or is removed from the ballot following the end of the qualifying period.
- (f) *Filling of vacancies in candidacy.* If a vacancy in candidacy for the office of Commissioner occurs after the last day a candidate may file his or her name and address with the town clerk as provided in Section 2-193, Chapter 2, Article V, of the Code, and said vacancy leaves the number of candidates equal to, or less than, the number of Commissioner seats available at the upcoming general election, then:
 - i. The qualifying period for candidacy for the office of Commissioner shall be reopened for a period of five (5) business days following the date the vacancy occurs and all qualified candidates registering during that period shall be placed on the ballot. The town clerk shall advertise the reopening of the qualification period.
 - ii. If the number of candidates is equal to the number of vacant commissioner seats after the extended qualifying period outlined above has expired, then the remaining candidates shall

be elected pursuant to Section 5.05, Article V, of the Town Charter.

- iii. If the number of candidates is less than the number of vacant commissioner seats after the extended qualifying period outlined above has expired, then the remaining candidates shall be elected pursuant to Section 5.05, Article V, of the Town Charter and the Town Commission shall **[EITHER]** cause to be held a special election for the purpose of filling the remaining seats on the Commission **[OR]** fill the vacancy pursuant to the provisions of subsection (c) above.
- iv. If there is not sufficient time to extend the qualifying period as outlined above and the number of candidates equals the number of commissioner seats available, then those candidates shall be elected pursuant to Section 5.05, Article V, of the Town Charter.
- v. If there is not sufficient time to extend the qualifying period as outlined above and the number of candidates is less than the number of commissioner seats available, then the remaining candidates shall be elected pursuant to Section 5.05, Article V, of the Town Charter, and the Town Commission shall **[EITHER]** cause to be held a special election for the purpose of filling the remaining seat(s) on the Commission **[OR]** fill the vacancy pursuant to the provisions of subsection (c) above.

Section 3. Severability. In the event any section, paragraph, sub-paragraph, sentence, clause, phrase or word of this Ordinance shall be declared invalid, illegal or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

Section 4. Repeal of Ordinances. Any ordinance in conflict herewith, to the extent of such conflict, is hereby repealed.

Section 5. Codification. This Ordinance shall be incorporated in and shall be included in the Town's Code of Ordinances.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

FIRST READING this 1st day of November, 2010.

SECOND AND FINAL READING this ____ day of _____, 2010.

Commissioner Bingham offered the foregoing Ordinance and its adoption. The motion was seconded by Commissioner Pugh and upon being put to a vote, the vote was as follows:

KENNETH M. KALEEL, Mayor	<u>Yea</u>
DR. LYNN L. ALLISON, Vice Mayor	<u>Yea</u>
ELIZABETH P.B. BINGHAM, Commissioner	<u>Yea</u>
TERRY BROWN, Commissioner	<u>Yea</u>
GEOFFREY A. PUGH, Commissioner	<u>Yea</u>

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 6 day of December, 2010.

TOWN OF OCEAN RIDGE, FLORIDA

BY: 

KENNETH M. KALEEL, MAYOR

ATTEST: Karen E. Hancock
TOWN CLERK