

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY CHARTER OF THE CITY, SUBJECT TO VOTER APPROVAL, AT SEC. 2.06 "VACANCY IN CITY COMMISSION" TO PROVIDE THAT A VACANCY ON THE CITY COMMISSION CAUSED BY RESIGNATION TO RUN FOR ANOTHER OFFICE BE FILLED BY ELECTION; ALLOWING AN APPOINTMENT PERIOD FOR MAYOR TO EXCEED 90 DAYS TO AVOID A SPECIAL ELECTION BETWEEN NOVEMBER AND MARCH; PROVIDING A MUNICIPAL ELECTION TO BE HELD ON MARCH 13, 2012 TO APPROVE OR REJECT THE PROPOSED AMENDMENTS TO THE CITY CHARTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

**SECTION 1:** The City Charter of the City of West Palm Beach, Florida (the "City"), as amended, is hereby amended at Sec. 2.06 as follows:

**Sec. 2.06. Vacancy in City Commission.**

A vacancy shall occur on the cCity cCommission upon death, resignation, removal or recall of a member, or in the event a member shall fail to maintain the qualifications of office including residency and status as a qualified elector of the cCity. A successor appointed or elected to the office vacated shall be a qualified elector of the district in which the vacancy occurs. If a vacancy occurs ~~in the office of~~ on the cCity cCommissioner for any reason, except as the result of a recall whereby a successor is appointed or elected, or resignation required to run for office by the Florida Statutes, the remaining members of the cCity cCommission shall, within thirty (30) days of the creation of the vacancy and by a majority of a quorum, appoint a successor to fill the office vacated. ~~Provided, the successor so appointed to the office vacated shall be a resident of the district and a qualified elector of the City.~~

In the event of an appointment to the office of mMayor, said appointment shall not exceed ninety (90) days during which either the next general municipal election or a special city election, if necessary, shall be held to elect a mMayor for the unexpired term. The appointment period may exceed ninety (90) days by the number of days needed to

avoid a special election between November and March.

In the event of an appointment to the office of City Commissioner, said appointment shall be effective ~~until the expiration of the term of such office or until the next general municipal election, whichever shall first occur.~~ At the next general municipal election, a successor shall be elected for the balance of the term vacated or a full term ~~or for the balance of the term vacated~~, as appropriate.

A vacancy on the City Commission created by a resignation required by sec. 99.012, F. S. to run for another office, which resignation has an effective date between December 1 and March 31, shall be filled by election of a qualified candidate at a municipal election in March that occurs prior to the effective date of the resignation.

**SECTION 2:** The amendments contained in Section 1 of this Ordinance shall be effective and operative on March 23, 2012, provided such amendments have been approved by the electorate of the City of West Palm Beach, Florida, voting in a referendum at a municipal election to be held on March 13, 2012 on the questions of the approval or disapproval of the proposed amendments set forth in Section 1 of this Ordinance.

The form of the questions on the ballot in the March 13, 2012 municipal election shall be as follows:

As to Sec. 2.06:

BALLOT QUESTION

FILLING A VACANCY ON THE CITY COMMISSION CREATED BY RESIGNATION TO RUN FOR OFFICE BY ELECTION RATHER THAN APPOINTMENT

A vacancy on the city commission caused by the resign to run law is filled by appointment by the city commission. Shall the Charter of the City of West Palm Beach, Florida, be amended to provide that a vacancy on the city commission created by the resign to run law shall be filled by the voters at the next regular general election in March for which the vacancy was created?

Yes \_\_\_\_\_  
No \_\_\_\_\_

Code: Words ~~stricken~~ are deletions to text; words underlined are additions to text.

and

BALLOT QUESTION

ALLOWING THE APPOINTMENT PERIOD FOR MAYOR TO EXCEED NINETY DAYS SO THAT A SPECIAL ELECTION IS NOT REQUIRED BETWEEN NOVEMBER AND MARCH.

An appointment to the office of mayor is limited to 90 days during which a general or special election is required. Shall the Charter of the City of West Palm Beach, Florida, be amended to allow the appointment period for the office of mayor to exceed ninety (90) days so that a special election is not required between November and March?

Yes \_\_\_\_\_  
No \_\_\_\_\_

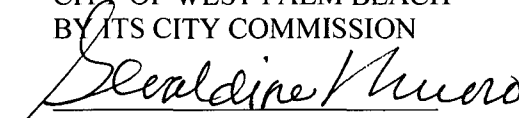
**SECTION 3:** This ordinance shall become effective in accordance with law.

FIRST READING THIS 14<sup>th</sup> DAY OF November, 2011.

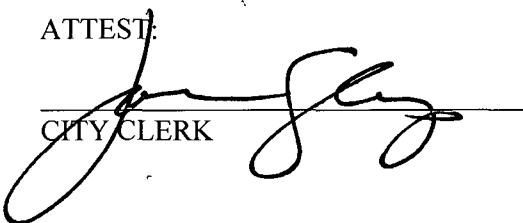
SECOND READING THIS 28<sup>th</sup> DAY OF November, 2011.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH  
BY ITS CITY COMMISSION

  
PRESIDING OFFICER

ATTEST:

  
CITY CLERK

City Attorney's Office  
Approved as to form  
and legal sufficiency  
By: 