

ORDINANCE 2016-28

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING SECTION 2-21 IN CHAPTER 2 OF THE TOWN OF MONTVERDE CODE OF ORDINANCES TO GIVE THE MAYOR THE AUTHORITY TO DECLARE A LOCAL STATE OF EMERGENCY IN THE TOWN OF MONTVERDE WHEN NECESSARY AND OTHER CERTAIN ACTIONS PROVIDED BY LAW; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Montverde is a political subdivision pursuant to §252.34, *Florida Statutes*; and

WHEREAS, the Town has the power and authority, as provided in §252.38(3)(a), *Florida Statutes*, to take certain actions for safeguarding the life and property of its citizens, such actions include but are not limited to declaring a state of local emergency in the Town of Montverde for the purposes of requesting state assistance or invoking emergency-related mutual-aid assistance; and

WHEREAS, the Town Council recognizes that more often times than not it will be difficult to adequately notice the public of a special council meeting, gather a quorum of the Council and hold a public meeting for Town Council to authorize the mayor to declare a state of local emergency in the Town and the actions provided for in §252.38(3)(a), *Florida Statutes*; and

WHEREAS, the Town of Montverde has determined that it is necessary to protect the health, safety, and welfare of its citizens by amending the Town Code to grant authority to the mayor as provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. That Section 2-21 in Chapter 2 of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 2-21. – Duties and powers of the mayor.

- (a) It shall be the duty of the mayor to see that the ordinances of the town be faithfully executed.
- (b) When required, the mayor may call special meetings of the town council. When so called, the mayor must state the object for which it shall have been convened and the business of such meeting shall be restricted to the objects stated.

- (c) The mayor shall have supervision and control over all full-time and part-time town employees, including but not limited to the clerk, treasurer, public safety officers and public works, but not over members of the town council. The mayor may at any time examine the condition of the respective employees, books, papers and records therein and their manner of conducting business and may call upon any employee for information in relation to any matter pertaining to the employee's duties.
- (d) The mayor may be impeached for disorderly behavior, misconduct, misfeasance, malfeasance and for nonfeasance in office. The impeachment procedure is as follows:
 - (1) Impeachment must be placed on the agenda for a regular council meeting.
 - (2) At the regular meeting, which must have a quorum plus one, a motion is made to start impeachment.
 - (3) Approval is unanimous.
 - (4) A special impeachment meeting will be set and held within 30 days of the motion. It will be advertised a minimum of seven days prior to meeting by newspaper, posting or a special mailing to the town's registered voters. The special meeting will follow the procedure of:
 - a. A quorum plus one;
 - b. Motion and second;
 - c. Open public comment; and
 - d. Council discussion.

The motion is passed by a unanimous vote. Passage of impeachment will result in immediate removal. At the next regular meeting of council the town Charter procedure for replacement will begin.

- (e) In case of the absence of the mayor, the council president or, in the council president's absence, the council vice-president shall discharge the duties of mayor. In case the mayor's office is vacated, the council president or, in the council president's absence, the council vice-president shall discharge the duties of said office until a successor shall be elected and be paid the mayor's stipend for each period.

(f) The mayor is authorized, when necessary, to declare a state of local emergency in the Town in the event of an emergency, and is further authorized to take those actions set forth in §252.38(3)(a), Florida Statutes (2016), as may be amended from time to time.

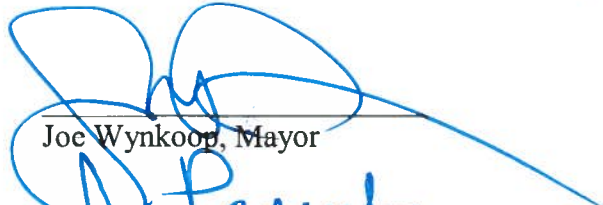
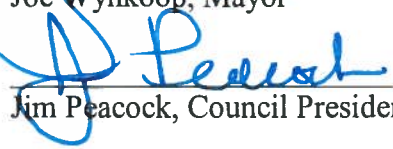
SECTION 3. Codification. It is the intent of the Town Council of the Town of Montverde that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provision of this Ordinance shall govern.

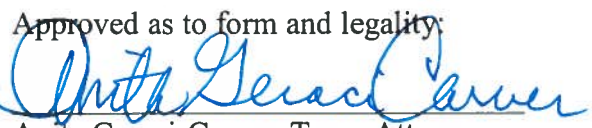
SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this 14 day of February, 2017.


Joe Wynkoop, Mayor

Jim Peacock, Council President

Attest:

Graham Wells, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading: December 13, 2017
Second Reading: February 14, 2017

Council Member Smith moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member Bates and upon roll call on the motion the vote was as follows:



	YEA	NAY
Bill Bates	✓	
Glenn Burns	✓	
Jim Ley	✓	
Jim Peacock	✓	
Judy Smith	✓	