

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1158.99**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, CLARIFYING THE SELECTION PROCESS FOR DETERMINING VICE MAYOR, AS PROVIDED IN THE TOWN CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING INCLUSION IN THE CODE BY REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Town Charter Section 3.04 provides "the Council shall: Be the exclusive judge of the qualifications of the Mayor and Councilmembers..." and

**WHEREAS**, a regular Councilmember term is four years, staggered, with two Councilmembers and the Mayor being elected every odd year; and

**WHEREAS**, pursuant to Town Charter Section 6.06, "For a period of one year the candidate for office of Council receiving the highest number of votes cast at the general election shall serve as Vice Mayor... Thereafter, the candidate receiving the second highest number of votes cast shall serve as Vice Mayor for one year..." and

**WHEREAS**, pursuant to the Charter, the Vice Mayor serves in the first and second years of the four year terms not in the third and fourth years of the four year term; and

**WHEREAS**, the separate election for a two-year unexpired term of council office is an unusual circumstance, which is presenting itself at the February 16, 1999 election; and

**WHEREAS**, the incumbent in year two of that four-year term served as Vice Mayor in year two of her term, prior to her resignation, and would not be eligible to serve as Vice Mayor in years three and four of her term; and

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**WHEREAS**, Town Charter Section 6.07(c) provides that when a vacancy in the office of Vice Mayor (which by logic would be year one or two of the term) is filled by appointment, the appointee of the vacated office shall not serve as Vice Mayor; and

**WHEREAS**, The Town Council desires to resolve any question as to the selection of Vice Mayor, prior to the next election;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** That the above stated preambles are true and correct and adopted by the Town Council as part of this resolution.

**Section 2.** That after consideration of the provisions of the Town Charter and the facts as applied to the Charter, it is hereby determined the Vice Mayor shall be the winning Council candidate with the highest number of votes for one year immediately following the February, 1999 election and the winning Council candidate with the second highest number of votes will be Vice-Mayor for the second one year period from the February, 1999 election.

**Section 3. Severability.** That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

**Section 4. Conflict.** That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

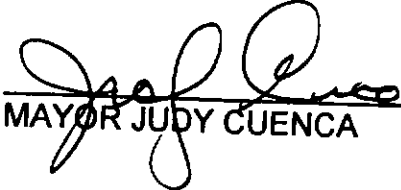
**Section 6. Effective Date.** That this Resolution shall become effective immediately upon approval of the Town Council.


The Motion to adopt the foregoing Resolution was offered by Councilperson Rodriguez, seconded by Councilperson Lidsky and on roll call the following vote ensued:

Mayor Cuenca	<u>aye</u>
Vice Mayor Chikovsky	<u>aye</u>
Councilmember Fistel	<u>aye</u>
Councilmember Lidsky	<u>aye</u>
Councilmember Rodriguez	<u>aye</u>

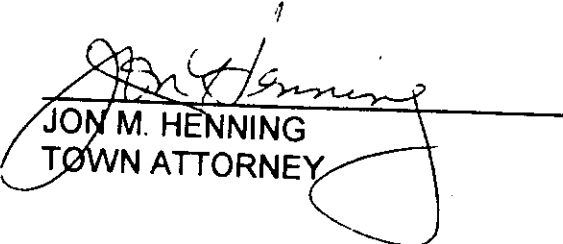
**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 19th day of January, 1999.

ATTEST:

  
MAYOR JUDY CUENCA

  
ROSEMARY J. WASCURA  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
JON M. HENNING  
TOWN ATTORNEY