

RESOLUTION NO. 2021-13

A RESOLUTION OF THE VILLAGE OF LAZY LAKE, BROWARD COUNTY, FLORIDA PERTAINING TO THE SUBJECT OF ADMINISTRATION; FILLING THE CHARTER POSITION OF PRESIDENT OF THE VILLAGE COUNCIL; PROVIDING FINDINGS; PROVIDING IMPLEMENTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Whereas, Article III, Section 2 of the Village Charter provides that in case of sickness, absence, or disqualification of the Mayor, the President of the Village Council can act for such Mayor and perform all of the Mayor's duties; and,

Whereas, Article III, Section 4 of the Village Charter provides that the Village Council shall determine its own rules and order of business; and,

Whereas, Fla. Stat. §166.041(1)(b) (2020) defines the word "Resolution" as meaning "*an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body*"; and,

Whereas, the Village Council has determined that it is appropriate to fill the Charter position of President of the Village Council so that the Administrative business of the Village may be executed in the event the Mayor can not perform his or her duties as a result of sickness, absence, or disqualification;

NOW, THEREFOR, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF LAZY LAKE, FLORIDA, THAT:

Section 1: The foregoing recitals are approved as if set forth herein.

Section 2: Village Council Member Ray Nyhuis is hereby appointed as President of the Council. This appointment shall be effective until the earlier of March 31, 2022 or a Resolution is adopted by the Council either rescinding this Resolution or appointing a different Member of the Council as the Council President.

Section 3: When the Mayor can not perform his or her duties as a result of sickness, absence, or disqualification, he or she shall advise the Village Administrative Assistant

and the Village Administrative Assistant shall in writing advise the President of the Village Council that he or she shall be the Village Acting Mayor during such time period. In the event the Mayor is unable to make such communication, the Village Council may by Resolution determine that the Mayor can not perform his or her duties as a result of sickness, absence, or disqualification, and thereafter for such disability period, the President of the Village Council shall be the Acting Mayor. In the event of a dispute between the Mayor and Council as to whether the Charter prerequisites have been met for the President of the Village Council to serve the Village as Acting Mayor, the Mayor shall retain his or her Charter authority until the dispute is resolved by Declaratory Judgment or resolved in some alternative manner acceptable to the Mayor and Village Council.

Section 4: During any timeframe that the President of the Council serves the Village as Acting Mayor, he or she shall not be able to exercise any of his or her powers as a Member of the Council.

Section 5: Should any section, paragraph, sentence, clause, phrase or other part of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any portion or part thereof, other than the part so declared to be invalid.

Section 6: This Resolution shall become effective immediately after passage by the Village Council and by signature by the Mayor.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL this 14th day of August 2021.

Council Member	Voice Vote	Absent
<i>Kirby</i>	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>	<input type="checkbox"/>
<i>Coplen</i>	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>	<input type="checkbox"/>
<i>Nyhaus</i>	Yea <input checked="" type="checkbox"/> Nay <input type="checkbox"/>	<input type="checkbox"/>
	Yea <input type="checkbox"/> Nay <input type="checkbox"/>	<input type="checkbox"/>
	Yea <input type="checkbox"/> Nay <input type="checkbox"/>	<input type="checkbox"/>

SIGNED BY THE MAYOR this 15 day of September, 2021.

Rein Kwidul

MAYOR

ATTEST:

Yedra Wilk

VILLAGE ADMINISTRATIVE ASSISTANT

APPROVED DATE

REQUESTED BY: *Village Council*

ATTY. OK: *Donald J. ...*

AS TO FORM ONLY

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