

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF LAZY LAKE, FLORIDA, PERTAINING TO THE SUBJECT OF VILLAGE GOVERNANCE; DECLARING VACANT TWO SEATS ON THE VILLAGE COUNCIL AS A RESULT OF RESIGNATIONS OF JOHN BOISSEAU AND SALLY BOISSEAU BY REASON OF THEIR RELOCATION OUTSIDE OF THE VILLAGE'S BOUNDARY; SOLICITING INTEREST FROM VILLAGE RESIDENTS CONCERNING THEIR DESIRE TO SERVE THE VILLAGE AS A COUNCIL MEMBER AND PROVIDING SOME INFORMATION IN CONNECTION THEREWITH; ANNOUNCING THE VILLAGE COUNCIL'S INTENDED TIMEFRAME TO MAKE APPOINTMENTS TO FILL SUCH VACANT OFFICES; REQUESTING THE MAYOR AND VILLAGE ADMINISTRATIVE ASSISTANT TO PROVIDE NOTICE SUBSTANTIALLY IN THE MANNER OUTLINED IN THE RESOLUTION; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Whereas, John Boisseau and Sally Boisseau have resigned as Members of the Village Council as a result of no longer being residents of the Village; and,

Whereas, Art. I, Section 10, of the Village Charter requires that the Village's elected officials be qualified electors of the Village of Lazy Lake; and,

Whereas, a law requiring property ownership as a condition precedent to serving in elective office for a general purpose unit of local government has been held unconstitutional, and thus the Village Charter requirement in Art. I, Section 10, that Council Members be property owners is not enforceable¹; and,

Whereas, Art. I, Section 10, of the Village Charter imposes a duty on the Village Council to declare the Council Member seats previously occupied by John Boisseau and Sally Boisseau vacant and to proceed to fill such vacancies; and,

Whereas, Art. II, Section 3 of the Village Charter provides that the Members of the Council shall have the duty to select a duly qualified citizen to fill each such vacancy for the remainder of each seat's unexpired term, and if a majority of the remaining Members of the Council are unable to agree upon the selection to fill a vacant seat after two regular meetings have been held following the Declaration of Vacancy, the Village Council shall call a special election to be held for the purpose of filling said vacancy; and,

Whereas, Fla. Stat. §166.041(1)(b) (2019) provides that a municipal Resolution "*means 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 desires to fulfill its Charter duties by adopting this Resolution and acting in accordance therewith;

¹ See, for example: Quinn v. Millsap, 491 U.S. 95, 109 S. Ct. 2324, 105 L. Ed. 2d 74 (1989); Turner v. Fouche, 396 U.S. 346, 90 S. Ct. 532, 24 L. Ed. 2d 567 (1970) (county board of education); Woodward v. City of Deerfield Beach, 538 F.2d 1081 (5th Cir. 1976) (city charter provision requiring candidates for city commissioner to be freeholders unconstitutional); and Davis v. Miller, 339 F. Supp. 498 (D. Md. 1972) (requirement of municipal charter that candidate for councilman be property holder in city unconstitutional).

NOW, THEREFOR, BE IT RESOLVED by the Village Council of the Village of Lazy Lake, Florida, that:

Section 1: The resignations of John Boisseau and Sally Boisseau are hereby accepted, and the seats on the Village Council formerly occupied by them are hereby **DECLARED VACANT**.

Section 2: The following statement concerning Notice to the Village's residents is approved:

"NOTICE IS HEREBY GIVEN that the Village Council of the Village of Lazy Lake, Florida will endeavor to fill two vacant Council Member seats for the remainder of each seat's unexpired term at the Village Council Regular Meeting of September 15, 2020. The seats have been declared vacant as a result of former Council Members John Boisseau and Sally Boisseau's resignation and relocation outside of the Village's municipal boundary. The remaining term for the two vacant Council Member seats expires on March 31, 2022.

A Council Member is a public officer and must be a qualified elector of the Village of Lazy Lake. In summary, a Member of the Village Council is part of the Village's governing body, and thus, may vote on all Ordinances and Resolutions of the Village; however, Council Members are not charged with the responsibility of running the day to day affairs of the Village. The Members of the Village Council do not receive any compensation for their public service. If a person is appointed to the City Council while he or she serves another elective office which has a term that overlaps the term of the vacant seat, he or she will have been deemed to have resigned such other public office.

If any resident of the Village is interested in serving the Village in the capacity as Council Member, he or she is encouraged to provide the following information by e-mail to the Village Administrative Assistant by September 10, 2020, at 5:00 PM: his or her name and address, and a short statement about the prospective candidate concerning any information he or she desires the Village Council to know. The Village Administrative Assistant's e-mail address is: clerk@lazylakefl.us. The Village Administrative Assistant will ensure that the Council Members receive candidate submissions by the agenda closing deadline for the September 15, 2020 Meeting. The Village Council will review such candidate submissions as have been received, and such other information as the Village Council may deem appropriate about submitting candidates or other possible candidates, and shall endeavor to make appointments to fill such vacancies at the September 15, 2020 Regular Village Council Meeting; however, if the Village Council is unable to fill a vacant seat by appointment before the close of the Regular Village Council Meeting of October 20, 2020, a special election shall be called for a date as soon as practicable thereafter after consultation with the Broward County Supervisor of Elections."

Section 3: The Village Administrative Assistant is directed to post a Notice substantially in the form approved in Section 2 on the Village Website and e-mail such Notice to the e-mail recipients on the Village e-mail list. The Mayor is requested to post a copy of a Notice substantially in the form approved in Section 2 within the Village Notice Board.

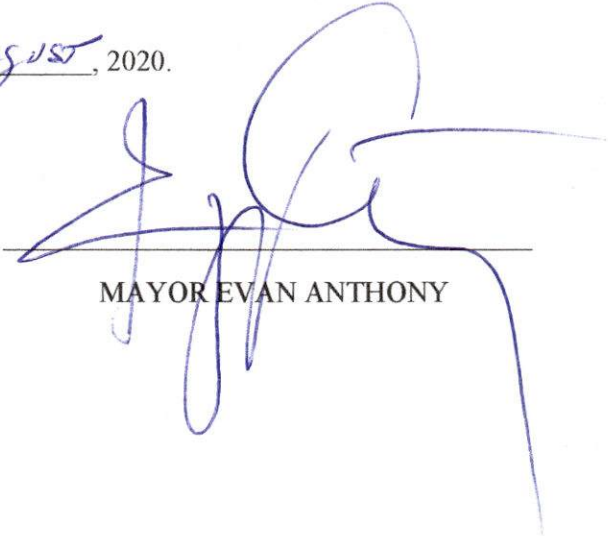
Section 4: Should any section, paragraph, sentence, clause, phrase or other part of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 5: This Resolution shall become effective ten (10) days after passage by the Village Council and by signature by the Mayor.

PASSED AND ADOPTED by the Village Council this 18th day of August, 2020.

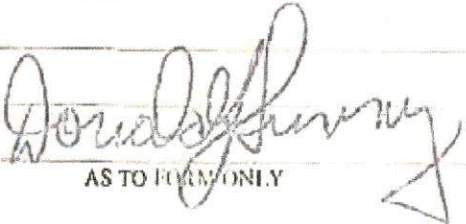
Council Member	Voice Vote	Absent
Patrick Kaufman	Yea <u>X</u> Nay <u> </u>	<u> </u>
Carlton Kirby	Yea <u>X</u> Nay <u> </u>	<u> </u>
Ray Nyhuis	Yea <u>X</u> Nay <u> </u>	<u> </u>

SIGNED BY THE MAYOR this 18th day of August, 2020.


MAYOR EVAN ANTHONY

ATTEST:


VILLAGE ADMINISTRATIVE ASSISTANT

APPROVED
REQUESTED BY: _____
DEPT. OK: _____
ADMIN. OK: _____
ATTY. OK:  _____
AS TO FORM ONLY