



CITY OF UMATILLA AGENDA ITEM STAFF REPORT

DATE: January 29, 2015

MEETING DATE: February 3, 2015

SUBJECT: Appointment

ISSUE: Filling Vacancy Council Seat #2

BACKGROUND SUMMARY: Council member Donnie Kent submitted his resignation from Council Seat #2 effective January 7, 2015, and also submitted a resume for the open City Manager position.

Article III, Section 8 - Vacancies in the Charter designates the specific protocol to follow when a vacant Council seat is to be filled:

Any vacancy in the Council shall be filled until the next regular Municipal election by vote of the remaining members of the Council; provided that if such vacancy is not filled within thirty (30) days after it shall have occurred, it shall be filled by appointment of the Governor.

Advertisements seeking applications for the vacancy were run in two editions of the North Lake Outpost with a closing date and time of 5:00 p.m. January 29th. Two applications were submitted prior to that deadline: Brian Butler and Laura Wright.

Mayor Wright submitted her resignation as Mayor with an effective time and date of 9:00 p.m. January 29, 2015.

STAFF RECOMMENDATIONS: Make a selection to fill the vacancy from the interested applicants.

FISCAL IMPACTS: N/A

COUNCIL ACTION:

Reviewed by City Attorney Yes No vN/A

Reviewed by City Engineer Yes No vN/A

ARTICLE III. - CITY COUNCIL

FOOTNOTE(S):

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Editor's note—The qualifications of electors has been superseded by F.S. § 97.041 et seq. Proposed amendments to the Charter as stated in Ordinance No. 2007-J were approved by the electors by referendum on November 6, 2007.

State Law reference— Electors and elections, F.S. Ch. 97 et seq.; qualifications and registration of electors, F.S. Ch. 97; registration of electors, F.S. § 98.041 et seq.

Section 1. - Membership.

The City Council shall be divided into five (5) council seats designated numerically Council Seat One, Council Seat Two, Council Seat Three, Council Seat Four, and Council Seat Five. It is the intent of this act that City Council members shall hold their office for a term of four (4) years, however, in order to harmonize the terms of the present members of the City Council with the procedures established by this act and to coordinate the City's regular elections with elections held by Lake County, it is necessary for the initial terms of Council Members to be staggered as set forth below. Council Members shall have term limits of twelve consecutive years or three terms whichever occurs first. Service as council members, which commenced prior to the effective date of the Term Limit Amendment will be counted toward the twelve consecutive years or three term limitation. The City Council members who are serving on the effective date of the Charter Amendment shall continue to serve through the balance of their terms.

(Ord. No. 2007-J, § 1, 7-3-2007; Res. No. 2012-41, § 5(Exh. B), 11-20-2012)

Editor's note—

Proposed amendments to the Charter as stated in Ordinance No. 2007-J were approved by the electors by referendum on November 6, 2007.

Section 2. - Selection.

The first regular election under this act shall be held on the first Tuesday after the first Monday of November 2008, at which time an election for Council Seat Four and Council Seat Five will be held, and the term of these seats will continue to be two (2) years. However, commencing at the election held on the first Tuesday after the first Monday of November 2010, Council Seat Four and Council Seat Five will thereafter hold their office for a term of four (4) years.

The second regular election under this act shall be held on the first Tuesday after the first Monday of November 2009, at which time an election for Council Seat One, Council Seat Two and Council Seat Three will be held, and the term of these seats will be three (3) years. However, commencing at the election held on the first Tuesday after the first Monday of November 2012, Council Seat One, Council Seat Two and Council Seat Three will thereafter hold their office for a term of four (4) years.

Each of such officers or councilmen, elected thereto, shall be inducted into office and their terms

of office shall begin at 12:00 o'clock noon of the day of the first regular meeting in January of the next year ensuing. Each such election shall be in accordance with the general laws of the State of Florida and such acts applicable to municipal elections of Lake County, Florida. All electors who shall possess the qualifications requisite to an elector at a general state election and who shall have been a resident of the City of Umatilla as defined in this act for a period of six (6) months ⁴¹ next preceding the day of election and who shall have been duly registered in the manner as provided by ordinance, shall be deemed regular voters at any city election. Registration by the State and County Registrar, as provided for the registration of municipal electors by any special or general act of the State of Florida, applicable to the County of Lake shall be deemed a qualified elector of the City of Umatilla when the provisions of the required ordinances of said City have been met.

(Ord. No. 2007-J, § 2, 7-3-2007)

Section 3. - Power.

The legislative power of the City of Umatilla shall be exercised by the City Council and the Council shall have the power, and is hereby authorized, to grant such provisions and provide by ordinance or resolution for the election or appointment of such officers and employees as may in their judgment by necessary for the good government of the City not in conflict with the duties of officers provided for in this act. The compensation, for any such officer, shall not be increased after their election. Any office or appointment created by the City Council may be abolished by it at any time. The City Council shall, within the limitations of this act, have the power by ordinance to levy and collect taxes upon all property, occupations, privileges, professions, services and utilities taxable according to law; to appropriate money for the payment of debts and expenses of the City and the municipal corporation and to make regulations for the health, safety, peace and well being of all of its citizens; to establish hospitals, jails, houses of detention, or correction, to provide police and fire protection, waste collection, water, power and gas service, transportation, public assemblage, cultural and educational facilities, streets, roads, avenues, sidewalks, sewers and sewerage equipment, illumination of streets and public places; provide parks and recreational areas, civil defense, defense and protection, food and health laws, fair weights and measures, removal of noxious activities, to imprison according to law and punish by imprisonment, fine or punish by hard labor, to provide and enforce building and construction requirements, to examine and license business, activities and professions, to own and lease public buildings, to own, lease, purchase and sell real and personal property, control waterways and waters, erect and own docks, seawalls and water control devices; to investigate charges against councilmen, officers or employees in such other matters as the Council shall determine to conduct meetings of such investigation, and for such purpose issue subpoenas and compel attendance of persons with any books, records or exhibits and to administer the necessary oaths for such investigation, and to do all things recognized by the State of Florida and the United States as municipal functions for any municipal corporation created under the laws of the State of Florida, and to do all things necessary to this act. The enumeration herein of specific powers shall in nowise be construed to be words of limitation but shall be construed to be in addition to any authorities, powers, rights or duties, usually conducted or connected with municipal corporations and city governments in the State of Florida.

State law reference— Home rule powers generally, F.S. § 166.021.

Section 4. - Salaries.

The monthly salary of each council member shall be twenty dollars (\$20.00) per governmental meeting and/or educational function payable annually on or before December 15 each year. The pay rate for council members shall not be changed except by ordinance, duly published and recorded. Nothing herein shall, in any way, be construed to prevent the reimbursement of expenses of any council member incurred while in his official capacity.

(Ord. No. 1982-F, § 1, 11-2-82)

Section 5. - President of the Council.

Each City Council shall, at its first meeting in January of each year, commencing in January 1964, elect, from its members, an Officer of the City who shall have the title of "President of the Council," who shall serve at the pleasure of the City Council and shall preside at its meetings, be titular head of the City Council, conduct its meetings and make appointments of committees appropriate to such office, but he shall have no regular administrative duties. The Council shall also at said meeting elect, from its members, a "Vice-President of the Council," who shall act as president during the absence or disability of the President and if a vacancy occurs, he shall become President of the Council for the completion of the unexpired term.

Section 6. - Meetings.

The first meeting of each newly elected council shall be held at 7:00 p.m. on the first Tuesday in January, following regular city election of councilmen, after which the Council shall regularly meet at such times as may be prescribed by its rules but not less frequently than once each month. If a regularly scheduled council meeting falls on an election day or a holiday, then the meeting shall be held on Thursday following such election day or holiday. Any regular meeting may be adjourned from day to day. All regular meetings of the Council shall be open to the public and shall be conducted in an orderly manner according to accepted rules of Parliamentary procedure or upon such other rules as may be prescribed by the Council in public announcement.

(Ord. No. 1986-V, 12-16-86; Res. No. 2012-41, § 5(Exh. B), 11-20-2012)

Editor's note—

Ord. No. 1986-V, adopted December 16, 1986, has been set out in full as § 2-17 in the Code of Ordinances. The time and day of the council meetings have been changed in order to reflect the current amendment to the Code.

State law reference— Public meetings, F.S. § 286.011.

Section 7. - Qualifications of Members.

The Council shall be the judge of the election and qualifications of its members and for such purpose shall have power to investigate, subpoena witnesses, conduct hearings, and require the production of records, but any such decision of the Council, in any such case, shall be subject to review by any Court of Competent jurisdiction by judicial procedure. No person shall be seated as a councilman in the City of Umatilla who is not a qualified elector as herein provided or as provided by the Laws of the State of Florida, or who holds any interest directly, or indirectly, in any franchise

granted by the City, nor who holds any other office except that of Notary Public and office in the National Guard or an office in the Organized Reserves of the Armed Forces of the United States, or who shall have been convicted of a crime involving moral turpitude. Grant of franchise shall not be made to any councilman during his term of office. Absence of any councilman from four (4) consecutive regular meetings of the City Council shall operate, instanter, to vacate the seat of such a member unless such absence shall have been excused by resolution of the Council setting forth the fact of such excuse and duly entered upon the official records of the City of Umatilla. A four-fifths (4/5) vote of concurrence may expel any member for improper conduct in office.

(Ord. No. 2007-J, 7-3-2007)

Editor's note—

Proposed amendments to the Charter as stated in Ordinance No. 2007-J were approved by the electors by referendum on November 6, 2007.

Section 8. - Vacancies.

Any vacancy in the Council shall be filled until the next regular Municipal election by vote of the remaining members of the Council; provided that if such vacancy is not filled within thirty (30) days after it shall have occurred, it shall be filled by appointment of the Governor.

Section 9. - Ordinances.

Editor's note—

The text of Art. III, §§ 9 and 10 has been deleted as superseded by F.S. § 166.041, which constitutes the minimum procedural requirements for adoption of ordinances and resolutions.

Section 10. - Procedure for passage of Ordinances.

Editor's note—

See editor's note following Art. III, § 9.

Section 11. - Budget.

The City Council shall each year agree on a budget for the ensuing year and the estimated revenue and such budget shall be balanced and upon completion posted at the City Hall and in the Post Office or other public places and may be published in a newspaper for a period of one (1) week.

Section 12. - Committees.

The Council may by ordinance or resolution establish standing committees to exist beyond the term of their office.

Section 13. - Independent Annual Audit.

Editor's note—

The text of this Section has been deleted as superseded by F.S. § 166.241.

Section 14. - Special Meetings; How Called.

The President of the Council, or any two (2) members of the Council, or the City Clerk may call

Special Meetings of the Council, upon at least six (6) hours written notice to each member, served personally or left at his usual place of residence, or place of business, with a responsible person thereat. Any citizen shall have access to the minutes and records thereof at all reasonable times.

State law reference— Public records, F.S. Ch. 119; public meetings and records, F.S. § 286.011.

Section 15. - Legislative Procedure.

Editor's note—

The text of this Section has been deleted as superseded by F.S. § 166.041, which constitutes the minimum procedural requirements for adoption of ordinances and resolutions.

Board or Committee
Application

City of Umatilla

"NATURE'S HOMETOWN"



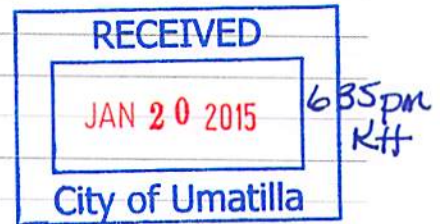
P.O. Box 2286 – Umatilla, FL 32784
(352)669-3125
www.umatillafl.org

Board or Committee of interest

- | | |
|--|--|
| <input type="radio"/> Swimming Pool Committee | <input type="radio"/> Planning & Zoning Board |
| <input type="radio"/> CRA Citizen's Advisory Board | <input type="radio"/> Police Retirement Board |
| <input type="radio"/> Lake-Sumter MPO Bicycle & Pedestrian | <input checked="" type="radio"/> Other City Council Seat |

Contact Information

Name	Brian Butler
Mailing/Street Address	753 Winogene avenue
City ST ZIP Code	Umatilla, FL 32784
Home Phone	
Cell Phone	352-460-8767
E-Mail Address	crimsontobone@aol.com



Availability

When are you available for meetings?

- | | |
|---|---|
| <input type="radio"/> Weekday mornings | <input type="radio"/> Brown Bag Lunch meetings (noon – 1:00 p.m.) |
| <input checked="" type="radio"/> Weekday afternoons | <input type="radio"/> Other |
| <input checked="" type="radio"/> Weekday evenings | |

Special Skills or Qualifications

Please provide a brief statement relating to your experience, skills, qualifications, and reasons for wishing to serve as a board or committee member.

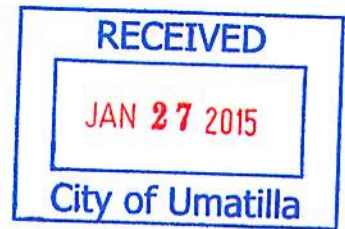
I'm an honest hard working family man with Christian values. I was born and raised in a small town and have lived in the city of Umatilla for 6 years. I love our small town appeal and plan on retiring here. Since my residency I have been active in the community by serving as a Umatilla soccer coach, Pop Warner football coach, volunteered at numerous community events, and have ran for both Mayor and City Council. I continually attend council meetings and keep abreast of what is happening in our community. I speak with residents and business owners hearing their ideas and needs and believe that decisions made should always be in the best interest of the needs of the city, our current and potential residents and businesses. I believe in keeping our small town feel, however, would like to see growth and improvements that benefit the community. I have years of experience working in the construction field and over the road driving. Umatilla is a great town and I would like to help keep it that way. Thank you for your consideration

Signature

Name (printed)	Brian Butler
Signature	
Date	1/15/2015

The City of Umatilla is an equal opportunity employer and provider.

Please return this form to: City Clerk, City of Umatilla, PO Box 2286, 1 S. Central Avenue, Umatilla, FL 32784 or to khoward@umatillafl.org



P.O. Box 1664
Umatilla, FL 32784
January 27, 2015

Dear Clerk Howard:

I am hereby tendering my resignation as the Mayor of the City of Umatilla, effective January 29, 2015, at 9:00 p.m. I have thoroughly enjoyed serving as the Mayor of Umatilla and representing the citizens in various capacities.

My intent is to submit an application for the Council Seat 2 opening. I feel my experience as the Mayor has prepared me for this step. I look forward to having a vote in the issues coming before the city.

Sincerely,

Laura K. Wright
Mayor

A handwritten signature in blue ink that reads "Laura K. Wright".

CC:

Interim City Manager Carol Rogers
Council President Eric Olson
Council Vice President Peter Tarby
Council member Kaye Adams
Council member H. Scott Purvis

Board or Committee Application

City of Umatilla

"NATURE'S HOMETOWN"



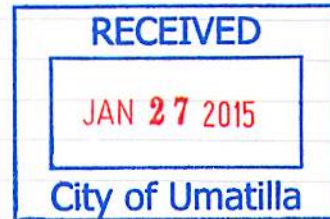
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Board or Committee of interest

- | | |
|--|--|
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| <input type="radio"/> Lake-Sumter MPO Bicycle & Pedestrian | <input checked="" type="radio"/> Other City Council Seat |

Contact Information

Name	Laura K. Wright
Mailing/Street Address	P.O. Box 1664 210 Rose Street
City ST ZIP Code	Umatilla, FL 32784
Home Phone	(352)669-3557
Cell Phone	(352)551-7578
E-Mail Address	mossagate@embarqmail.com



Availability

When are you available for meetings?

- | | |
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| <input type="radio"/> Weekday mornings | <input type="radio"/> Brown Bag Lunch meetings (noon – 1:00 p.m.) |
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Special Skills or Qualifications

Please provide a brief statement relating to your experience, skills, qualifications, and reasons for wishing to serve as a board or committee member.

Served as Mayor from January 2013 through January 2015; very active member of the community, and volunteer in the Elementary, Middle, and High Schools. Business owner in Umatilla for 25 years

Signature

Name (printed)	Laura Kelley Wright
Signature	<i>Laura Kelley Wright</i>
Date	<i>Jan. 27 2015</i>

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Please return this form to: City Clerk, City of Umatilla, PO Box 2286, 1 S. Central Avenue, Umatilla, FL 32784 or to khoward@umatillafl.org

Ronald E. Fox, P.A.
Attorney and Counselor at Law

Ron Fox
Board Certified Criminal Trial Lawyer
www.ronfoxlawyer.com
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Toll Free (800) 622-0206
Fax (352) 669-1663

January 29, 2015

FAX 669-8313

City Council
City of Umatilla
PO Box 2286
Umatilla, FL 32784

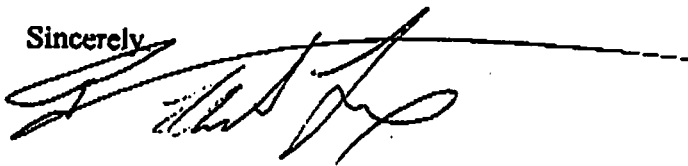
RE: LAURA WRIGHT

Dear City Council Members:

Having operated businesses in Umatilla for thirty years, we have a sense of this community. We have known Laura since before she was "Wright". Her enthusiasm and work ethic are undeniable. She has a broad base of experience and is very knowledgeable of the local business and citizens. Laura is at once thoughtful and outspoken. While she would not go along to get along, neither would she resist merely to be contrary. Never before in our personal Umatilla history has a mayor been so visible, active and encouraging. Laura is proud of Umatilla and what it has accomplished in the past and genuinely wants to see Umatilla continually progress. She is very intelligent and willing to listen. As you on the council know, it is the rare person who virtually donates their time and energy to serve for the betterment of the community.

Umatilla would be privileged to have Laura Wright as a member of the City Council providing a new, yet informed, perspective.

Sincerely



Ron & Muriel Fox