

RESOLUTION NO. 2018-59

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REMOVAL OF APPOINTED CHARTER OFFICERS; PLACING ON THE NOVEMBER 2018 GENERAL ELECTION BALLOT FOR RESIDENT CONSIDERATION AN AMENDMENT REQUIRING A VOTE OF FOUR-FIFTHS OF THE VILLAGE COUNCIL TO REMOVE ANY APPOINTED CHARTER OFFICER (MANAGER, ATTORNEY, OR CLERK); AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

WHEREAS, the removal of an appointed Village Charter Officers (Manager, Attorney, and Clerk) creates instability in Village government; and

WHEREAS, a requirement for an vote of the Village Council greater than a mere majority for the removal of an appointed Charter Officer would contribute to stability in Village government while preserving the right of the Council remove such Charter Officers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,

Section 1. The following amendments of the Village Charter of the Village of Palmetto Bay shall be placed on the General Election Ballot in November 2018 for the consideration of the residents:

Article III, Section 3.2 is amended as follows:

“The Village Manager shall be removed by four-fifths (4/5) majority vote of the Village Council.”

Article III, Section 3.6 is amended as follows:

“The Village Clerk shall be removed by four-fifths (4/5) majority vote of the Village Council.”

1 Article III, Section 3.7 is amended as follows:

2
3 "The Village Attorney shall be removed by four-fifths (4/5) majority
4 vote of the Village Council."

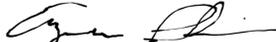
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6 **Section 2.** The language which shall be placed on the ballot shall
7 read as follows:

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9 "Shall the Palmetto Bay Village Charter be amended to provide that
10 appointed Charter Officers (Manager, Attorney, and Clerk) shall be
11 removed by four-fifths (4/5) vote of the Village Council, rather than by
12 majority vote?"

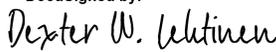
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14 **Section 3.** This Resolution shall take effect immediately upon
15 adoption.

16
17 **PASSED AND ADOPTED** this 7th day of May, 2018.

18
19 Attest: 
20 6EDC1795E8C48C
21 Missy Arocha
22 Village Clerk


3B8854AD569F494...
Eugene Flinn
Mayor

23 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
24 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:**

25 
26 1B1D06E71321445...
27 Dexter W. Lehtinen
28 Village Attorney

29
30
31 **FINAL VOTE AT ADOPTION:**

- 32 Council Member Karyn Cunningham YES
- 33 Council Member David Singer YES
- 34 Council Member Larissa Siegel Lara YES
- 35 Vice-Mayor John DuBois YES
- 36 Mayor Eugene Flinn YES



To: Honorable Mayor and Village Council

Date: March 5, 2018

From: Councilmember David Singer

Re: Requiring a four-fifths vote of the Village Council for the Removal of a Charter Officer

PURPOSE OF THE PROPOSED ACTION:

The purpose of this memorandum is to direct the Village Attorney to prepare an Ordinance for the April 2, 2018 Regular Council Meeting Agenda that will require a four-fifths vote of the Village Council for the removal of a Charter Officer.

MAJOR POINTS/REASONS FOR THE PROPOSED ACTION:

To remove a Charter officer, along with the Village Attorney if the Manager or Clerk are to be removed or the Village Manager if the Attorney or clerk are to be removed or terminated, the Village Council shall adopt a Resolution stating reasons for the intended removal and shall notify the Charter officer in writing of that intent. The removal can only occur after the charter officer has had an opportunity to address the Council at a regularly scheduled Council meeting. This will allow the Charter officer a chance to address any and all grievances addressed in the removal legislation and request a revote of the Council. For removal to occur a 4/5 super majority will be required of the Council.

PRELIMINARY ESTIMATE OF THE COST OF IMPLEMENTATION:

Not applicable at this time.

SOURCE OF FUNDS TO PAY SUCH COSTS:

Not applicable at this time.