

1 **Section 2.** *Proposed Revisions or Amendments to the Village Charter.* The Charter Revision
2 Commission proposes certain amendments to the Village Charter, and shall be voted upon by the
3 Village electorate. Those proposed amendments are commonly referred to by the following ballot
4 titles:

- 5
- 6 1. Technical and Stylistic Amendments.
- 7 2. Requiring Candidates to Run Independently.
- 8 3. Changing Term Limits.
- 9 4. Filling of Vacancies by Remaining Council When there is a Quorum, or Less than a
10 Quorum.
- 11 5. Department Head Selection to Be Affirmed by Village Council.
- 12 6. Interaction with Administration - Village Council to Contact Staff Directly without Penalty.
- 13 7. Two year Prohibition on Village Employment After Leaving Office.
- 14 8. Non-Partisan Elections - Defined.
- 15 9. Composition of Charter Revision Commission.
- 16 10. Neighborhood Protection.
- 17 11. Annexation.
- 18 12. Enforcement of the Charter by the State Attorney.

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Deleted: 7. . Department Head Selection to Be Affirmed by Village Council.¶
8. . Interference with Administration - Village Council to Contact Staff Directly without Penalty.¶

20 **Section 3.** *Form of Ballot.* The form of ballot of the Charter amendments provided for in this
21 Ordinance shall be as follows:

22 * * *

25 **1. TECHNICAL AND STYLISTIC AMENDMENTS.**

26
27 The Charter Revision Commission suggests an amendment to the Charter to reflect non-
28 substantive stylistic and technical changes made for clarity, including: titles, typographical,
29 grammatical errors, and renumbering of sections.

Deleted: and

31 Shall the above described amendment be adopted?

32
33 YES []
34 NO []

36 **2. REQUIRING CANDIDATES TO RUN INDEPENDENTLY [Section 2.3(D)].**

37
38 The Charter Revision Commission suggests an amendment to the Charter to require each
39 person running for elected office to run independently of any other Village candidate.

41 Shall the above described amendment be adopted?

42
43 YES []
44 NO []

1 | 3. **CHANGING TERM LIMITS.** [Section 2.3(E)].

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2
3 The Village Charter currently limits the length of service of the Mayor, Vice-Mayor, and
4 Council Persons to no more than two consecutive terms. The Charter Revision Commission
5 suggests an amendment to the Charter to limit the length of service of the Mayor, Vice-Mayor, and
6 Council Persons to two terms in any one position, with no more than a total of three consecutive
7 terms regardless of position.

8
9 Shall the above described amendment be adopted?

10
11 YES []
12 NO []
13

14 | 4. **FILLING OF VACANCIES BY REMAINING COUNCIL WITH OR WITHOUT**
15 **A QUORUM** [Section 2.5(C)(7)].

16
17 The Charter currently provides that if there is less than a quorum remaining in office, the
18 remaining elected officials may appoint the interim vacant seats. The Charter is silent as to
19 appointments when Mayor and Vice Mayor seats are vacant, and there is a quorum. The Charter
20 Revision Commission suggests an amendment to the Charter to allow the remaining elected officials,
21 with, or without a quorum to appoint members, and then for the full Council to select an interim
22 Mayor and Vice Mayor.

23
24 Shall the above described amendment be adopted?

25
26 YES []
27 NO []
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29 | 5. **DEPARTMENT HEAD SELECTION TO BE AFFIRMED BY VILLAGE**
30 **COUNCIL** [Section 3.3(1)].

31
32 The Village Manager currently hires all department heads. The Charter Revision Commission
33 suggests an amendment to the Charter to reflect the Village Manager may not appoint any
34 department director without first obtaining approval of a majority of the Village Council.

Deleted: is to select department heads, and affirmed by

35
36 Shall the above described amendment be adopted?

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38 YES []
39 NO []
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41 | 6. **INTERACTION WITH ADMINISTRATION - VILLAGE COUNCIL TO**
42 **CONTACT STAFF DIRECTLY WITHOUT PENALTY.** [Section 4.2(B)(1) and (2)].

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43
44 The Charter currently reflects that the Village Council is to enact a resolution in order to
45 investigate or inquiry on a topic directly with staff. A finding of interference with administration

1 could be a basis for removal from office. The Charter Revision Commission suggests an
2 amendment to the Charter to remove the penalty, and authorizes the Village Council to make direct
3 inquiries of staff, and to change the title of the provision from "Interference" to "Interaction" with
4 Administration.

5
6 Shall the above described amendment be adopted?

7
8 YES []

9 NO []

10
11 **7. TWO YEAR PROHIBITION ON VILLAGE EMPLOYMENT AFTER LEAVING**
12 **OFFICE [Section 4.2(c)].**

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13
14 The Charter currently provides a one year prohibition after leaving office from being hired
15 by the Village. The Charter Revision Commission suggests an amendment to the Charter to increase
16 the prohibition to two years.

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17
18 Shall the above described amendment be adopted?

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20 YES []

21 NO []

22
23 **8. NONPARTISAN ELECTIONS - DEFINED. [Section 5.1(B)].**

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25 The Charter currently requires that elections be nonpartisan. The Charter Revision
26 Commission suggests an amendment to the Charter to define nonpartisan consistent with state law.
27 A judicial finding of guilt would preclude campaigning or qualifying for election or retention in
28 office.

29
30 Shall the above described amendment be adopted?

31
32 YES []

33 NO []

34
35 **9 ENFORCEMENT OF NONPARTISAN PROVISION OF CHARTER BY STATE**
36 **ATTORNEY - [Section 5.1(B)].**

37
38 The Charter Revision Commission suggests an amendment of the Charter to provide
39 enforcement of Section 5.1(B) of the Charter, relating to nonpartisan elections, through the office of
40 the State Attorney. A judicial determination of a willful violation of Section 5.1(B) shall be grounds
41 for removal from elected and subject the individual to a fine up to \$1,000, per violation, but not to
42 exceed a total of \$10,000.

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44 Shall the above described amendment be adopted?

1 | YES []
2 | NO []
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4 |

5 | **10. COMPOSITION OF CHARTER REVISION COMMISSION. [Section 6.2(b)].**

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7 | The Charter currently provides for the appointment of Commission members by the Village
8 | Council. The Charter Revision Commission suggests an amendment to the Charter to clarify the
9 | Charter Commission membership appointment process, to require each District Council Person to
10 | appoint a person from his/her district, and for the Mayor and Vice-Mayor, to appoint, at large.

12 | Shall the above described amendment be adopted?

14 | YES []
15 | NO []
16 |

17 | **11. NEIGHBORHOOD PROTECTION [Section 10.2].**

Comment [e1]: Discussion item for next Commission meeting.

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19 | The Charter Revision Commission suggests an amendment to the Charter to require a four-
20 | fifths vote of the Village Council on an application for rezoning, conditional use, or special
21 | exception use.

23 | Shall the above described amendment be adopted?

25 | YES []
26 | NO []
27 |

28 | **12. ANNEXATION. [Section 10.3].**

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30 | The Charter Revision Commission suggests an amendment to the Charter to include a
31 | detailed annexation process: requiring a supermajority vote of the Village Council to proceed with
32 | annexation process; thereafter, requiring a vote of the Village residents on whether to entertain
33 | annexation; and then, adherence to County annexation vote process.

35 | Shall the above described amendment be adopted?

37 | YES []
38 | NO []
39 |

40 | * * *

Deleted: ; a supermajority vote of the Village Council thereafter,

Deleted: to proceed with annexation process;

Deleted: 12. ENFORCEMENT OF CHARTER BY STATE ATTORNEY - MISDEMEANOR CHARGE. [Section 10.4].¶

¶ The Charter Revision Commission suggests an amendment to the Charter to provide an enforcement mechanism for violations of the Charter, through the office of the State Attorney, with a finding that all violations are considered a third degree misdemeanor.¶

¶ Shall the above described amendment be adopted?¶

¶ YES []¶

¶ NO []¶

42 | **Section 4.** The Full text of the proposed amendments to the Village Charter are
43 | attached hereto as exhibit 1, and are incorporated by reference into this resolution. The proposed
44 | amendments to the Village Charter are reflected by underlying in the text, and strikethroughs reflect
45 | items to be deleted from the charter.

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Section 5. *Charter Amendment to be Available for Public Inspection, and for the Village Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections.* The place, information and the full text of the proposed Village Charter amendments are available at the office of the Village Clerk located at 9705 East Hibiscus Street, Palmetto Bay, Florida 33157. Copies of this resolution providing the charter amendments subject to this referendum approval is on file in the office of the Village Clerk and available for public inspection during regular business hours. The Village Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

Section 6. *Providing for Inclusion in the Charter.* It is the intention of the Village Council and it is hereby ordained that the provisions of this resolution shall become and made a part of the charter of the Village of Palmetto Bay, Florida, as to each charter amendment measure approved by a majority of voters on such measure in such election; that the sections of this resolution may be renumbered or relettered to accomplish such intentions; and the word "resolution" shall be changed to "section" or other appropriate word.

Section 7. *Providing for Adoption of Enabling Resolution.* The Village Council shall enable the submittal of the proposed amendments to the electorate pursuant to section 6.03 of the Miami-Dade County Charter.

Section 8. *Effective Date.* This resolution shall become effective upon adoption, and each of the charter amendment measures provided herein shall be effective only upon approval of a majority of electors voting on the measure, effective upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 9. If any section, clause, sentence, or phrase of this resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this resolution.

Section 10. This resolution shall take effect immediately upon enactment.

PASSED AND RESOLVED this ____ day of _____, 2012.

Attest: _____
Meighan Alexander Shelley Stanczyk
Village Clerk Mayor

APPROVED AS TO FORM:

Eve A. Boutsis
Village Attorney

1
2 FINAL VOTE AT ADOPTION:
3
4 Council Member Patrick Fiore _____
5
6 Council Member Howard Tendrich _____
7
8 Council Member Joan Lindsay _____
9
10 Vice-Mayor Brian W. Pariser _____
11
12 Mayor Shelley Stanczyk _____
13