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To: Honorable Mayor and Village Council

Date: August 30, 2013

From: Eve A. Boutsis, Village Attorney

Re: Special Election-  
Change of Election Dates

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**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING SUB-SECTION 5.1(C) AND (H) OF THE VILLAGE CHARTER; TO MODIFY THE ELECTION DATES TO HOLD ELECTIONS ON THE SAME DAY AS THE STATE PRIMARY ELECTIONS, AND RUN-OFF ELECTIONS ON THE FIRST TUESDAY OF NOVEMBER, WITH SWEARING IN ON THE FIRST MONDAY OF DECEMBER; AND REMOVING THE PROHIBITION ON HOLDING MEETINGS BETWEEN ELECTION AND SWEARING IN; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF THE PROPOSED AMENDMENTS TO THE VILLAGE CHARTER; PROVIDING FOR A SPECIAL MAIL-BALLOT ELECTION TO BE CONDUCTED ON JANUARY 28, 2014; PROVIDING FOR COPIES OF THE CHARTER AMENDMENTS BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE VILLAGE CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PLACE THE CHARTER AMENDMENTS ON THE BALLOT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Patrick Fiore].**

**BACKGROUND AND ANALYSIS:**

Council Person Patrick Fiore desires to hold a special mail ballot election to vote on a ballot question relating to amendments to the Village Charter. The amendment would change the date of the general election to coincide with the state primary election, ordinarily held during the month of August on even numbered years; and, to hold any needed run-off election the first Tuesday of November to coincide with the federal election date, consistent with the federal election cycle.

The charter provisions, Sub-Sections 5.1(C) and (H) would need to be amended to reflect these changes. Additionally, Section 5.1(C) would be modified to remove the sentence "The Council shall hold no meetings between the general election and the swearing in of those newly elected or re-elected Council members except in the case of an emergency affecting life, health, property or the public peace.", as there would be a four month period in between the initial general election and the swearing in. There is greater voter turn-out during federal and state elections; to coincide Village

elections with these state and federal election dates would result in a cost savings. Miami-Dade County Elections Department has provided the Village Clerk with estimates for the November 2014 election. When the Village joins with the Federal/State Election on November 4, 2014, the cost is approximately \$12,000 for this "piggy-back" election. The estimate for the current Run-Off Election Date of November 18, 2014 is approximately \$52,000 (\$40,000 more expensive than a "piggy-back" election.)

Should the Village Council approve this Resolution, Miami-Dade County Elections Department has determined that a Special Mail-Ballot Election may be set for January 28, 2014. If the Council approves this Resolution, a motion is requested on the question of whether Miami-Dade County Elections Department should or should not provide for return postage. The cost for return postage is approximately \$10,000.

**FISCAL/BUDGETARY IMPACT:**

A Special Mail-Ballot Election is estimated to cost approximately \$50,000, including return postage for all registered voters. If the ballot amendment were to be successful, the result would be a savings of approximately \$40,000 each election cycle.

**RECOMMENDATION:**

Decision of the Village Council.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING SUB-SECTION 5.1(C) AND (H) OF THE VILLAGE CHARTER; TO MODIFY THE ELECTION DATES TO HOLD ELECTIONS ON THE SAME DAY AS THE STATE PRIMARY ELECTIONS, AND RUN-OFF ELECTIONS ON THE FIRST TUESDAY OF NOVEMBER, WITH SWEARING IN ON THE FIRST MONDAY OF DECEMBER; AND REMOVING THE PROHIBITION ON HOLDING MEETINGS BETWEEN ELECTION AND SWEARING IN; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF THE PROPOSED AMENDMENTS TO THE VILLAGE CHARTER; PROVIDING FOR A SPECIAL MAIL-BALLOT ELECTION TO BE CONDUCTED ON JANUARY 28, 2014; PROVIDING FOR COPIES OF THE CHARTER AMENDMENTS BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE VILLAGE CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS TO PLACE THE CHARTER AMENDMENTS ON THE BALLOT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Patrick Fiore].

WHEREAS, the Village desires to hold a special election to vote on a ballot question relating to amendments to the Village Charter; and,

WHEREAS, the amendment would change the date of the general election to coincide with the state primary election, ordinarily held during the month of August on even numbered years; and to hold any needed run-off election the first Tuesday of November to coincide with the federal election date, consistent with the federal election cycle; and,

WHEREAS, the charter provisions, Sub-Sections 5.1(C) and (H) would need to be amended to reflect these changes, as well as the change relating to holding meetings of the Council in-between the general election and any applicable run-off election, as there would be a four month period in between the initial general election and swearing in; and,

WHEREAS, during federal and state elections there is more elector participation and coincide Village elections with these state and federal election dates would save the Village costs in relation to holding a stand alone special election; and,

WHEREAS, based upon the foregoing, the Mayor and Village Council would like to amend several sections of the charter of the Village of Palmetto Bay; and,

WHEREAS, the Village Council may, by resolution, propose amendments to the Charter subject to approval by the electorate at the next general election or at a special election called for such purpose; and,



1 providing the charter amendments subject to this referendum approval is on file in the office of  
2 the Village Clerk and available for public inspection during regular business hours. The Village  
3 Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any  
4 assistance required in the administration of the election.  
5

6 Section 6. Election Called. That a special election is hereby called, to be held on  
7 January 28, 2014, via a mail in ballot, to present to the qualified electors of the Village of  
8 Palmetto Bay, the ballot question provided herein and as provided for under state law.  
9

10 PASSED AND RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 2013.  
11

12  
13 Attest: \_\_\_\_\_  
14 Meighan Alexander Shelley Stanczyk  
15 Village Clerk Mayor  
16

17 APPROVED AS TO FORM:  
18

19 \_\_\_\_\_  
20 Eve A. Boutsis  
21 Village Attorney  
22

23 FINAL VOTE AT ADOPTION:  
24

25 Council Member Patrick Fiore \_\_\_\_\_  
26 Council Member Tim Schaffer \_\_\_\_\_  
27 Council Member Joan Lindsay \_\_\_\_\_  
28 Vice-Mayor John DuBois \_\_\_\_\_  
29 Mayor Shelley Stanczyk \_\_\_\_\_  
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31  
32  
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VILLAGE OF PALMETTO BAY  
VILLAGE CHARTER

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4 **Preamble**

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6 **Citizens' Bill of Rights**

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8 **Article I. Corporate Existence, Form of Government, Boundary and Powers**

9 Sec. 1.1 Corporate Existence.

10 Sec. 1.2 Form of Government.

11 Sec. 1.3 Corporate Boundary.

12 Sec. 1.4 Powers.

13 Sec. 1.5 Construction.

14  
15 **Article II. Mayor, Vice-Mayor and Village Council**

16 Sec. 2.1 Mayor and Vice-Mayor.

17 Sec. 2.2 Village Council.

18 Sec. 2.3 Election and Term of Office.

19 Sec. 2.4 Qualifications.

20 Sec. 2.5 Vacancies; Forfeiture of Office; Filling of Vacancies.

21 Sec. 2.6 Compensation; Reimbursement for Expenses.

22 Sec. 2.7 Recall.

23  
24 **Article III. Administrative**

25 Sec. 3.1 Village Manager.

26 Sec. 3.2 Village Manager; Appointment, Removal.

27 Sec. 3.3 Powers and Duties of the Village Manager.

28 Sec. 3.4 Acting Village Manager.

29 Sec. 3.5 Bond of Village Manager.

30 Sec. 3.6 Village Clerk.

31 Sec. 3.7 Village Attorney.

32 Sec. 3.8 Expenditure of Village Funds.

33 Sec. 3.9 Village Boards and Agencies.

34 Sec. 3.10 Competitive Bid Requirement/Purchasing.

35  
36 **Article IV. Legislative**

37 Sec. 4.1 Council Meeting Procedure.

38 Sec. 4.2 Prohibitions.

39 Sec. 4.3 Ordinances.

40 Sec. 4.4 Emergency Ordinances.

41 Sec. 4.5 Annual Budget Adoption.

42 Sec. 4.6 Fiscal Year.

43 Sec. 4.7 Appropriation Amendments During the Fiscal Year.

- 1 Sec. 4.8 Authentication, Recording and Disposition of Ordinances; Resolutions and  
2 Charter Amendments.
- 3 Sec. 4.9 Tax Levy, Assessments and Fees.
- 4 Sec. 4.10 Independent Audit.
- 5 Sec. 4.11 Borrowing.
- 6
- 7 **Article V. Elections**
- 8 Sec. 5.1 Elections.
- 9 Sec. 5.2 Initiative and Referendum.
- 10
- 11 **Article VI. Charter Amendments**
- 12 Sec. 6.1 Procedure to Amend.
- 13 Sec. 6.2 Charter Revision.
- 14
- 15 **Article VII. General Provisions**
- 16 Sec. 7.1 Severability.
- 17 Sec. 7.2 Conflicts of Interest; Ethical Standards.
- 18 Sec. 7.3 Village Personnel System.
- 19 Sec. 7.4 Variation of Pronouns.
- 20 Sec. 7.5 No Discrimination.
- 21 Sec. 7.6 Lobbyist.
- 22 Sec. 7.7 Precedence over Related Laws.
- 23
- 24 **Article VIII. Transition Provisions**
- 25 Sec. 8.1 Interim Adoption of Codes and Ordinances
- 26
- 27 **Article IX. Special Conditions**
- 28 Sec. 9.1 Interlocal Agreement.
- 29 Sec. 9.2 County Services.
- 30 Sec. 9.3 Reserved.
- 31 Sec. 9.4 Local Police Patrol Services.
- 32 Sec. 9.5 Reserved.
- 33 Sec. 9.6 Regulatory Control.
- 34 Sec. 9.7 Continuing Obligations as to County Bonds.
- 35 Sec. 9.8 Favored Nation Status.
- 36 Sec. 9.9 Rights of the Village.
- 37 Sec. 9.10 Modifications.
- 38
- 39 **Article X. Miscellaneous Provisions**
- 40 Sec.10.1 Private School Expansion.
- 41 Sec. 10.2 Neighborhood Protection
- 42 Sec. 10.3 Annexation
- 43 Sec. 10.4 State Attorney Enforcement

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4 **ARTICLE V. ELECTIONS**

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6 **Section 5.1 Elections.**

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8 (A) *Electors.* Any person who is a resident of the Village, has qualified as an elector of  
9 the State, and registers to vote in the manner prescribed by law, shall be an elector of  
10 the Village.

11  
12 (B) *Nonpartisan Elections.* All elections for the Council, Vice-Mayor and Mayor shall  
13 be conducted on a nonpartisan basis. Neither the ballot nor any campaign literature  
14 shall show the party designation of any candidate. Nonpartisan office means an office  
15 for which a candidate is prohibited from campaigning or qualifying for election or  
16 retention in office based on party affiliation.

17  
18 (C) *Election Dates.* Starting the election cycle of 2014, the A general election shall be  
19 held in each even-numbered year, on the same date as the state primary election, ~~on~~  
20 ~~the first Tuesday following the first Monday in November of that year.~~ A runoff  
21 election, if necessary, shall be held the first Tuesday of November immediately  
22 following the primary election. ~~by the Village as provided by ordinance, which~~  
23 ~~ordinance shall schedule and authorize the runoff date, in compliance with state law.~~  
24 ~~The Council shall hold no meetings between the general election and the swearing in~~  
25 ~~of those newly elected or re-elected Council members except in the case of an~~  
26 ~~emergency affecting life, health, property or the public peace.~~

27  
28 (D) *General Election.* The ballot for the general election shall contain the names of all  
29 qualified candidates for Mayor, if the Mayor's term is expiring, and for each of the  
30 seats which are to be filled as a result of members' terms expiring. The ballot shall  
31 instruct electors to cast one vote for Mayor or Vice-Mayor, if applicable, and one vote  
32 for each Council Seat, with a maximum of one vote per candidate. If any candidate for  
33 Mayor receives a number of votes greater than 50% of the total number of ballots cast,  
34 such candidate shall be the duly elected Mayor and no run-off election for Mayor shall  
35 be required. If any candidate for Vice-Mayor receives a number of votes greater than  
36 50% of the total number of ballots cast, such candidate shall be the duly elected Vice-  
37 Mayor and no run-off election for Vice-Mayor shall be required. If any candidate for a  
38 Council Seat receives a number of votes greater than 50 percent of the total number of  
39 ballots cast, such candidate(s) shall be duly elected to the Council and no run-off  
40 election for that Seat(s) shall be required.

41  
42 (E) *Run-off Election.* If necessary, the ballot for the runoff election shall contain the  
43 names of the two candidates for Mayor, the two candidates for Vice-Mayor, and the

1 names of the two candidates for each Council Seat, who received the most votes in the  
2 general election. The ballot shall instruct electors to cast one vote for Mayor, one vote  
3 for Vice-Mayor, and one vote for each Council Seat, with a maximum of one vote per  
4 candidate. The candidate for Mayor receiving the most votes shall be duly elected  
5 Mayor. The candidate for Vice-Mayor receiving the most votes shall be duly elected  
6 Vice-Mayor. The candidate for each Council Seat receiving the most votes shall be  
7 duly elected to that Council Seat.

8  
9 (F) *Special Elections.* Special elections, when required, shall be scheduled by the  
10 Council at such times and in such a manner as shall be consistent with this Charter and  
11 State law.

12  
13 (G) *Single Candidates.* No election for Mayor or Vice-Mayor or any Council Seat  
14 shall be required in any election if there is only one duly qualified candidate for  
15 Mayor, Vice-Mayor or for any Council Seat. That candidate shall be considered  
16 elected by operation of law.

17  
18 (H) *Commencement of Terms.* The term of office of all elected officials will  
19 commence at the first Monday in December. ~~the next regularly scheduled council~~  
20 ~~meeting following the day of the run-off election or, if there is no run-off election for~~  
21 ~~Mayor, Vice-Mayor or Council Seat, at the next regularly scheduled council meeting~~  
22 ~~after the general election.~~

23 \* \* \*