

**VILLAGE OF PALMETTO BAY
CHARTER REVISION COMMISSION
SUGGESTIONS FOR ELECTION OF 2016**

PROPOSAL NUMBER ONE:

Section 2.3 Election and Term of Office.

(B) *Seats.* Council members shall serve from three separate election districts in seats numbered 1-3. described below, collectively "Seats." Individually each is a "Seat." One Council member shall be elected to each Seat from those electors residing within said election district.

(C) *Residential Areas. Seats 1-3.* ~~The Village shall be divided into three residential areas. Individually each is a "Residential Area" collectively "Residential Areas." One Council member shall be elected to a Seat from each Residential Area by electors residing within said Residential Areas. Council members from Residential Areas are collectively the "Residential Area Council members." Individually each is a "Residential Area Council member." The Residential Areas corresponding to each Seat are formally set forth below:~~

~~Seat 1 Northern Boundary: S.W. 136 Street and the City of
Coral Gables
Eastern Boundary: City of Coral Gables and
Biscayne Bay
Southern Boundary: S.W. 152 Street and all of Royal
Harbor Yacht Club and Paradise
Point
Western Boundary: Center line of U.S. 1~~

~~Seat 2 Northern Boundary: S.W. 152 Street excluding all of
Royal Harbor Yacht Club and
Paradise Point
Eastern Boundary: Biscayne Bay
Southern Boundary: S.W. 168 Street
Western Boundary: Center line of U.S. 1 from S.W.
152 Street southwesterly to S.W.
160 Street, then the centerline of
southbound U.S. 1 from S.W. 160
Street to S.W. 168 Street~~

~~Seat 3 Northern Boundary: S.W. 168 Street~~

_____ Eastern Boundary: _____ Biscayne Bay
_____ Southern Boundary: _____ S.W. 184 Street
_____ Western Boundary: _____ Center line of southbound U.S. 1

Effective December 1, 2020, prior to the next election, and following the United States Census, and every ten years thereafter, the Village Council shall, by ordinance, draw election district boundaries so as to achieve distribution of residential population as equal among districts as is reasonably possible. The Ordinance required herein shall be adopted no later than March 1 of the year of the election.

Section 2.4 Qualifications.

Candidates for Mayor, Vice-Mayor or Council member shall qualify for election by the filing of a written notice of candidacy with the Village Clerk at such time and in such manner as may be prescribed by ordinance ("Qualifying Date") and paying to the Village Clerk a qualifying fee of \$100.00, in addition to any fees required by Florida Statutes. A person may not be a candidate for more than one office in the same election. Only electors of the Village, as defined by Section 5.1(a), who have resided continuously in the Village for at least two years preceding their Qualifying Date shall be eligible to hold the Office of Mayor, Vice-Mayor or Council member. In addition, a person may not be a candidate ~~for an open Residential Council member Seat ("Open Seat") in an Election District~~ unless that person has resided in the ~~Residential Area Election District~~ s/he seeks to represent continuously for a period of one year preceding his/her Qualifying Date. If, at the conclusion of the qualifying period, no elector has filed or qualified ~~for an Open Seat, in an Election District,~~ then the qualifying period ~~for that Open Seat for that Election District~~ shall be reopened for a period of five business days and any qualified elector who resides in the relevant ~~Residential Area Election District~~ and has resided continuously in the Village for at least two years may file a written notice of candidacy ~~for the Open Seat in an Election District~~ in accordance with the provisions of this Section.

PROPOSAL NUMBER TWO:

Section 2.3 Election and Term of Office.

(E) *Limitations on Lengths of Service.* No person shall serve as Mayor, Vice-Mayor, or Council Person, or any combination thereof, for more than two consecutive terms. ~~No person may serve as a combination of Mayor, Vice-Mayor and Council member for more than three consecutive terms.~~

PROPOSAL NUMBER THREE:

Section 3.3 Powers and Duties of the Village Manager.

The Manager shall:

(1) Be responsible for the appointing, hiring, promoting, supervising and removing of all Village employees, except the Village Attorney and the Village Clerk. ~~However, the Village Manager may not appoint any department director without first obtaining majority approval of the Council.~~

PROPOSAL NUMBER FOUR:

Section 3.2 Village Manager; Appointment, Removal.

The Village Manager shall be appointed by a majority vote of all members of the Council. The Village Manager shall be removed by a majority vote of all members of the Council.

PROPOSAL NUMBER FIVE:

Section 3.6 Village Clerk.

The Village Council shall appoint the Village Clerk (the "Village Clerk"). The Village Clerk shall give notice of all Council meetings to its members and the public, and shall keep minutes of the Council's proceedings. The Village Clerk shall perform such other duties as the Village Council may prescribe from time to time. The Village Clerk shall report to the Village Council. The Village Clerk may be removed by a majority vote of the Village Council. The Village Clerk shall maintain the seal of the Village and attest the Mayor's or Manager's signature, as the case may be, on all documents if needed. The Village Clerk shall be responsible for the appointing, hiring, promoting, supervising, and removing of all employees of the office of the Village Clerk as authorized by the Village Council in the annual budget or as otherwise provided by resolution or ordinance.

PROPOSAL NUMBER SIX:

Section 4.1 Council Meeting Procedure.

(C) *Quorum and Voting.* A majority of the Council shall constitute a quorum but a smaller number may in absence of quorum make a motion to compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. Voting on ordinances shall be by roll call on final reading. Voting on all

other matters shall be by voice vote unless a Council member or the Village Clerk requests otherwise. In the event that three or more Council members are unavailable to vote on a particular matter due to required abstention pursuant to State law, then the remaining members of the Council may vote and approve such matter by unanimous vote. A quorum of four is required for the appointment or removal of any Charter Officers and for the appointment of auditors.

PROPOSAL NUMBER SEVEN:

Section 4.2

(B) Interference With Administration.

(1) Except for the purpose of inquiries and investigations made in good faith and in accordance with a resolution adopted by the Council, the Council and any of its individual members shall deal with Village employees who are subject to the direction and supervision of the Village Manager solely through the Village Manager, and neither the Council nor its members shall give orders to any such employee, ~~except the Village Manager and the Village Attorney,~~ either publicly or privately. It is the express intent of this Charter that recommendations for improvement in Village government operations by individual Council members are made solely to and through the Village Manager. Council members may discuss with the Village Manager any matter of Village business; however, no individual Council member shall give orders to the Village Manager.

~~(2) Any willful violation of this Section by the Mayor or any Council member shall be grounds for his/her removal from office by an action brought in the Circuit Court by the State Attorney of Miami-Dade County.~~

PROPOSAL NUMBER EIGHT:

ARTICLE V. ELECTIONS

Section 5.1 Elections.

(B) *Nonpartisan Elections.* All elections for the Council, Vice-Mayor and Mayor shall be conducted on a nonpartisan basis. The ballot nor any campaign literature shall show the party designation of any candidate. Nonpartisan office means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation. ~~A willful violation of this provision shall be enforced by the State Attorney. A judicial determination of a violation shall be grounds for removal from elected office and subject the individual to a fine up to \$1000, per willful violation, and not to exceed a total of \$10,000.~~

PROPOSAL NUMBER NINE:

ARTICLE V. ELECTIONS

Section 5.1 Elections.

(C) *Election Dates.* A general election shall be held in each even-numbered year, on the first Tuesday following the first Monday in November of that year. ~~A runoff election, if necessary, shall be held by the Village as provided by ordinance, which ordinance shall schedule and authorize the runoff date, in compliance with state law.~~ 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.

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

~~(E) *Run-off Election.* If necessary, the ballot for the runoff election shall contain the names of the two candidates for Mayor, the two candidates for Vice-Mayor, and the names of the two candidates for each Council Seat, who received the most votes in the general election. The ballot shall instruct electors to cast one vote for Mayor, one vote for Vice-Mayor, and one vote for each Council Seat, with a maximum of one vote per candidate. The candidate for Mayor receiving the most votes shall be duly elected Mayor. The candidate for Vice-Mayor receiving the most votes shall be duly elected Vice-Mayor. The candidate for each Council Seat receiving the most votes shall be duly elected to that Council Seat.~~

(H) *Commencement of Terms.* The term of office of all elected officials will commence at the next regularly scheduled council meeting following the day of the run-off election or, if there is no run-off election for Mayor, Vice-Mayor or Council Seat, at the next regularly scheduled council meeting after the general election.

PROPOSAL NUMBER TEN:

Section 7.6 Lobbyists

(A) ~~No person or firm~~ A registered lobbyist or lobbyist firm who directly or through a member of the person's immediate family or through a political action committee or through any other person makes a contribution to a candidate who is elected Mayor, Vice-Mayor or Council member, shall be permitted to lobby on behalf of another, any elected official, employee or appointed board or committee member for a period of four (4) years following the swearing in of the subject elected official.

PROPOSAL NUMBER ELEVEN:

~~Section 10.1 Private School Expansion.~~

~~The number of enrolled students of any private school within the Village of Palmetto Bay shall not be increased without prior approval by a fourth-fifths (4/5) vote of the Village Council. No such approval shall be adopted by the Village Council until the request to increase enrolled students is submitted to a vote of Village of Palmetto Bay electors living within a 2,000 foot radius of the applicant school property by referendum, and 75 percent of the electors voting approve of such increase in enrolled students.~~

~~A list of Village of Palmetto Bay registered voters within the 2,000 foot radius of the school property shall be prepared by the Village Clerk. Any elector who resides on property or a portion of property that is within the 2,000 foot radius of the school seeking to increase the number of its enrolled students shall be eligible to vote in the election required under this provision. The cost of the election (including reimbursement to the city for all costs relating to the preparation of the list of eligible electors) required under this provision shall be borne by the school seeking to increase the number of its enrolled students.~~

PROPOSAL NUMBER TWELVE:

~~Section 10.2 Neighborhood Protection.~~

~~All Single-family residential properties shall be protected from the negative impacts of adjacent or nearby non-single-family residential uses.~~

~~**10.2.1** All non-single-family residential developments, structures, or use (that is/are a direct or indirect result of that development, structure, or use) in, adjacent to, or nearby any single-family zoned properties shall not disrupt or degrade the health, safety, tranquility, character, and overall welfare of the adjacent or nearby single-family residential properties by creating negative impacts on those properties such as density, intensity, noise, light, glare, dust, odor, vibration,~~

~~traffic or run off that exceeds that of adjacent single-family properties. Nothing herein should be construed or applied to abrogate the vested rights of a property owner.~~

~~10.2.2 Four affirmative votes of the Village Council shall be required to approve a zoning change, conditional use, or special exception in any single-family residential district.~~

~~This provision shall not apply to properties as of the date of approval of this charter amendment within the following land use designation of Business Office (BO) and the following Zoning Districts:~~

- ~~● B-1 - Limited Business Districts~~
- ~~● B-2 - Business Districts~~
- ~~● R-5 - Office District~~
- ~~● FT&I - Franjo Triangle and U.S. 1 Island District except for the Live Work-Residential sub-district as it relates to the FT&I District~~
- ~~● VMU - Village Mixed Use District~~
- ~~● All multi-family residential districts (R-2, R-TH, R-3, R-3M, R-4L, R-4H)~~

~~The Village shall enact an ordinance to implement Section 10.2.~~

PROPOSAL NUMBER THIRTEEN:

BALLOT QUESTION – ELIMINATE THE TERM “COUNCIL” AND INSTEAD INSERT “COMMISSION”, AS THE PREFERRED TITLE FOR THE GOVERNING BODY; AND INSERT THE TERM “COMMISSIONER”, WHEREVER MEMBERS OF THE GOVERNING BODY ARE REFERENCED IN THE CHARTER.

PROPOSAL NUMBER FOURTEEN:

Section 10.3. Annexation Process.

The Village Council, presented with a petition in accordance with County requirements for annexation of an residential area, shall vote on the concept of annexation of the area. A four-fifths vote of the Council shall be required in order to proceed with the annexation process. Immediately thereafter, the Village Council will coordinate an election of Village residents to determine whether a plurality of the Village desires to proceed with annexation. If a plurality votes affirmatively, the Village Council would then proceed with a resolution, consistent with the County Annexation procedures, to request initiation of the annexation process, which would provide for the scheduling of an election by the area to be annexed.