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RESOLUTION NO. 2014-57

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA; CREATING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF A PROPOSED AMENDMENT TO THE VILLAGE CHARTER REGARDING THE REFERENDUM OF CERTAIN ELECTORS REGARDING PRIVATE SCHOOL EXPANSION; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO 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 AMENDMENT ON THE BALLOT; PROVIDING FOR SEVERABILITY; AND FOR PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk)

WHEREAS, the Mayor and Village Council desire to amend Section 10.1 of the Village Charter, which shall be submitted to the electorate for approval or disapproval at the next regularly scheduled General Election, currently scheduled for November 4, 2014; and

WHEREAS, the Mayor and Village Council desire to provide requisite ballot language for submission to the electorate, providing for copies of this charter amendment to be available for public inspection, and providing for the Village Clerk to utilize the services of Miami-Dade County Supervisor of Elections.

BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. *Whereas clauses.* The above whereas clauses are incorporated by reference into this Resolution.

Section 2. *Proposed Amendment to the Village Charter.* The Mayor and Village Council propose an amendment to the Village Charter that shall be voted upon by the Village electorate. Those proposed amendment is commonly referred to by the following ballot title:

**“Referendum of Certain Electors Regarding Private School Expansion.”**

The amendment is as follows:

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

1 by referendum, and ~~75 percent~~ of a majority of electors voting approve of such  
2 increase in enrolled students.  
3

4 A list of Village of Palmetto Bay registered voters within the 2,000-foot radius  
5 of the school property shall be prepared by the Village Clerk. Any elector who resides  
6 on property or a portion of property that is within the 2,000-foot radius of the school  
7 seeking to increase the number of its enrolled students shall be eligible to vote in the  
8 election required under this provision. The cost of the election (including  
9 reimbursement to the city for all costs relating to the preparation of the list of eligible  
10 electors) required under this provision shall be borne by the school seeking to increase  
11 the number of its enrolled students.  
12

13 **Section 3.** *Form of Ballot.* The form of ballot of the Charter amendments provided for in  
14 this Resolution shall be as follows:  
15

16 **Proposed Palmetto Bay Charter Amendment:**  
17 **REFERENDUM REGARDING EXPANSION OF PRIVATE SCHOOLS**  
18

19 The proposed Charter Amendment changes the requirement that 75% of the electors  
20 living within a 2,000-foot radius of a private school seeking to expand student  
21 enrollment approve of such expansion in a referendum to a requirement that a  
22 majority of such electors approve of such expansion in the referendum.  
23

24 Shall the above described amendment be adopted?  
25

26 YES [ ]  
27 NO [ ]  
28

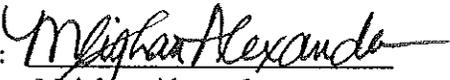
29 **Section 4.** *Charter Amendment to be Available for Public Inspection, and for the Village Clerk to*  
30 *Utilize the Services of Miami-Dade County Supervisor of Elections.* The place, information and the full text  
31 of the proposed Village Charter amendment is available at the office of the Village Clerk located at  
32 9705 East Hibiscus Street, Palmetto Bay, Florida 33157. Copies of this resolution providing the  
33 charter amendment subject to this referendum approval is on file in the office of the Village Clerk  
34 and available for public inspection during regular business hours. The Village Clerk is authorized to  
35 utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the  
36 administration of the election.  
37

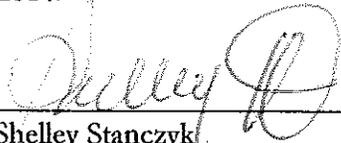
38 **Section 5.** *Providing for Adoption of Enabling Resolution.* The Village Council shall enable  
39 the submittal of the proposed amendments to the electorate pursuant to section 6.03 of the Miami-  
40 Dade County Charter.  
41

42 **Section 6.** If any section, clause, sentence, or phrase of this resolution is for any reason  
43 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the  
44 validity of the remaining portions of this resolution.  
45

1           **Section 7.**     This resolution shall take effect immediately upon enactment.

2  
3           PASSED and ADOPTED this 7<sup>th</sup> day of July, 2014.

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6   Attest:   
7           Meighan Alexander  
8           Village Clerk

  
\_\_\_\_\_  
Shelley Stanczyk  
Mayor

9  
10  
11   APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
12   AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

13  
14     
15  
16   Dexter W. Lehtinen  
17   Village Attorney

18  
19  
20   FINAL VOTE AT ADOPTION:

21  
22   Council Member Patrick Fiore                   YES  
23  
24   Council Member Tim Schaffer                   YES  
25  
26   Council Member Joan Lindsay                   YES  
27  
28   Vice-Mayor John DuBois                        Absent  
29  
30   Mayor Shelley Stanczyk                         YES  
31