

**VILLAGE OF PALMETTO BAY  
PROPOSALS FOR ELECTION OF 2016**

**PROPOSAL NUMBER ONE**

**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.~~

**Ballot Language (to appear on ballot)**

**AMENDMENT NUMBER ONE – POWERS OF THE MANAGER**

Deleting from section 3.3 of the Village Charter the requirement that department directors appointed by the Village Manager be approved by the Council.

Yes \_\_\_\_\_

No \_\_\_\_\_

**PROPOSAL NUMBER TWO**

**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.

**Ballot Language (to appear on ballot)**

**AMENDMENT NUMBER TWO – APPOINTMENT AND REMOVAL OF CHARTER OFFICERS AND AUDITORS**

Amending section 4.1(C) of the Village Charter to require a quorum of four members of the Village Council for appointment and removal of any Charter officer (Village Manager, Village Clerk, and Village Attorney) and for the appointment of auditors.

Yes \_\_\_\_\_

No \_\_\_\_\_

**PROPOSAL NUMBER THREE**

**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.~~

**Ballot Language (to appear on ballot)**

**AMENDMENT NUMBER THREE – INTERFERENCE WITH ADMINISTRATION**

Amending section 4.2(D) of the Village Charter to eliminate interference with administration by any member of the Village Council as a ground for removal from office in an action brought by the State Attorney in Circuit Court; and clarifying that the Village Manager and the Village Attorney are not employees subject to the direction of the Village Manager.

Yes \_\_\_\_\_

No \_\_\_\_\_

**PROPOSAL NUMBER FOUR**

**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.~~

**Ballot Language (to appear on ballot)**

**AMENDMENT NUMBER FOUR – NONPARTISAN CAMPAIGNING**

Amending section 5.1(B) of the Village Charter to eliminate a violation of the prohibition against partisan campaigning by any candidate as a ground for removal from office and a fine in an action brought by the State Attorney in Circuit Court.

Yes \_\_\_\_\_

No \_\_\_\_\_

## PROPOSAL NUMBER FIVE

### **Section 5.1 Elections.**

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

(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.

(C) Election Dates - (1) Primary Election - A primary election shall be held for any Council seat subject to election (Mayor, Vice-Mayor, or Council member) for which three or more candidates have qualified on the date on which Miami-Dade County and the State of Florida conduct their primary elections. If a candidate in this primary election receives a majority of the votes cast, such candidate shall be duly elected with no further election. If no candidate received a majority of the votes cast, the two candidates receiving the largest number of votes shall be placed on the general election ballot.

(2) General Election - A general election shall be held for any Council seat subject to election (Mayor, Vice-Mayor, or Council Member) for which only two candidates have qualified and for which two candidates received the highest number of votes cast (but not a majority of the votes cast) in a primary election on the first Tuesday following the first Monday in November. The candidates for each seat receiving the highest number of votes cast shall be duly elected.

(3) 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.

~~(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) Voting. The ballot in a primary election and in a general election shall instruct electors to cast one vote for each Council seat subject to election (Mayor, Vic-Mayor, or Council member).

~~(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.

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

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

(G) Commencement of Term - The term of office for all newly-elected or re-elected elected officials will commence on the third Monday of November at a Council meeting held solely for the purpose of swearing in the elected officials and undertaking organizational matters. .

~~(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.~~

**Ballot Language (to appear on ballot)**

**AMENDMENT NUMBER FIVE – AUGUST PRIMARY ELECTION AND NOVEMBER GENERAL ELECTION**

Amending section 5.1 of the Village Charter to provide for a primary election in August (when County and State elections are held) for any seat with three or more candidates, and a general election in November (when State and Federal elections are held) for any seat for with only two candidates and for the two candidates receiving the highest number of votes in the primary election (if no candidate received a majority). .

Yes \_\_\_\_\_

No \_\_\_\_\_