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RESOLUTION NO. 09-54

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL MAIL-IN BALLOT ELECTION OF JUNE 25, 2009 CONCERNING CHARTER AMENDMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the certification of the results of the Special Mail-In Ballot Election of June 25, 2009 has been delivered to the Council (attached hereto as Exhibit "A"); and

WHEREAS, the election has been canvassed; returns have been made by inspectors and the Supervisor of the Election; ballots of registered voters have been tabulated; and, a determination of the total number of votes cast at such election on the four charter amendment questions, as follows:

Question 1: Modification of charter provisions relating to mitigation.

Elimination of mitigation payments after fiscal year 2008-2009

Shall the Charter of the Village of Palmetto Bay be amended to eliminate mitigation due to the county after the fiscal year 2008-2009 payment, rather than requiring payment of mitigation in perpetuity, and delete "Favored Nation Status" provision relating to mitigation and certain other provisions relating to mitigation?

Question 2: Modification of charter provision relating to eliminating requirement that Village pay for specialized police services.

Elimination of village's contractual obligation to pay Miami-Dade County for specialized police services

Shall the Charter of the Village of Palmetto Bay be amended to eliminate the obligation of the Village to contract for and pay for specialized police services with Miami-Dade County and eliminate the favored nation status for specialized police services?

Question 3: Expansion of private school student enrollment requires four-fifths (4/5) Village Council approval, and 75 percent approval of electors residing within 2,000 foot radius.

Private school expansion requiring 4/5 vote of Council and 75% approval of those within 2,000 foot radius

Shall the Charter of the Village of Palmetto Bay be amended to allow an increase in private school enrollment only after approval of 75% of electors residing within 2000-foot radius of the school and a 4/5 vote of Village Council, with all costs of the election to be borne by the private school requesting the increase?

1 **Question 4:** Allow removal of any future, actual runoff election dates from the charter
2 and to authorize an ordinance that would schedule future runoff election dates?

3 Remove runoff election dates from Charter and create ordinance with dates per State law.

4 Shall the Village Charter be amended to eliminate the current reference to a possible
5 runoff election date, and insert in the Charter that future runoff election dates shall be set
6 by the Village Council via ordinance, in compliance with State law?"

7 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
8 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA AS FOLLOWS:**

9 **Section 1.** That the above and foregoing recitals are true and correct.

10 **Section 2.** That the Council hereby declares and certifies that a total of 4,827 ballots
11 were cast at said Special Election and the following votes were cast concerning the four questions
12 as follows:

13 Question 1: YES 4,383

14 NO 298

15 Question 2: YES 4,035

16 NO 649

17 Question 3: YES 3,229

18 NO 1,511

19 Question 4: YES 4,196

20 NO 418

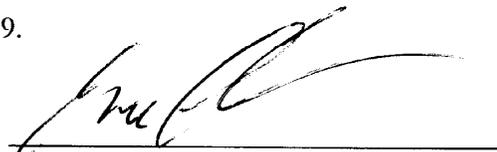
21 **Section 3.** That it is hereby certified and declared that Questions 1, 2, 3, and 4 as set
22 forth above passed and shall be incorporated in the Village of Palmetto Bay Charter.

23 **Section 4.** That the Village Clerk is hereby authorized and directed to perform any and
24 all incidental duties in connection herewith as required by law.

25
26 **Section 5.** This Resolution shall take effect immediately upon approval.

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28 **PASSED and ADOPTED** this 29th day of June, 2009.

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31 Attest: 
32 Meighan Rader
33 Village Clerk


Eugene P. Flinn, Jr.
Mayor

1 APPROVED AS TO FORM
2 AND LEGAL SUFFICIENCY:

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Eve A. Boutsis,
Office of Village Attorney

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FINAL VOTE AT ADOPTION:

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Council Member Ed Feller	<u>YES</u>
Council Member Howard J. Tendrich	<u>YES</u>
Council Member Shelley Stanczyk	<u>YES</u>
vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>

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DATE:06/26/09 03:25 PM

VOTES PERCENT

PRECINCTS COUNTED (OF 11)	11	100.00
REGISTERED VOTERS - TOTAL	16,378	
BALLOTS CAST - TOTAL	4,827	
VOTER TURNOUT - TOTAL		29.47

PALMETTO BAY # 1

ELIMINATION OF MITIGATION PAYMENTS AFTER 2008-2009

VOTE FOR 1

YES	4,383	93.63
NO.	298	6.37
Total	4,681	
Over Votes	8	
Under Votes	138	

PALMETTO BAY # 2

ELIMINATION OF OBLIGATION TO PAY FOR SPECIALIZED POLICE

VOTE FOR 1

YES	4,035	86.14
NO.	649	13.86
Total	4,684	
Over Votes	14	
Under Votes	129	

PALMETTO BAY # 3

PRIVATE SCHOOL EXPANSION

VOTE FOR 1

YES	3,229	68.12
NO.	1,511	31.88
Total	4,740	
Over Votes	48	
Under Votes	39	

PALMETTO BAY # 4

REMOVE RUNOFF ELECTION DATES FROM CHARTER

VOTE FOR 1

YES	4,196	90.94
NO.	418	9.06
Total	4,614	
Over Votes	4	
Under Votes	209	