

**RESOLUTION NO. 2012-91**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CERTIFYING AND DECLARING THE RESULTS OF THE GENERAL ELECTION OF NOVEMBER 6, 2012, AND RUN-OFF ELECTION OF NOVEMBER 20, 2012; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the certification of the results of the General Election of November 6, 2012, has been delivered to the Council; and

**WHEREAS**, the certification of the results of the Run-Off Election of November 20, 2012, has been delivered to the Council; 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 has been conducted.

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

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

**Section 2.** That the Council hereby declares and certifies that a total of 12,391 ballots were cast at the General Election, and the following votes were cast as follows:

**Charter Amendment Ballot Questions:**

**1. NEIGHBORHOOD PROTECTION [Section 10.2].**

Creating a provision called Neighborhood Protection whereby: 1) single-family-residential zoned properties shall be protected from the negative impacts of adjacent or nearby non-single-family-residential uses and 2) four affirmative votes of the Council shall be required to approve a zoning change conditional use, or special exception in any single-family-residential district. Excluded are BO (Business Office) Future Land Use, all commercial, business, and multi-family residential districts.

Shall the above described amendment be adopted?

YES            7,092

NO             3,681

**2. NONPARTISAN ELECTIONS - DEFINED. [Section 5.1(B)].**

The Charter currently requires that elections be nonpartisan. The Charter Revision Commission suggests an amendment to the Charter to define nonpartisan consistent with state law. A judicial finding of guilt would preclude campaigning or qualifying for election or retention in office.

Shall the above described amendment be adopted?

YES 6,208

NO 3,770

**3. NONPARTISAN ELECTIONS - ENFORCEMENT. [Section 5.1(B)].**

The Charter Revision Commission suggests an amendment of the Charter to provide enforcement of Section 5.1(B) of the Charter, relating to nonpartisan elections, through the office of the State Attorney. A judicial determination of a willful violation of Section 5.1(B) shall be grounds for removal from elected office and subject the individual to a fine up to \$1,000, per violation, but not to exceed a total of \$10,000.

Shall the above described amendment be adopted?

YES 6,039

NO 3,380

**4. CHANGING TERM LIMITS. [Section 2.3(E)].**

The Village Charter currently limits the length of service of the Mayor, Vice-Mayor, and Council Persons to no more than two consecutive terms. The Charter Revision Commission suggests an amendment to the Charter to limit the length of service of the Mayor, Vice-Mayor, and Council Persons to two terms in any one position, with no more than a total of three consecutive terms regardless of position.

Shall the above described amendment be adopted?

YES 5,122

NO 5,041

**5. INTERACTION WITH ADMINISTRATION. [Section 4.2(B)(1) and (2)].**

The Charter currently reflects that the Village Council is to enact a resolution in order to investigate or inquiry on a topic directly with staff. A finding of interference with administration could be a basis for removal from office. The Charter Revision Commission suggests an

amendment to the Charter to remove the penalty, and authorizes the Village Council to make direct inquiries of staff, and to change the title of the provision from "Interference" to "Interaction" with Administration.

Shall the above described amendment be adopted?

YES 4,598

NO 4,918

**6. DEPARTMENT HEAD SELECTION TO BE AFFIRMED BY VILLAGE COUNCIL [Section 3.3(1)].**

The Village Manager currently hires all department heads. The Charter Revision Commission suggests an amendment to the Charter to reflect the Village Manager may not appoint any department director without first obtaining approval of a majority of the Village Council.

Shall the above described amendment be adopted?

YES 6,544

NO 3,432

**7. TWO YEAR PROHIBITION ON VILLAGE EMPLOYMENT AFTER LEAVING OFFICE [Section 4.2(c)].**

The Charter currently provides a one year prohibition after leaving office from being hired by the Village. The Charter Revision Commission suggests an amendment to the Charter to increase the prohibition to two years.

Shall the above described amendment be adopted?

YES 6,319

NO 3,746

**8. REQUIRING CANDIDATES TO RUN INDEPENDENTLY [Section 2.3(D)].**

The Charter Revision Commission suggests an amendment to the Charter to require each person running for elected office to run independently of any other Village candidate.

Shall the above described amendment be adopted?

YES 6,907

NO 3,154

**9. FILLING OF VACANCIES BY REMAINING COUNCIL WITH OR WITHOUT A QUORUM [Section 2.5(C)(7)].**

The Charter currently provides that if there is less than a quorum remaining in office, the remaining elected officials may appoint the interim vacant seats. The Charter is silent as to appointments when Mayor and Vice Mayor seats are vacant, and there is a quorum. The Charter Revision Commission suggests an amendment to the Charter to allow the remaining elected officials, with, or without a quorum to appoint members, and then for the full Council to select an interim Mayor and Vice Mayor.

Shall the above described amendment be adopted?

YES 4,413

NO 5,445

**10. ANNEXATION PROCESS. [Section 10.3].**

The Charter Revision Commission suggests an amendment to the Charter to include a detailed annexation process: requiring a supermajority vote of the Village Council to proceed with annexation process; thereafter, requiring a vote of the Village residents on whether to entertain annexation; and then, adherence to County annexation vote process.

Shall the above described amendment be adopted?

YES 6,893

NO 2,853

**11. COMPOSITION OF CHARTER REVISION COMMISSION. [Section 6.2(b)].**

The Charter currently provides for the appointment of Commission members by the Village Council. The Charter Revision Commission suggests an amendment to the Charter to clarify the Charter Commission membership appointment process, to require each District Council Person to appoint a person from his/her district, and for the Mayor and Vice-Mayor, to appoint, at large.

Shall the above described amendment be adopted?

YES 5,469

NO 4,142

**12. TECHNICAL AND STYLISTIC AMENDMENTS.**

The Charter Revision Commission suggests an amendment to the Charter to reflect non-substantive stylistic and technical changes made for clarity, including: titles, typographical, grammatical errors, and renumbering of sections.

Shall the above described amendment be adopted?

YES            6,645

NO             2,896

**Section 3.** That the Council hereby declares and certifies that a total of 4,168 ballots were cast at the Run-Off Election of November 20, 2012, and the following votes were cast as follows:

**VICE MAYOR**

John DuBois            2,092

Brian W. Pariser        2,064

**COUNCIL MEMBER – SEAT 2**

Jim Araiza              1,954

Tim Schaffer            2,171

**Section 4.** That it is hereby certified and declared that the Charter of the Village of Palmetto Bay is amended as noted above.

**Section 5.** That it is hereby certified and declared that John DuBois is officially the Vice Mayor of the Village of Palmetto Bay and Tim Schaffer is officially the Council Member for Seat 2.

**Section 5.** That the Village Clerk is hereby authorized and directed to perform any and all incidental duties in connection herewith as required by law.

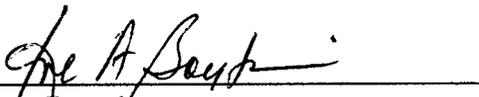
**Section 6.** This Resolution shall take effect immediately upon approval.

**PASSED and ADOPTED** this 3rd day of December, 2012.

Attest:   
Meighan Alexander  
Village Clerk

  
Shelley Stanczyk  
Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
Eve A. Boutsis  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Joan Lindsay	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Shelley Stanczyk.	<u>YES</u>