

RESOLUTION 2018-80

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROPOSED VILLAGE CHARTER AMENDMENT RELATING TO REQUIRING A FOUR-FIFTHS (4/5) VOTE FOR REMOVAL OF CHARTER OFFICERS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS OF THE PROPOSED AMENDMENT; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT QUESTION 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 AN EFFECTIVE DATE.

(Sponsored Councilmember David Singer)

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay desire the submittal to the electorate of a proposed amendment to the Charter of the Village of Palmetto Bay requiring a 4/5ths vote to remove charter officers, and

WHEREAS, in order to submit the proposed amendment to the electorate, the Council must provide ballot language, provide for copies of this charter amendment be available for public inspection and provide for the Village Clerk to utilize the services of Miami-Dade County Supervisor of Elections.

NOW, THEREFORE, 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 Amendments to the Village Charter. The proposed charter amendment are commonly referred to by the following ballot title:

1 1. Removal of Charter Officers

2
3 **Section 3. Form of Ballot.** The form of ballot of the charter
4 amendment question provided for in this Resolution shall be as follows:

5
6
7 **CHARTER AMENDMENT NUMBER ONE – REMOVAL OF CHARTER**
8 **OFFICERS**

9 Shall the Palmetto Bay Village Charter be amended to provide that
10 appointed Charter Officers (Manager, Attorney, and Clerk) shall be
11 removed by four-fifths (4/5) vote of the Village Council, rather than by
12 three-fifths (3/5) vote?

13
14 Yes _____

15 No _____

16
17
18 **Section 4. Proposed Amendment Question.** The full text of the
19 proposed amendment to the Village Charter is attached hereto as
20 (Exhibit 1) and is incorporated by reference into this Resolution. The
21 proposed amendment to the Village Charter is reflected by underlining in
22 the text and strikethroughs reflect items to be deleted from the Charter.

23
24 **Section 5. Charter Amendment Question to be Available for**
25 **Public Inspection, and for the Village Clerk to Utilize the Services of**
26 **Miami-Dade County Supervisor of Elections.** The place, information,
27 and the full text of the proposed Village Charter amendment and the
28 annexation question are available at the office of the Village Clerk
29 located at 9705 East Hibiscus Street, Palmetto Bay, Florida 33157.
30 Copies of this Resolution providing the charter amendment question
31 subject to this referendum approval is on file in the office of the Village
32 Clerk and available for public inspection during regular business hours.
33 The Village Clerk is authorized to utilize the services of Miami-Dade
34 County Supervisor of Elections for any assistance required in the
35 administration of the election.

36
37 **Section 6. Providing for Inclusion in the Charter.** It is the
38 intention of the Village Council and it is hereby ordained that the
39 provisions of this Resolution shall become and made a part of the charter
40 of the Village of Palmetto Bay, Florida, if the measure approved by a

majority of voters on such measure in such election; that the sections of this Resolution may be re-numbered or re-lettered to accomplish such intentions; and the word "Resolution" shall be changed to "Section" or other appropriate word.

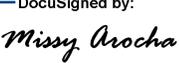
Section 7. Providing for Adoption of Enabling Resolution. The Village Council shall enable the submittal of the proposed amendment to the electorate pursuant to Section 6.03 of the Miami-Dade County Charter.

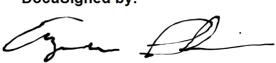
Section 8. Effective Date. This Resolution shall become effective upon adoption, and each of the Charter Amendment measure provided herein shall be effective only upon approval of a majority of electors voting on the measure, effective upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 9. Jurisdiction. If any section, clause, sentence, or phrase of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Resolution.

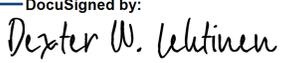
This Resolution shall take effect immediately upon approval.

PASSED AND ADOPTED this 4th day of June, 2018.

Attest: 
Missy Arocha
Village Clerk


Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:


Dexter W. Lehtinen
Village Attorney

1	FINAL VOTE AT ADOPTION:	
2		
3	Council Member Karyn Cunningham	<u>NO</u>
4		
5	Council Member David Singer	<u>YES</u>
6		
7	Council Member Larissa Siegel Lara	<u>YES</u>
8		
9	Vice Mayor John DuBois	<u>NO</u>
10		
11	Mayor Eugene Flinn	<u>YES</u>
12		

EXHIBIT 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

VILLAGE OF PALMETTO BAY

PROPOSAL FOR ELECTION OF 2018

PROPOSAL NUMBER ONE: Removal of Charter Officers

Article III, Section 3.2 of the Village Charter is amended as follows:
“The Village Manager shall be removed by four-fifths (4/5) majority vote of the Village Council.”

Article III, Section 3.6 of the Village Charter is amended as follows:
“The Village Clerk shall be removed by four-fifths (4/5) majority vote of the Village Council.”

Article III, Section 3.7 of the Village Charter is amended as follows:
“The Village Attorney shall be removed by four-fifths (4/5) majority vote of the Village Council.”