



RESOLUTION # 2014-39

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI ADOPTING PROPOSED AMENDMENTS BY THE CHARTER REVIEW BOARD TO THE CHARTER OF THE CITY OF WEST MIAMI, FLORIDA; ADOPTING, SETTING AND/OR ESTABLISHING BALLOT QUESTIONS FOR PROPOSED CHARTER AMENDMENTS TO BE PRESENTED TO THE ELECTORATE AT THE ELECTION TO BE HELD ON NOVEMBER 4, 2014; PROVIDING FOR BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENTS; PROVIDING FOR THE CITY ATTORNEY TO RENUMBER, RELETTER AND RELOCATE ARTICLES AND SECTIONS IN ORDER TO CONFORM WITH AMENDMENTS TO THE CHARTER; INSTRUCTING THE CITY CLERK TO DELETE REPEALED SECTIONS AND/OR INCORPORATE AMENDMENTS TO THE CHARTER; INSTRUCTING THE CITY CLERK TO FORWARD THE AMENDED CHARTER TO THE MUNICIPAL CODE CORPORATION (MUNICODE); PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, on or about October 12, 2013, the City Commission resolved to appoint a Charter Review Board pursuant to Article VII, Section 7.06 of the City of West Miami Charter; and

WHEREAS, the Charter Review Board, duly appointed by the City Commission, after multiple advertised meetings, determined that the attached proposed Charter amendments be referred to the City Commission for review and ratification pursuant to Article VII, Section 7.06 of the City of West Miami Charter for final approval to be submitted to the electors of the city for approval or disapproval at the election to be held on November, 2014.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of West Miami as follows:

Section 1. That pursuant to City Charter of the City of West Miami, the City Clerk is hereby directed to request from the Miami Dade County Elections Department to place on the ballot for the presentation to the electorate on November 4, 2014, those certain Charter amendments, the full text of which are herein attached and made a part hereof as Exhibit A.

- Section 2. That the City Clerk acting as the local election supervisor, is hereby instructed to transmit this Resolution to the Elections Department of Miami-Dade County.
- Section 3. That the City Clerk is hereby instructed to have available the Charter of the City of West Miami and the proposed amendments for public review and inspection at any time during working hours.
- Section 4. That should the majority of the electors voting on the above-referenced election vote for approval of a specific question in the ballot, said approved question shall become part of the Charter of the City of West Miami.
- Section 5. That should a majority of the electors voting on the above-referenced election vote against approval, thereby rejecting a specific ballot question, then that question shall stand rejected with no force or effect.
- Section 6. That the City Attorney is hereby instructed and directed to renumber and/or reletter the approved amendments to the articles or sections to the Charter in order to conform with the Charter.
- Section 7. That the City Clerk is hereby instructed to delete referendum repealed sections and incorporate referendum approval sections to the Charter.
- Section 8. That the City Clerk is hereby instructed to forward the amended Charter to the Municipal Code Corporation (Municode) for its publishing.
- Section 9. That if any section, sentence, clause or phrase of this Resolution including the proposed amendments to the City of West Miami Charter are held to be invalid or unconstitutional by a court of competent jurisdiction, then said section, sentence, clause or phrase shall in no way affect the validity of the remaining sections of this Resolution or the Charter.
- Section 10. That this Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 16th day of July 2014.

APPROVED:

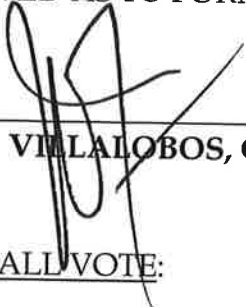


EDUARDO H. MUÑINA, MAYOR

ATTEST:


ANNERY GONZALEZ, CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:


JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

MAYOR EDUARDO H. MUHIÑA	<u>Y</u>
VICE-MAYOR JUAN M. BLANES	<u>Y</u>
COMMISSIONER CANDIDA BLANCA	<u>Y</u>
COMMISSIONER RHONDA A. RODRIGUEZ	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>Y</u>

**CHARTER QUESTIONS TO BE PROPOSED TO THE ELECTORATE ON
NOVEMBER 4TH, 2014 AS APPROVED BY RESOLUTION # 2014-39**

Charter Amendment No. 1

Article III, Section 3.02 – Qualifications to Hold Office and Residency Requirement

Shall Article III, Section 3.02, sentences 1 and 2 be repealed and rewritten to read:

- (a) "Any elector who has been a City resident for two (2) years preceding the qualifying date for an election may qualify for candidacy of Mayor or Commissioner."
- (b) "The City Clerk acting as supervisor of elections of the City shall be empowered as the qualifying agent for City elections."

Shall the above described amendment be approved?

Yes

No

Charter Amendment No. 2

Article III, Section 3.04 – Compensation and Expenses

Shall Article III, Section 3.04, paragraph 3 be amended to read:

"The Commission may, at a regular called meeting and by a 4/5 affirmative vote, approve expenses for Commission members for travel and/or per diem expenses, which are for the direct benefit and/or direct City business. Expenses for travel and per diem shall be limited as provided by the statutes of the State of Florida."

Shall the above described amendment be approved?

Yes

No

Charter Amendment No. 3

Article III, Section 3.07 – Referendum by Petition

Shall Article III, Section 3.07(5) be repealed and amended to read:

"When a referendum petition to repeal an ordinance is filed with the City Clerk or other official designated by the Commission, the ordinance sought to be reconsidered shall be deemed valid until results from such referendum are certified."

Shall the above described amendment be approved?

- Yes No

Charter Amendment No. 4

Article III, Section 3.08 – Mayor; Vice-Mayor

Shall Article III, Section 3.08, first sentence, be amended to read:

"To repeal that the Mayor executes contracts and deeds. These are duties of the City Manager."

Shall the above described amendment be approved?

- Yes No

Charter Amendment No. 5

Article VI, Section 6.04 - Recall

Shall Section 6.04 be repealed and amended to read:

"The qualified electors of the City shall have the power to recall and remove from office any elected official of the City as provided by Florida Statutes and/or City of West Miami Ordinances, provided that, in no event,

such recall takes place before the expiration of one year after such elected official has been elected.”

Shall the above described amendment be approved?

Yes

No

Charter Amendment No. 6

Article VIII – Transition Schedule

Shall Sections 8.01, 8.05, 8.06, 8.07 and 8.08 adopted in 1949 as well as provisions adopted in 1978 and 1980 in conflict with the rest of the Charter be repealed and substituted with the following language:

“All prior Charter provisions inconsistent with the present Charter and Amendments approved on November 4, 2014 election shall be repealed.”

Shall the above described amendment be approved?

Yes

No

Charter Amendment No. 7

Article VIII – Section 8.05 Schedule

Shall the schedule of elections remain to be conducted on the second Tuesday of April of every even numbered year?

Shall the above described amendment be approved?

Yes

No