



**RESOLUTION # 2018-20**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI AS AUTHORIZED BY ARTICLE VIII, SECTION 8.06 OF THE CITY CHARTER, DELETE AS OBSOLETE SCHEDULED ITEMS, SECTION 8.05, SECTION 8.07 AND SECTION 8.08 OF THE PRESENT CHARTER CORRECTING SCRIVENER'S ERROR; PROVIDING FOR THE CITY ATTORNEY TO RENUMBER, RELETTER AND RELOCATE ARTICLES AND SECTIONS OF THE CHARTER TO CONFORM WITH THE SPIRIT OF THE CHARTER; INSTRUCTING THE CITY CLERK TO FORWARD THE RENUMBERED, RELETTERED AND RELOCATED ITEMS OF THIS ARTICLE VIII TO THE MUNICIPAL CODE CORPORATION (MUNICODE); PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the present Charter addresses transition schedules from former City Charter dating since 1949; and

**WHEREAS**, those transition schedules had the intent to provide a fluid transition from one charter to amendments of that charter, again, dating back to 1949; and

**WHEREAS**, some sections of Article VIII make reference to the first election in 1980, specifically, Sections 8.05, 8.07 and 8.08 and are no longer applicable or otherwise are inoperable and/or obsolete; and

**WHEREAS**, sections of Article VIII have been amended by subsequent referendum that have amended these sections; and

**WHEREAS**, Section 8.06 of Article VIII authorizes the City Commission to delete by Resolution, sections that make reference to events which have already occurred; and

**WHEREAS**, Article VIII, Section 8.06 contains a scrivener's error making reference to Article VII instead of Article VIII; and

**WHEREAS**, the Mayor and City Commission found it is imperative to correct apparent discrepancies in the present text appearing in the Municipal Code Corporation (Municode) which are obsolete or have otherwise been amended by referendums or no longer applicable.

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

- Section 1.** The foregoing "whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.
- Section 2.** Sections 8.05, 8.07 and 8.08 of Article VIII are hereby deleted as authorized by the old Section 8.06, now renumbered Section 8.05 of the City of West Miami Charter.
- Section 3.** Correcting scrivener's error in Section 8.05 to read Article VIII instead of Article VII.
- Section 4.** 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. The rest of Article VIII as it then existed shall be renumbered, relettered and relocated as follows:

## **ARTICLE VIII. - TRANSITION SCHEDULE**

### **§ 8.01 - — Continuation of former Charter provisions.**

All provisions of Chapter 26301, Special Acts, 1949, as amended, Laws of Florida, (the former Charter) as amended by special law or otherwise which are not embraced herein and which are not inconsistent with this Charter shall become ordinances of the City subject to modification or repeal in the same manner as other ordinances of the City.

### **§ 8.02 - — Ordinances preserved.**

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

### **§ 8.03 - — Rights of officers and employees.**

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

### **§ 8.04 - — Pending matters.**

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city shall continue except as modified pursuant to the provisions of this Charter.

### **§ 8.05 - — Deletion of obsolete schedule items.**

The Council shall have power, by resolution, to delete from this Article VIII any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

**§ 8.06 - — Effective date.**

All proposed amendments shall become effective upon adoption

**§ 8.07 - — [Conflict.]**

All other provisions of the City Charter not in conflict with these amendments shall be in full force and effect upon effective date of these amendments.

**Section 3.** That the City Clerk is hereby instructed to forward the amended Charter to the Municipal Code Corporation (Municode) for its publishing.

**Section 4.** 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 5.** That this Resolution shall become effective upon its adoption.

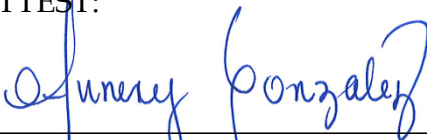
PASSED AND ADOPTED this 18<sup>th</sup> day of April, 2018.

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 RHONDA A. RODRIGUEZ	<u>Y</u>
COMMISSIONER CANDIDA BLANCA	<u>Y</u>
COMMISSIONER JUAN M. BLANES	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>N</u>

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