



RESOLUTION # 2018-21

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 6, 2018; PROVIDING FOR BALLOT TITLE AND SUMMARY OF THE CHIEF PURPOSE OF THE PROPOSED AMENDMENTS; INSTRUCTING THE CLERK TO REMIT THIS RESOLUTION AND PROPOSED CHARTER AMENDMENTS TO THE DIVISION OF ELECTIONS; 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RELOCATE ARTICLES AND SECTIONS IN ORDER TO CONFORM WITH AMENDMENTS TO THE CHARTER; INSTRUCTING THE CITY CLERK TO DELETE REPEALED SECTIONS AND/OR INCORPORATE AMENDMENTS TO THE CHARTER AS ADOPTED BY REFERENDUM; INSTRUCTING THE CITY CLERK TO FORWARD THE AMENDED CHARTER TO THE MUNICIPAL CODE CORPORATION (MUNICODE); PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Charter amendments to the City of West Miami were presented to the electorate for approval or disapproval at the elections of November, 4, 2014, and

WHEREAS, subsequent to November 4, 2014, these amendments that have been approved were incorporated into the Charter of the City of West Miami, and

WHEREAS, in June 1, 2017, the City Attorney advised that City of West Miami Commission that pursuant to Section 7.06, the Charter Review Board prescribed that the City Charter be reviewed every four (4) years, to hold meetings and determine if amendments or revisions were necessary to be submitted to the electorate for approval or disapproval, and

WHEREAS, the City of West Miami Commission proceeded to appoint a Charter Review Board pursuant to Article VII, Section 7.06 of the City of West Miami Charter, and

WHEREAS, Section 101.161(1), Florida Statutes, establishes that the ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure and further that the ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of, and

WHEREAS, Florida law makes it very clear that the ballot question does not have to explain every detail in that it would be impossible for any question to list all of the required developments, approvals that would be needed within the 75 words count limit required by Section 101.161(1), Florida Statutes, and

WHEREAS, this Resolution and the recommendation of the Charter Review Board and the present Charter are available for review at the City Clerk's office, and

WHEREAS, the Charter Review Board has approved revisions and amendments to two sections of the Charter tow it: Article III, Section 3.04 and Article III, Section 3.08; and

WHEREAS, Article III, Section 3.04 (third paragraph) of the Charter is recommended to be amended to permit additional expenses for the Commission members to travel and for per diem expenses which are for the direct benefit of the City such as attendance at educational seminars and conventions, and

WHEREAS, Article III, Section 3.01, City Commission; powers, composition establishes that the City Commission has all legislative powers of the City consisting of five members, being a Mayor and four commissioners and the Mayor being part of the legislative body has no administrative duties in the governance of the City of West Miami, and

WHEREAS, this Resolution, which was discussed in an open forum and available to any citizen for review to amend said Article III, Section 3.08 of the Charter as it presently reads to proposed language to be submitted to the electorate, 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, 2018.

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 Resolution upon adoption thereof.
- Section 2. That the City Commission hereby ratifies the findings and recommendations of the Charter Review Board.
- Section 3. 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 6, 2018, those certain Charter amendments, the full text of which are herein attached and made a part hereof as Exhibit A.
- Section 4. 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 5. 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 6. 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 7. 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 8. 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 9. That the City Clerk is hereby instructed to delete referendum repealed sections and incorporate referendum approval sections to the Charter.
- Section 10. That the City Clerk is hereby instructed to forward the amended Charter to the Municipal Code Corporation (Municode) for its publishing.
- Section 11. 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 12. That this Resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 18th day of April, 2018.

APPROVED:



EDUARDO H. MUHIÑA, 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>Y</u>

CHARTER AMENDMENT #1
Amending Article III, Section 3.04, (third paragraph) to limit expenses of City Commissioners

The Commission may, at a regularly called meeting and by 4/5 affirmative vote, approve all additional expenses for Commission members to travel and per diem expenses which are for the direct benefit of the City or City business, for attendance at educational seminars and conventions, advocating and dinners at League of Cities or other similar events. Expenses and per diems shall be limited as provided by Florida Statutes.

Shall the above-described amendment be adopted? YES _____ NO _____

CHARTER AMENDMENT #2
Amending Article III, Section 3.08, Mayor. Establishing Duties of the Mayor

The Mayor shall preside meetings of the Commission and be recognized as head of the City for ceremonial purposes, by the Governor for purposes of military law, service of process, as the City official designated to represent the City in agreements and certifications with other governmental entities, but shall have no administrative duties reserved for the City Manager, except as required to carry out the responsibilities herein.

Shall the above-described amendment be adopted? YES _____ NO _____