

RESOLUTION NO. 145-16-14700

A Resolution of the Mayor and City Commission of the City of South Miami, Florida, placing a question on the ballot for Tuesday, November 8, 2016, Presidential Election, to correct language made obsolete by state law or previous charter changes, and to clarify existing Charter language without change in function or intent by amending Art. II, Sec. 8.A, Art. III, Sec. 5.E, Art. IV, Sec. 2.B, Art. IV, Sec. 2.C., Art. V, Sec. 1.B.4-5, Art. V, Sec. 5.B., Art. V, Sec. 6., including an effective date for the amendment, and directing the City Clerk to incorporate the amendment into the Charter and to file the revised charter with the Florida Department of State; providing ballot language and directing the City Clerk to take all necessary actions to carry out the provisions of this resolution.

WHEREAS, the City Commission appointed a Charter Review Committee and special counsel to correct the language and to improve and update the City Charter; and

WHEREAS, the Charter Review Committee expended an enormous amount to time and energy studying the City Charter and making recommendations; and

WHEREAS, the outside counsel approved by the Charter Review Committee reviewed and worked with the Committee drafting proposed changes to the City Charter; and

WHEREAS, the City conducted at least two public workshops to acquaint the electorate of the proposed changes to the City Charter and one of which included the debate by the members of the City Commission as to which proposed changes should be submitted to the electorate; and

WHEREAS, the Mayor and the City Commissioners desire to have a ballot question submitted to the electorate for a referendum amending the City Charter to correct language made obsolete by state law or previous charter changes, and to clarify existing Charter language without change in function or intent by amending Art. IV, Sec. 2.B, Art. IV, Sec. 2.C., Art. V, Sec. 1.B.4-5, Art. V, Sec. 5.B.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. A question shall be placed on the ballot for the Tuesday, November 8, 2016 presidential election to be submitted to the qualified electors as set forth below.

Section 2. Notice of such election shall be published in accordance with the election laws.

Section 3. The result of such election shall be determined by a majority of the qualified electors of the City of South Miami voting upon the proposal at the national presidential election on November 8, 2016. All qualified electors of the City of South Miami

shall be entitled to vote at said election. The question shall appear on the ballot in substantially the following form:

Title: City of South Miami Charter Amendments relating to Budgets, Elections, Initiatives and Referenda.

BALLOT QUESTION: Shall the City Charter be amended to correct language made obsolete by state law or previous charter changes, and to clarify existing Charter language without change in function or intent by amending Art. IV, Sec. 2.B, Art. IV, Sec. 2.C., Art. V, Sec. 1.B.4-5, Art. V, Sec. 5.B?

YES _____
NO _____

Section 4. If the ballot question is answered in the affirmative by the requisite number of voters, the Charter for the City of South Miami shall be amended as follows (the underlined text will be added to the existing Charter and the text with a line through the text will be deleted from the existing Charter):

ARTICLE IV.

SECTION 2. Budget

A. The City Manager shall submit to the Commission, 60 days prior to the beginning of the fiscal year, an annual budget together with an explanatory message. The budget, budget message and all supporting schedules, shall be a public record open to public inspection. (Amended 2/11/14)

B. Public Hearings ~~At the~~ The meeting of the Commission at which the budget and budget message are submitted shall be held in accordance with State law as may be amended from time to time. ~~the Commission shall determine the time and place for a public hearing on the budget, at which time, interested persons shall be given an opportunity to be heard. The City Clerk shall post a notice of the place and time not less than five days after the date of posting at which time the Commission will hold a public hearing.~~

C. Adjustments. Any and all adjustments made to the budget after the conclusion of the public hearing at which the budget and budget message were submitted must be made in accordance with State law as may be amended from time to time. ~~After conclusion of such public hearings, the Commission may insert new items or may increase, decrease or delete the items of the budget; provided, however, if the total of proposed expenditures be increased thereby, then and in that event, the City Clerk~~

~~shall post a notice setting forth the nature of the proposed increase and listing a place and time not less than five days after the date of posting of the public hearing thereon.~~

* * *

ARTICLE V.

SECTION 1. *Qualifications*

* * *

B. Candidates: The City Clerk shall certify that a candidate for election to the Office of the Mayor or Commissioner, no less than 60 days prior to a duly scheduled election has: (Amended 2/11/14)

* * *

~~(4) — No appointed officer or employee of the City of South Miami, shall be certified for nomination of any elected position in the City of South Miami.~~

~~(5) — Any official of the City of South Miami who is elected or appointed to any office and qualifies for an elective office outside the City of South Miami shall forfeit his (her) office by the fact of such qualification.~~

* * *

ARTICLE V.

SECTION 5. Procedures

A. Provisions The City Commission shall provide, by ordinance, for the procedures of elections not inconsistent with State law. (Amended 2/11/14)

B. Canvassing Board Committee

Upon the closing of the polls and the casting of the ballot by the last person then entitled to vote, the Canvassing Board Committee,

comprised of the ~~majority of the Commission~~ City Attorney, or his or her designee, County Supervisor of Elections, or his or her designee, and the City Clerk, or his or her designee, shall publicly record the results of the election and proceed to tabulate the absentee ballots and certify the results.

* * *

Section 5. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 6. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 7. Vote-by-mail ballot may be used by qualified electors of the City of South Miami for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 8. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 9. This election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The City Manager or the manager's designee, the Finance Director, and the City Clerk are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution.

Section 10: Severability: 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.

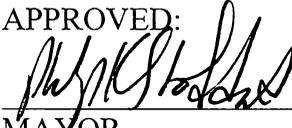
Section 11. Effective Date: This amendment, if approved by the electorate, shall become effective ten (10) days following the date of the election held for its approval. This resolution shall become effective immediately upon adoption by vote of the City Commission.

PASSED AND APPROVED this 2nd day of August, 2016.

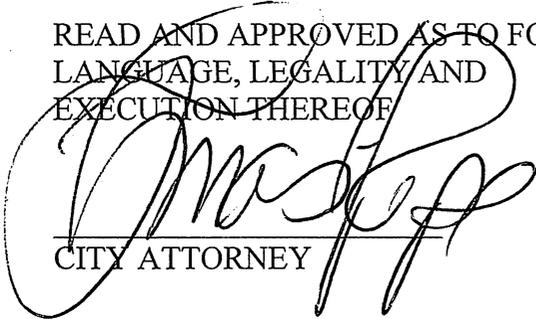
ATTEST:


CITY CLERK

APPROVED:


MAYOR

READ AND APPROVED AS TO FORM:
LANGUAGE, LEGALITY AND
EXECUTION THEREOF

A large, stylized handwritten signature in black ink, written over the text 'READ AND APPROVED AS TO FORM: LANGUAGE, LEGALITY AND EXECUTION THEREOF'. The signature is cursive and appears to be 'M. Stoddard'.

CITY ATTORNEY

COMMISSION VOTE:	4-1
Mayor Stoddard:	Yea
Vice Mayor Welsh:	Yea
Commissioner Edmond:	Nay
Commissioner Harris:	Yea
Commissioner Liebman:	Yea



CITY OF SOUTH MIAMI COURTESY NOTICE

NOTICE IS HEREBY given that the City Commission of the City of South Miami, Florida will conduct Public Hearing(s) at its regular City Commission meeting scheduled for Tuesday, August 2, 2016, beginning at 7:00 p.m., in the City Commission Chambers, 6130 Sunset Drive, to consider the following item(s):

A Resolution of the Mayor and City Commission of the City of South Miami, Florida, placing a question on the ballot for Tuesday, November 8, 2016, Presidential Election, to correct language made obsolete by state law or previous charter changes, and to clarify existing Charter language without change in function or intent by amending Art. II, Sec. 8.A, Art. III, Sec. 5.E, Art. IV, Sec. 2.B, Art. IV, Sec. 2.C., Art. V, Sec. 1.B.4-5, Art. V, Sec. 5.B., Art. V, Sec. 6., including an effective date for the amendment, and directing the City Clerk to incorporate the amendment into the Charter and to file the revised charter with the Florida Department of State; providing ballot language and directing the City Clerk to take all necessary actions to carry out the provisions of this resolution.

A Resolution of the City of South Miami, Florida, placing a question on the ballot for Tuesday, November 8, 2016, Presidential Election, to amend the City Charter, Article II, SECTION 6, subsection D Voting Procedure, to reduce the number of votes necessary to make land use and development regulations less restrictive for the Madison Square affordable housing project.

A Resolution of the City of South Miami, Florida, placing a non-binding ballot question on the Tuesday, November 8, 2016, Presidential Election ballot, to determine whether the voters support the building of a new City Hall, Police Station and Library using the value of the existing Library and/or City Hall/Police Station property, and how surplus funds from such a transaction should be spent.

An Ordinance amending Chapter 1, Section 1-8 of the City of South Miami's Code of Ordinances regarding general penalties for offenses.

An Ordinance amending Chapter 5, Article I, Section 5-1 of the City of South Miami's Code of Ordinances protecting wild parrots, their nesting trees and their eggs and establishing criminal penalties and enforcement procedures.

An Ordinance establishing a moratorium on the subdivision of parcels of land pending the adoption of an amendment to the City's Land Development Code, Section 20-4.2, governing subdivision of land and buildable sites.

ALL interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk's Office at: 305-663-6340.

Maria M. Menendez, CMC
City Clerk

Pursuant to Florida Statutes 286.0105, the City hereby advises the public that if a person decides to appeal any decision made by this Board, Agency or Commission with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, affected person may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

FROM PAGE 12SE

CALENDAR

in varied environments and locations throughout the China to reveal the mix of ancient tradition and modern lifestyle of its young people. YAA also will feature several exhibits showcasing internationally acclaimed contemporary Chinese artists, Ji Zhou, Li Hongbo and Yi Zhou, in addition to artwork from students at the Roupou Art Center in Wuhan, China. July 24 11 a.m.-6 p.m.; July 25 -July 28 10 a.m.-5 p.m. \$11-\$14 Young at Art Museum 751 SW 121 Ave., Davie.

Cuban Classical Ballet of Miami School Summer Camp This intensive Summer program focuses on the Cuban Classical Ballet Technique and will include: Pointe, Variations, Pas de Deux, Character Dance and more. The camp concludes with a showcase performance on Saturday, July 30 July 24 -July 28 9 a.m.-5 p.m. \$250 and up Miami Hispanic Cultural Arts Center 111 S.W. Fifth Ave., Miami.

Exhibit Tours - Creating the Dream Enjoy a guided tour of "Creating the Dream: George Merrick and His Vision for Coral Gables," an exhibition about the Gables' founder and developer George Merrick. Learn how Merrick went from thirteen-year old farmer's son to development king. This inspiring American story addresses local history and urban design. July 24 1 p.m. Included in admission Coral Gables Museum 285 Aragon Ave., Coral Gables.

Exile Experience: A Journey to Freedom "The Exile Experience: Journey to Freedom" is a pictorial account of the struggles that the Cuban exile community has endured since Fidel Castro's rise to power, and the successes they have achieved in the United States. Having covered the Cuban exile community and its struggle for freedom extensively throughout the years, Miami Dade College and The Miami

Herald Media Company now present this journalistic chronology, which showcases the spirit and accomplishments of the Cuban American community. The permanent exhibition is housed at the College's National Historic Landmark Freedom Tower, itself central to the story of Cubans in the United States. MDC's Freedom Tower was operated by the U.S. Government as a reception center for Cuban refugees from 1962 to 1974. The building is significant because it represents the important story of the Cuban exodus to America and resettlement during the Cold War. A reports the U.S. Department of the Interior, which has also called the Freedom Tower the Ellis Island of the South. A Though it operated in that capacity for only 12 years, the building has become an icon representing the faith that democracy brought to troubled lives, the generosity of the American people and a hopeful beginning that assured thousands a new life in a new land. July 24 -July 28 12 p.m.-5 p.m. Free Miami Dade College -

SEE CALENDAR, 265E

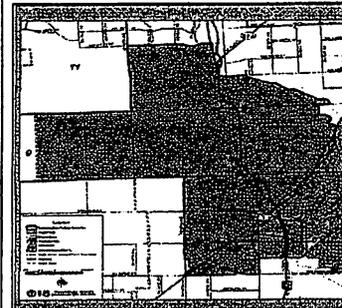
MIAMI DADE
COUNTY

Public Notice

The Public is advised that the South A Municipal Advisory Committee (MAC) will be holding a meeting on Tuesday, July 26, 2016 at 6:30 P.M. at Deerwood Bonita Lakes Park, 14445 SW 122nd Avenue, Miami, 33186.

The MAC will be evaluating the potential incorporation of the area into a separate municipality; it will also be meeting with staff to discuss the County's concerns regarding any adverse impact to the remaining unincorporated municipal service area or other regional municipal-type services that could occur due to any such incorporation.

The MAC area is generally bounded as follows:



NORTHERN MOST BOUNDARY:
SW 120th Street

SOUTHERN MOST BOUNDARY:
SW 232nd Street

EASTERN MOST BOUNDARY:
US 1

WESTERN MOST BOUNDARY:
SW 157th Avenue

*(Boundaries only include areas within
County Commission District 9 for study area)*

The public is invited to share its thoughts on incorporation, the proposed boundaries, services it wishes to see enhanced and any additional information that may assist the MAC in its deliberations.

For legal ads online, go to <http://legalads.miamidade.gov>

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review (f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NOTICE OF PUBLIC HEARING
CITY OF SOUTH MIAMI - AUGUST 2, 2016

in the XXXX Court,
was published in said newspaper in the issues of

07/22/2016

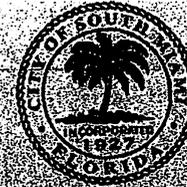
Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this
22 day of JULY, A.D. 2016



(SEAL)

MARIA MESA personally known to me



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