

**RESOLUTION NO. 2018-71**

**A RESOLUTION OF NORTH BAY VILLAGE, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS A PROPOSED AMENDMENT CHANGING THE DATE BY WHICH AN ELECTED OFFICIAL MUST SUBMIT A NOTICE OF RESIGNATION IN SECTION 5.06 (C), OF THE NORTH BAY VILLAGE CHARTER, PURSUANT TO SECTION 10.13 OF NORTH BAY VILLAGE CHARTER AND SECTION 6.03 OF THE MIAMI-DADE COUNTY CHARTER, AND IN ACCORDANCE WITH THE COMPREHENSIVE REVIEW AND RECOMMENDATIONS OF THE NORTH BAY VILLAGE ADVISORY CHARTER REVIEW BOARD, AS REVIEWED, REVISED, AND APPROVED FOR SUBMITTAL BY THE NORTH BAY VILLAGE COMMISSION; PROVIDING FOR REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL; CALLING FOR A SPECIAL ELECTION ON THE PROPOSED AMENDMENT TO NORTH BAY VILLAGE CHARTER TO BE HELD ON NOVEMBER 6, 2018; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR INCLUSION IN THE VILLAGE CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, Section 10.13 of the North Bay Village (“Village”) Charter and Section 6.03 of the Miami-Dade County Charter, provide the manner in which Charter amendments shall be proposed; and

**WHEREAS**, pursuant to the comprehensive review and recommendations of the Village Advisory Charter Review Board, the Village Commission desires to submit the proposed Charter amendment for approval or rejection by the electorate; and

**WHEREAS**, pursuant to law, the electors of the Village shall have the power to approve or reject at the polls, any of the proposed Charter amendments submitted by the Village Commission to a vote of the electors.

**NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That each of the above-stated recitals are hereby adopted and confirmed.

**Section 2. Charter Amendment.** That pursuant to Section 10.13 of the Village Charter and Section 6.03 of the Miami-Dade County Charter, and in accordance with the comprehensive review and recommendations of the Village Advisory Charter Review Board, North Bay Village Charter is hereby amended by revising section 5.06 (C) of the Village Charter, to read as follows:

**CHARTER OF  
NORTH BAY VILLAGE, FLORIDA**

\* \* \*

5.06. - Candidacy.

- C. Any individuals holding elective or appointive positions including members of any and all boards, within the Village, shall be required to resign to run for any elective office within the Village. Current elected or sitting officials must submit Notice-a -notice of resignation shall be filed with to the Village clerk-Clerk on the day that the individual qualifies to run for elective office-.at least ten (10) calendar days before the beginning of the qualification period. Said resignation shall be effective no later than the day upon which he would assume office.

**Section 3. Election Called.** That a Special Election is hereby called to be held on Tuesday, November 6, 2018, to present to the qualified electors of North Bay Village, the ballot question provided in Section 4 of this Resolution. The Village Commission may, by Resolution, call another date of election for any ballot question not passed by the qualified electors of North Bay Village, or in the event it finds that unforeseen circumstances require it to do so.

**Section 4. Form of Ballot.** That the form of ballot for the Charter Amendment provided for in Section 2 of this Resolution shall be substantially as follows:

*Candidacy-Resign to Run*

Current elected or sitting officials must file a notice of resignation with the Village Clerk on the day the individual qualifies to run for elective office. It is proposed that the Charter now require a notice of resignation be sent to the Clerk at least ten (10) calendar days before the beginning of the qualification period.

Shall the above-described Charter Amendment be adopted?

☐ Yes

☐ No

**Section 5. Notice of Election.** That notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the Village at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing \_\_\_\_ day of \_\_\_\_\_, 2018), and the second publication to be in the third week prior to the election (to-wit: during the week commencing \_\_\_\_ day of \_\_\_\_\_, 2018), and shall be in substantially the following form:

**“NOTICE OF ELECTION**

**PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. \_\_\_\_\_ ADOPTED BY THE NORTH BAY VILLAGE COMMISSION, A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE VILLAGE ON TUESDAY, NOVEMBER 6, 2018, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE VILLAGE FOR APPROVAL OR REJECTION.**

*Candidacy-Resign to Run*

Current elected or sitting officials must file a notice of resignation with the Village Clerk on the day the individual qualifies to run for elective office. It is proposed that the Charter now require a notice of resignation be sent to the Clerk at least ten (10) calendar days before the beginning of the qualification period.

Shall the above-described Charter Amendment be adopted?

☐ Yes

☐ No

**Polling place information and the full text of the proposed Village Charter Amendments as set forth in the enabling Resolution, is available at the office of the Village Clerk located at 1666 Kennedy Causeway, #300, North Bay Village, FL 33141.**

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**Villager Clerk**

**Section 6.**     **Balloting.**     That balloting shall be conducted between the hours of 7:00 a.m. to 7:00 p.m. on the date of the election. Absentee ballots shall be available. Early voting shall be provided in conjunction with the general election. All qualified Village electors who are timely registered in accordance with law shall be entitled to vote. The Village Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County (“County”) Supervisor of Elections. The County registration books shall remain open at the Office of the County Supervisor of Elections until the date at which the registration books shall close in accordance with the provisions of the general election laws. The Village Clerk and the County Supervisor of Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the provisions of this Resolution.

**Section 7.**     **Copies.**     That copies of this Resolution proposing the Charter Amendment, is on file at the offices of the North Bay Village Clerk located at 1666 Kennedy Causeway, # 300, North Bay Village, Florida 33141, and is available for public inspection during regular business hours.

**Section 8.**     **Effectiveness.**     That the Charter Amendment provided for in Section 2 above shall become effective if the majority of the qualified electors voting on the Charter Amendments vote for adoption, and shall be considered adopted and effective upon certification of the election results. That the Village Attorney is authorized to revise the Charter to the extent necessary to assure that any amendments adopted conform to one another and are properly included in the publication of the revised Village Charter.

Further, that in the event that some, but not all, of the Charter amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the Village Attorney

is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting Charter amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. That following the adoption of the Charter amendments, the Village Clerk shall file the adopted Charter amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida.

**Section 9. Inclusion in the Charter.** That subject to the requirements of Section 8 above, it is the intention of the Mayor and Village Commission, and it is hereby provided, that the Charter Amendments shall become and be made a part of the North Bay Village Charter and that the Sections of this Resolution may be renumbered or re-lettered to accomplish such intention.

**Section 10. Severability.** That the provisions of this Resolution are declared to be severable, and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**Section 11. Conflicts .** That in the event that the provisions of this Resolution conflict with any other Village Resolution, the provisions of this Resolution shall prevail to the extent of any such conflict.

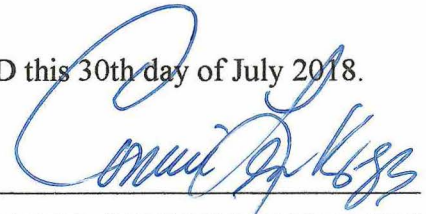
**Section 12. Effective Date.** That this Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by Commissioner Eddie Lim, seconded by Commissioner Jose Alvarez,

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Andreana Jackson	<u>Yes</u>
Commissioner Jose R. Alvarez	<u>Yes</u>
Commissioner Laura Cattabriga	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

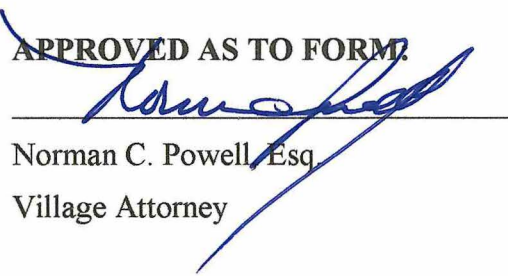
PASSED and ADOPTED this 30th day of July 2018.

  
\_\_\_\_\_  
MAYOR CONNIE LEON-KREPS

**ATTEST:**

  
\_\_\_\_\_  
YVONNE P. HAMILTON, CMC  
Village Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Norman C. Powell, Esq.  
Village Attorney

North Bay Village Resolution: 2018 Charter Amendment – Section 5.06(C)