

**CITY OF CORAL GABLES, FLORIDA
RESOLUTION NO. 2016-__**

RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, CALLING A SPECIAL ELECTION ON THE PROPOSED BALLOT QUESTION AND CITY CHARTER AMENDMENT TO BE HELD ON NOVEMBER 8, 2016; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF A BALLOT QUESTION PROVIDING FOR CITY CHARTER AMENDMENT RELATED TO THE TRIAL BOARD; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE; PROVIDING FOR INCLUSION IN THE CITY CHARTER; PROVIDING FOR RELATED MATTERS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 1, 1954, with the approval of the City Attorney, an unofficial compilation of the Charter (the "Compiled Charter") was issued; and

WHEREAS, the Compiled Charter was a compilation of the Charter approved May 8, 1929 (Laws of Florida Chapter 13972) with all amendments thereto, and all the acts granting special powers or immunities to the City up to July 1, 1953; and

WHEREAS, subsequently, the Compiled Charter was modified by Commission action and City Attorney Opinion based on state law, including the Municipal Home Rule Powers Act; and

WHEREAS, the City Commission, on May 12, 2015, convened a Charter Review Committee, tasked with reviewing the Compiled Charter to review areas of the Compiled Charter that should be amended; and

WHEREAS, pursuant to City Charter Section 10, "Initiative and Referendum", the City Commission desires to submit a ballot question to the electors of the City relating to the proposed amendments to the City Charter, by the Charter Review Committee; and

WHEREAS, pursuant to the City Charter, City Code and Miami-Dade County Charter, the City Commission is authorized to submit the ballot question to the electors of the City for approval or rejection.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That 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 hereof.

SECTION 2. BALLOT QUESTION AND CODE AMENDMENT. That pursuant to Chapter 22, "Elections," of the City Code of Ordinances and Section 10, "Initiative and Referendum," of the City Charter, the Commission seeks to place before the voters an amendment to the City's Charter. The specific language for the voters' amendment to the City Charter proposed by this Section is provided in Exhibit 1 to this Resolution.

SECTION 3. ELECTION CALLED. That a special election is hereby called, to be held on [ENTER DATE], to present to the qualified electors of the City of Coral Gables, the ballot questions provided in Section 4 of this Resolution.

SECTION 4. FORM OF BALLOT QUESTION. That the form of ballot for the question provided for in Section 2 of this Resolution shall substantially be as provided below:

AN AMENDMENT PROVIDING FOR REMOVAL OF THE TRIAL BOARD APPEAL PROCESS FOR EMPLOYEES.

Presently, City employees not represented in a bargaining unit may appeal their removal, suspension, lay-off or reduction in grade to a Trial Board made up of five (5) City of Coral Gables' citizens. Shall the City Charter be amended to remove the Trial Board and related procedure?

_____ **YES**

_____ **NO**

SECTION 5. BALLOTING. That balloting shall be conducted between the hours of 7:00am and 7:00pm on the date of the election. Absentee ballots shall be available. Early voting shall be provided in conjunction with the general election. All qualified City electors who are timely registered in accordance with law shall be entitled to vote. The City Clerk is authorized to obtain any and all necessary election administration services from the Miami-Dade County (the "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 City 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. This election shall be canvassed by the City of Coral Gables Canvassing Board.

SECTION 6. NOTICE OF ELECTION. That notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general

circulation within the City at least 30 days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be in substantially the following form:

“NOTICE OF SPECIAL ELECTION”

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. _____ ADOPTED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON TUESDAY, NOVEMBER 8, 2016, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.

AN AMENDMENT PROVIDING FOR REMOVAL OF THE TRIAL BOARD APPEAL PROCESS FOR EMPLOYEES.

Presently, City employees not represented in a bargaining unit may appeal their removal, suspension, lay-off or reduction in grade to a Trial Board made up of five (5) City of Coral Gables’ citizens. Shall the City Charter be amended to remove the Trial Board and related procedure?

_____ YES

_____ NO

SECTION 7. EFFECTIVENESS.

A. That the question provided for in Sections 2 and 4 above shall become effective only if the majority of the qualified electors voting on the specific question for its adoption, and it shall be considered adopted and effective upon certification of election results.

B. That the City Attorney is authorized to revise the City Charter to the extent necessary to assure that the adoption of the Charter amendment provided for in this question conforms to and is properly included in the publication of the revised Charter, and to provide for transitional provisions if needed.

C. That the City Attorney is authorized to revise the exact wording of this Resolution, the ballot question contained herein, and the exhibit hereto to the extent necessary to ensure its placement on the ballot in accordance with law.

D. That following the election, the City Clerk, City Attorney and City Manager, are directed to revise and encode and take any necessary actions to implement the amendment, if approved by the voters.

SECTION 8. INCLUSION IN THE CHARTER. That subject to the requirements herein, it is the intent of the City Commission, and it is hereby provided, that any Charter amendment approved by the voters shall become and be made a part of the City Charter.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective when passed and adopted.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF APRIL, A.D., 2016.

(Moved By)

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

Officers and employees appointed by the City Manager or under his or her authorization may be removed, suspended, laid off, or reduced in grade by the City Manager, or by the officer by whom appointed, at any time for any cause which will promote the efficiency of service of the City. Such action, if by a department head, shall be subject to the approval of the City Manager. ~~Any such officers or employees, except common laborers and officers and employees in the service of the city for less than six months, or police officers or firemen in the service of the city for less than 12 months, continuously, may within five days after such action file with the City Manager a written request for a written statement of the reasons for such action, which written statement shall be furnished to him by the City Manager within five days after such request; a sworn reply to such statement of reasons may be filed with the City Manager by such officer or employee within five days thereafter, accompanied by a demand for a hearing thereon. The failure of any such officer or employee to request such written statement of reasons or to reply thereto, within the period provided therefor, shall constitute a full waiver of any further rights. In the event of such request and reply thereto the matter shall then be referred to the special trial board hereinafter authorized, which trial board shall thereupon investigate and determine the propriety of such action, and, at the conclusion of its investigation shall render a decision or verdict which shall be final. The trial board may, in its discretion, conduct hearings, summon witnesses and hear evidence. In its decision the trial board may determine whether such officer or employee is entitled to any compensation, allowance or adjustment, which decision shall likewise be final.~~

~~For the purpose of effectuating this section the Commission shall by ordinance provide for the establishment of a special trial board to be composed of five citizens of the City of Coral Gables, none of whom shall be officers or employees of the city; two of whom shall be appointed or elected by the city employees; two of whom shall be appointed or elected by the City Commission and the fifth of whom shall be selected by the four members so chosen, as provided for and prescribed in said ordinance. In the event that the four members shall fail to agree on the fifth member, such member shall be appointed by the County Judge of Dade County, Florida.~~