

**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 REMOVAL OF CITY COMMISSIONERS CONSISTENT WITH GUBERNATORIAL PROCEDURES; 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:

AMENDMENT PROVIDING PROCEDURES FOR REMOVAL OF CITY COMMISSIONERS CONSISTENT WITH GUBERNATORIAL PROCEDURES UNDER STATE LAW.

The Charter presently allows a member of the Commission to be removed by a four-fifths vote for misconduct in office or neglect of duty. Shall this provision be amended to allow the City Commission to censure its own members and that any removal of members being tied to suspension procedures under State law?

_____ **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.

AMENDMENT PROVIDING PROCEDURES FOR REMOVAL OF CITY COMMISSIONERS CONSISTENT WITH GUBERNATORIAL PROCEDURES UNDER STATE LAW.

The Charter presently allows a member of the Commission to be removed by a four-fifths vote for misconduct in office or neglect of duty. Shall this provision be amended to allow the City Commission to censure its own members and that any removal of members being tied to suspension procedures under State law?

_____ 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

The Commission may determine its own rules of procedure, censure its own members for misconduct. ~~May punish its own members for misconduct~~ and may compel the attendance of members, ~~and on a four-fifths vote may expel a member for misconduct in office or for neglect of duty. But no member shall be expelled unless notified in writing seven days before any action is taken of the charge against him and given an opportunity to be heard in his own defense. A majority of all members of the Commission shall constitute a quorum to do business, but a smaller number may adjourn from time to time. A majority of all the members of the Commission will constitute a quorum to do business, but a smaller number may adjourn from time to time. On a unanimous vote of the other sitting members of the Commission, the Commission may remove a member on any of the grounds provided by general law for the Governor's suspension or removal of a municipal officer. But no member will be removed unless he or she is notified in writing fifteen days before any action is taken on the charge against the member and the member is given an opportunity to be heard in his or her own defense. If the Governor suspends a member before the Commission votes to expel the member, the Commission may not act further to remove the member unless and until the member is restored to office. After any restoration of the member to office, however, the Commission in its discretion may then proceed to remove the member upon notice and hearing as provided herein. The Commission's authority to remove a member hereunder is intended to supplement and not to supersede general law, as amended, regarding the suspension or removal of a municipal officer, including any provisions of general law for the member's entitlement to full back pay and such other emoluments or allowances to which the member would have been entitled for the full period of time of any suspension by the Governor.~~