

RESOLUTION NO. 2016-96

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, ACCEPTING AND ADOPTING THE OFFICIAL CERTIFICATE OF THE MIAMI-DADE COUNTY CANVASSING BOARD FOR THE NOVEMBER 8, 2016 SPECIAL ELECTION FOR THE CITY OF NORTH MIAMI BEACH, AND DECLARING RESULTS THEREOF.

WHEREAS, the Official Certificate of the final results of the November 8, 2016 City of North Miami Beach Special Election has been received from the Miami-Dade County Supervisor of Elections, and is attached hereto as Composite Exhibit "A" and incorporated herein; and

WHEREAS, said Certificate reflects that:

Question "A", as set forth below, was **approved** by the electorate of the City of North Miami Beach¹;
Question "B", as set forth below, was **approved** by the electorate of the City of North Miami Beach;
Question "C", as set forth below, was **approved** by the electorate of the City of North Miami Beach;
Question "D", as set forth below, was **approved** by the electorate of the City of North Miami Beach;
Question "E", as set forth below, was **approved** by the electorate of the City of North Miami Beach;
Question "F", as set forth below, was **approved** by the electorate of the City of North Miami Beach;
Question "G", as set forth below, was **not approved** by the electorate of the City of North Miami Beach;
Question "H", as set forth below, was **approved** by the electorate of the City of North Miami Beach;
Question "I", as set forth below, was **not approved** by the electorate of the City of North Miami Beach; and
Question "J", as set forth below, was **approved** by the electorate of the City of North Miami Beach.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commission of the City of North Miami Beach, Florida:

Section 1. The aforementioned recitals are true and correct.

Section 2. That the Miami-Dade County Canvassing Board having canvassed the returns of the November 8, 2016, Special Election of the City of North Miami Beach, the Mayor and City Commission hereby accept and adopt the Certificate of the County Canvassing Board for said Special Election and it is hereby ordered that the Certificate and this Resolution be recorded in the minutes of the December 6, 2016, City Commission meeting as a permanent record of the results of said Special Election; and be it further resolved that, as a result of the City of North Miami Beach's November 8, 2016, Special Election, the votes upon the questions presented reflect the following final results:

QUESTION "A":

New City Charter for City of North Miami Beach.

Shall the City Charter be repealed and replaced with a new reformatted/amended Charter, to conform/update municipal home rule powers granted by Florida law; incorporate non-substantive stylistic changes; delete obsolete/redundant/preempted language; restructure City's Codebook by moving into Code "Canvassing Board" and "Water Board" sections, and Charter-designated City

¹ The City's ten ballot questions have been lettered "A" through "J" herein for ease of reference only and were not so lettered on the ballot.

Departments (excluding Legal and Police); while retaining existing “Citizen’s Bill of Rights”, “Boundaries”, “Form of Government”, Charter Officer designation, and “Initiative/Referendum”?

Yes 7,615 Votes

No 4,427 Votes

QUESTION “B”:

Number of Regular City Council Meetings.

Shall the City Charter be amended to reduce the number of regular City Council meetings from twice monthly to no less than 11 monthly meetings per year, with City Council to adopt by November 1 of each year a Resolution setting forth the schedule and number of Council meetings for the following calendar year?

Yes 6,454 Votes

No 5,597 Votes

QUESTION “C”:

City Manager.

The Charter provides that City Manager is hired provisionally for first six months and thereafter reappointed for one year terms, and upon serving five or more years is reappointed for 2 year terms with removal for cause only--shall the Charter be amended to delete these restrictions thus granting City Council greater flexibility in determining terms of City Manager’s employment, and to clarify/further define existing powers and duties of City Manager?

Yes 7,901 Votes

No 4,588 Votes

QUESTION “D”:

City Attorney and City Clerk.

Shall the City Charter be amended to clarify and further define existing powers and duties of the City Attorney and City Clerk, and to also grant City Council optional authority to retain a law firm to serve as City Attorney instead of in-house City Attorney?

Yes 7,039 Votes

No 4,350 Votes

QUESTION “E”:

Change of City’s General Election Date.

Shall the City Charter be amended to change City’s General Election date from May of odd-numbered years to November of even-numbered years (commencing with City’s General Election in 2018), change candidate qualifying dates to correspond to November elections, and provide a one-time limited extension of 18 months to terms of incumbent Council members to implement this change in election date?

Yes 6,461 Votes

No 5,742 Votes

QUESTION “F”:

Term Limit & Service of Full Term.

The Charter establishes Councilmembers’ four-year “term” and eight consecutive years “term limit”, with ability to run again after 2 year break in service. Shall the Charter be amended to:

- clarify language by changing “eight consecutive years” to “2 consecutive four-year terms”;
- provide Councilmember’s service exceeding 50% of a term (including to fill Council vacancy) constitutes a full “term”;
- limit Councilmember to one additional term when term limit not met due to 50% rule?

Yes 7,873 Votes

No 4,493 Votes

QUESTION “G”:

“Civil Service”.

Shall the City Charter be amended to delete the “Civil Service” (including the “Civil Service Board” and provisions concerning the Board’s composition and authority), delete limits on provisional hiring and tenure of Department Heads appointed by the City Manager, and eliminate from Civil Service certain employment rights (including removal or discipline for cause, return to civil service position, Board rules, and appeals to Board), subject to union bargaining if necessary?

Yes 5,043 Votes

No 6,324 Votes

QUESTION “H”:

City Council’s Acceptance of Election Returns; Election to Fill Vacancy on Council.

Shall the Charter be amended to:

- change timing of City Council’s acceptance of election returns from Election night to the second business day following the official certification of final election returns; and
- change timing of special election to fill vacancy on Council from 35-60 to 35-90 days after vacancy occurs, and establish procedures for filling of vacancy caused by resignation?

Yes 6,257 Votes

No 5,175 Votes

QUESTION “T”:

Reducing Quorum of City Council.

The City Charter provides that in order for the City Council to take action at any Council meeting, a “quorum” of the Council consisting of five of the seven Council members must be present. Shall this “quorum” be reduced from five Council members to four Council members, as authorized by Florida law?

Yes 5,376 Votes

No 6,220 Votes

QUESTION "J":

Changing name of "City Council" to "City Commission".

The City Charter refers to the seven-member governing body of the City of North Miami Beach as the "City Council", and its members as "Mayor and Councilpersons" or "Councilmembers". Shall the Charter be amended to change the name of "City Council" to "City Commission", change the name of its respective members from "Mayor and Councilperson"/ "Councilmembers" to "Mayor and City Commissioners", and to conform all related Charter references to this name change?

Yes 6,156 Votes

No 5,617 Votes

Section 3. In accordance with the above, Question "A" was approved, Question "B" was approved, Question "C" was approved, Question "D" was approved, Question "E" was approved, Question "F" was approved, Question "G" was not approved, Question "H" was approved, Question "I" was not approved, and that Question "J" was approved.

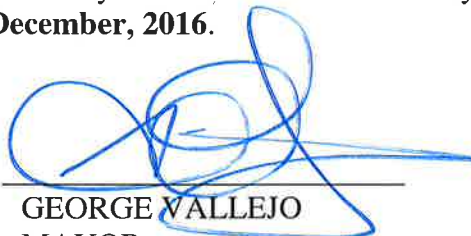
Section 4. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this **6th day of December, 2016.**

ATTEST:



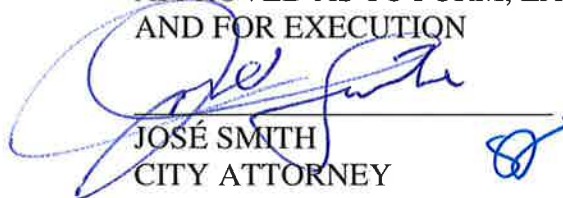
PAMELA L. LATIMORE
CITY CLERK



GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION



JOSÉ SMITH
CITY ATTORNEY

Sponsored by: Mayor and Commission