

RESOLUTION NO. 2023 – 4068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, CALLING A SPECIAL ELECTION ON APRIL 4, 2023 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI SPRINGS, FLORIDA, FIVE CHARTER AMENDMENTS; PROVIDING REQUISITE BALLOT LANGUAGE; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR COPIES; PROVIDING FOR CHARTER AMENDMENT ELECTION PROCEDURES AND RELATED DETAILS; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City Council has determined that certain amendments (the “Charter Amendments”) are needed to the City Charter in order to:

- (1) address candidate qualifying periods in a manner that is consistent with the timelines employed by a number of similarly-situated municipalities by providing for a 10 business day qualifying period instead of a 60-day period;
- (2) update the provisions relating to partial terms of office by providing that an individual who is appointed or elected to fill a vacancy shall not be deemed to have served a full term if the individual holds elective office for less than half of a term and therefore not count against the individual’s term limits;
- (3) fill vacancies by providing that a special election to fill a vacancy be held when more than 180 days remain in the unexpired term and more than 180 days remain prior to a City election (instead of 120 days as is currently the case); and
- (4) fill vacancies created by an irrevocable resignation to run for another office that is effective after a countywide election by providing that the prospective vacancy be filled by election at a countywide primary or general election occurring prior to the effective date of the vacancy; and

WHEREAS, pursuant to the City’s Home Rule powers and Section 6.03 of the Home Rule Charter of Miami-Dade, as applicable, the City is required to submit the Charter Amendments to the electors of the City for approval or rejection.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Calling Special Election. That a special election is hereby called to be held on Tuesday, April 4, 2023, to present to the qualified electors of the City of Miami Springs the ballot questions provided in Section 4 of this Resolution. The City Council may, by resolution, alter the date of the special election in the event that the City Council finds that unforeseen circumstances require it to do so.

Section 3. Charter Amendments. That pursuant to the City’s Home Rule powers and Section 6.03 of the Home Rule Charter of Miami-Dade County, the City Charter of the City of Miami Springs, Florida, is hereby amended by amending Section 3.04(3), “Nominations for office of Mayor and/or Councilmember”; Section 3.06(7), “Election of Mayor and Councilmembers; general and special elections”; and Section 3.07(3), “Vacancies; forfeitures of office; filling of vacancies; extraordinary vacancies”; and to read as set forth in Exhibit A attached hereto and incorporated herein.

Section 4. Form of Ballot.

a. That the form of ballot for the Charter Amendments provided for in Section 3 of this Resolution shall be substantially as follows:

1. CANDIDATE QUALIFYING PERIOD

The Charter provides for a sixty day qualification period for candidates to run for Council. It is proposed that the Charter be amended to provide for a 10 business day qualifying period.

Shall the above-described amendment be adopted?

[] Yes

[] No

2. PARTIAL TERMS OF OFFICE

The Charter provides that serving on the Council for a portion of any term counts towards an individual's term limits. It is proposed that the Charter be amended to provide that an individual appointed or elected to fill a vacancy on the Council for less than half of a term will not be deemed to have served a full term.

Shall the above-described amendment be adopted?

Yes

No

3. PROCESS FOR FILLING VACANCIES

The Charter provides that Council vacancies are filled by appointment, special election, or both depending on whether 120 days remain before the next City election or in the unexpired term. It is proposed that the Charter be amended to increase this threshold from 120 days to 180 days.

Shall the above described amendment be adopted?

Yes

No

4. SPECIAL ELECTIONS TO FILL VACANCIES DUE TO RESIGNATIONS TO RUN FOR ANOTHER OFFICE

Shall the Charter be amended to require that when the Mayor or a Councilmember resigns prospectively to run for another office and the resignation is effective after a countywide election, the vacancy will be filled by special election at a countywide primary or general election occurring before the effective date of the resignation?

Yes

No

5. CHARTER NON-SUBSTANTIVE TECHNICAL UPDATES

Shall the Charter be amended to 1) remove obsolete provisions and 2) reflect non-substantive stylistic and technical changes, along with any amendments needed for conformity, implementation and consistency of Charter amendments?

[] Yes

[] No

- b. That the City Council may revise the ballot form which is set forth above by Resolution; provided, however, that the City Council hereby authorizes the City Manager, in consultation with the City Attorney, to reorder the ballot questions in their discretion without further action of the City Council.

Section 5. Balloting. Balloting shall be conducted on Tuesday, April 4, 2023, between the hours of 7:00 A.M. and 7:00 P.M. at the regular polling places provided for City elections. Absentee balloting shall be available as authorized by law. Early voting pursuant to Section 101.657, Florida Statutes shall be provided. 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 necessary election administration services from the Miami-Dade County Supervisor of Elections. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until the date at which the registration books shall close in accordance with the provision of the general election laws. The City Clerk, with necessary assistance from the Miami-Dade County Supervisor of Elections, is hereby authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this Resolution. This Special Election shall be canvassed by a County Canvassing Board in accordance with any applicable provisions of the general election laws of the State or County. The City Clerk is hereby authorized to take any action which is necessary or expedient to implement this section or to comply with any applicable law.

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 (to-wit: during the week commencing Sunday, February 26, 2023), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, March 12, 2023), and shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2023-4068 A SPECIAL ELECTION HAS BEEN CALLED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA (THE "CITY") TO BE HELD WITHIN THE CITY ON TUESDAY, APRIL 4, 2023 FROM 7:00 AM UNTIL 7:00 P.M. AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI SPRINGS THE FOLLOWING CHARTER AMENDMENTS FOR APPROVAL OR REJECTION:

1. CANDIDATE QUALIFYING PERIOD

The Charter provides for a sixty day qualification period for candidates to run for Council. It is proposed that the Charter be amended to provide for a 10 business day qualifying period.

Shall the above-described amendment be adopted?

Yes

No

2. PARTIAL TERMS OF OFFICE

The Charter provides that serving on the Council for a portion of any term counts towards an individual's term limits. It is proposed that the Charter be amended to provide that an individual appointed or elected to fill a vacancy on the Council for less than half of a term will not be deemed to have served a full term.

Shall the above-described amendment be adopted?

Yes

No

3. PROCESS FOR FILLING VACANCIES

The Charter provides that Council vacancies are filled by appointment, special election, or both depending on whether 120 days remain before the next City election or in the unexpired term. It is proposed that the Charter be amended to increase the threshold from 120 days to 180 days.

Shall the above described amendment be adopted?

Yes

No

4. **SPECIAL ELECTIONS TO FILL VACANCIES DUE TO RESIGNATIONS TO RUN FOR ANOTHER OFFICE**

Shall the Charter be amended to require that when the Mayor or a Councilmember resigns prospectively to run for another office and the resignation is effective after a countywide election, the vacancy will be filled by special election at a countywide primary or general election occurring before the effective date of the resignation?

Yes

No

5. **CHARTER NON-SUBSTANTIVE TECHNICAL UPDATES**

Shall the Charter be amended to 1) remove obsolete provisions and 2) reflect non-substantive stylistic and technical changes, along with any amendments needed for conformity, implementation and consistency of Charter amendments?

Yes

No

The full text of the proposed City Charter Amendments is available at the office of the City Clerk located at City of Miami Springs, 201 Westward Drive, Second Floor, Miami Springs, FL 33166.

**/s/ Erika Gonzalez, MMC
City Clerk”**

Section 7. Copies. That copies of this Resolution proposing the Charter Amendments are on file at the offices of the City Clerk located at City of Miami Springs, City Hall, 201 Westward Drive, Second Floor, Miami Springs, FL 33166, and are available for public inspection during regular business hours.

Section 8. Effectiveness of Charter Amendments.

- a. That each of the Charter amendments which are provided for in Sections 3 and 4 above shall become effective only if the majority of the qualified electors voting on the specific Charter amendment vote for its adoption, and shall be considered adopted and effective upon certification of election results.
- b. That the City 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 City 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 City 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.
- c. That following the adoption of the Charter amendments, the City 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. Subject to the requirements of Section 8 above, it is the intention of the City Council and it is hereby provided that the Charter amendments shall become and be made a part of the Charter of the City of Miami Springs and that the Sections of this Resolution and the proposed Charter Amendments 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 City 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 foregoing Resolution was offered by Councilman Best who moved its adoption. The motion was seconded by Vice Mayor Lob and upon being put to a vote, the vote was as follows:

Vice Mayor George Lob	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Dr. Walter Fajet	<u>ABSENT</u>
Mayor Maria Puente Mitchell	<u>YES</u>

PASSED AND ADOPTED this 23rd day of January, 2023.



MARIA PUENTE MITCHELL
MAYOR

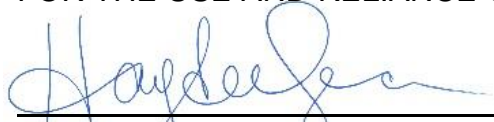
ATTEST:



ERIKA GONZALEZ, MMC
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:



WEISS SEROTA HELFMAN COLE & BIERMANN, P.L.
CITY ATTORNEY

EXHIBIT A

PROPOSED REVISIONS AND AMENDMENTS TO CITY CHARTER

The following document contains proposed revisions and amendments to the City of Miami Springs Charter as proposed by the City Council.

Additions to the text are shown in highlighted underline and deletions are shown in highlighted ~~strikethrough~~.

1 **CHARTER¹**

2
3 **ARTICLE I. POWERS**

4 **Sec. 1.01. General powers.**

5 The city shall have all governmental, corporate, and proprietary powers to enable it
6 to conduct a municipal government, perform municipal functions, and render municipal
7 services, and may exercise any power for municipal purposes except as otherwise
8 provided by law. In order to secure for the city the broad exercise of home rule powers
9 as provided by Article VIII, Section 2(b) of the Constitution of the State of Florida, the
10 provisions of all general laws relating to and governing municipalities generally in the
11 State of Florida are hereby adopted and incorporated herein as though expressly set
12 forth in full, it being intended that all such powers, rights, and limitations be and are
13 hereby granted to the City of Miami Springs.

14 **Sec. 1.02. Construction.**

15 The powers of the city shall be construed liberally in favor of the city, limited only by
16 the constitution, general law, and specific limitations contained herein. Special acts
17 pertaining to the jurisdiction and exercise of powers by the city shall be considered
18 amendments to this charter and, pursuant to the provisions adopted for the
19 incorporation of other charter amendments, shall be incorporated as amendments to the
20 charter. Enumeration of particular powers by this charter shall not be deemed to be
21 exclusive, and in addition to the powers enumerated herein or applied thereby, or
22 appropriated to the exercise of such powers, it is intended that the city shall have and
23 may exercise all powers which, under the constitution of the state, it would be
24 competent for this charter specifically to enumerate.

25 **Sec. 1.03. Powers of City Council.**

26 All powers of the city and the determination of all matters of policy shall be vested
27 in the City Council.

28 **Sec. 1.04. Limitation of powers.**

29 The powers of the city, in addition to limitations imposed by law, are further limited
30 as follows:

- 31 (1) The city may not otherwise dispose of that part of its real property now, or
32 hereinafter held for parks, playgrounds, or other recreational facilities, except
33 by ordinance passed by $\frac{4}{5}$ vote of the City Council, after 2 public hearings.
- 34 (2) The Council shall have and exercise all powers of the city not specifically
35 conferred upon other officers and employees. It may delegate any power

¹Editor's note(s)—The Miami Springs Charter has been converted to the status of an ordinance as of October 1, 1973 by F.S.A. § 166.021(5).

36 except the power to fix the rate of taxes, enact ordinances and resolutions,
37 incur indebtedness, adopt a budget and appropriate money.

38 (3) The Council may, by majority vote after 2 public hearings, change any existing
39 zoning classification within the city, provided that notice of such proposed
40 zoning change shall first be given to the inhabitants of the city in the following
41 manner:

42 (a) Notice of each public hearing shall be published at least 10 days prior to
43 each hearing in a newspaper of general circulation within the city.

44 (b) The entire text of the proposed zoning change shall be posted in a
45 prominent place in public buildings for a period of at least 2 weeks prior to
46 the date of the first newspaper publication, as follows:

47 (1) City hall,

48 (2) Recreation center gymnasium,

49 (3) The field house, and

50 (4) Any other building(s) designated by Council.

51 (c) Notice of the proposed zoning change shall be mailed to the electors of
52 the city in accordance with the then most current voters registration list,
53 which list shall be maintained as available to the public by the City
54 Manager, and the cost of such mailing shall be borne by the applicant for
55 such zoning change.

56 (4) The City of Miami Springs shall not issue ad valorem bonds the outstanding
57 total amount of which shall obligate the city in excess of 15 percent of the
58 assessed valuation of the real property within the City of Miami Springs for the
59 total outstanding amount of said bonds issued by the city.

60 (5) No portion of the Miami Springs Golf and Country Club Property, which is more
61 particularly described in Official Records Book 17843, Pages 4410—4415, of
62 the Miami-Dade County Public Records, shall be leased for any single period
63 in excess of 5 years, re-zoned, sold, or otherwise conveyed, without first being
64 approved and authorized by a majority of the qualified city electors voting in an
65 election to consider any such actions.

66 (6) Any building that includes more than 2 residential dwelling units shall not
67 exceed 3 stories and a maximum of 40-feet in height.

68 (Amend. Ord. 650-80, passed 12-8-80; Amend. Ord. 915-2004, passed 8-23-04; Res.
69 2004-3266, § 2, election of 11-2-04, adopted 11-8-04; Res. 2006-3339, § 2, election of
70 11-7-06, adopted 11-13-06)

71 **Sec. 1.05. Fines and imprisonment.**

72 The City Council by ordinance shall establish uniform fines and penalties for
73 violation of ordinances, rules, and regulations of the city, provided that said fines and
74 imprisonment shall not exceed fines and penalties permitted by general law.

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76 **ARTICLE II. CORPORATE LIMITS**

77 **Sec. 2.01. Corporate limits.**

78 (A) The following area shall constitute the corporate limits of the City of Miami Springs,
79 unless otherwise amended by ordinance.

80 LEGAL DESCRIPTION
81 LIMITS OF CITY OF MIAMI SPRINGS
82 DADE COUNTY FLORIDA

83 BEGIN at the point of intersection of the centerline of the Miami Canal and the
84 South line of Section 20, Township 53 South, Range 41 East of Dade County,
85 Florida; thence run Westerly along the South line of Section 20 and 19, of Township
86 53 South, Range 41 East, to the Southwest corner of said Section 19; thence run
87 Northerly, along the West line of said Section 19 to the Southeast corner of Section
88 24, Township 53 South, Range 40 East; thence run Westerly along the South line
89 of said Section 24 and Section 23 of said Township 53 South, Range 40 East, to a
90 point 50 feet West of the Southwest corner of said Section 24; thence run Northerly,
91 along a line 50 feet West of and parallel to the West line of Section 24 and 13 of
92 Township 53 South, Range 40 East, to the centerline of the Florida East Coast
93 Railroad Main Line; thence run Northeasterly, along the said centerline of said
94 Florida East Coast Railroad Main Line, to a point of intersection with the centerline
95 of the Miami Canal; thence run Southeasterly, along the centerline of the Miami
96 Canal, to the POINT OF BEGINNING.

97 (B) The Charter of the City of Miami Springs Section 2.01 Corporate Limits is hereby
98 amended by adding thereto the following description of real property which has
99 been annexed to the City of Miami Springs pursuant to the provisions of Section
100 5.04 (B) of the Home Rule Charter of Metropolitan Dade County, to wit:

101 A portion of the Northeast quarter of Section 29, Township 53 South, Range 41
102 East, Dade County, Florida, more particularly described as follows:

103 Begin at the Northwest corner of the Northeast quarter of said Section 29;
104 thence run South 1 degree 43 minutes and 5 seconds East along the West line of
105 the Northeast quarter of said Section 29 for a distance of 1307.89 feet to a point;
106 thence run North 88 degree 16 minutes and 55 seconds East for a distance of
107 478.00 feet to a point; thence run North 1 degree 43 minutes and 5 seconds West
108 for a distance of 1.37 feet to a point on curve, said point bears South 5 degree 24
109 minutes and 35 seconds East from the center of said curve; thence run Easterly
110 and Northerly along said curve having a radius of 670.00 feet through a central of
111 46 degree 48 minutes and 30 seconds for an arc distance of 547.36 feet to a point

112 of tangency; thence run tangent to the aforementioned curve North 37 degree 46
113 minutes and 55 seconds East for a distance of 114.00 feet to a point; thence North
114 61 degree 17 minutes and 29 seconds West for a distance of 748.37 feet to a point
115 on a circular curve concave to the Southeast, said point bears North 50 degrees 30
116 minutes and 43 seconds West from the center of said curve; thence run Northerly
117 and Easterly along said curve having a radius of 869.93 feet through a central
118 angle of 29 degrees 21 minutes and 4 seconds for an arc distance of 445.64 feet to
119 the point of tangency; thence run North 68 degrees 50 minutes and 21 seconds
120 East tangent to the aforementioned curve for a distance of 102.07 feet to the point
121 of intersection with the centerline of Northwest South River Drive; thence
122 Northwesterly along the centerline of Northwest South River Drive to a point of
123 intersection with North line of Northeast quarter of said Section 29; thence Westerly
124 along the North line of the Northeast quarter of said Section 29 to the point of
125 beginning.

126 (Amend. Ord. 674-83, passed 2-14-83)

127 (C) The following description of real property is added to the corporate limits:

128 A portion of the Northeast quarter of Section 29, Township 53 South, Range 41
129 East, Dade County, Florida, described as follows: Tract "A"-COMMENCE at the
130 Northwest corner of the Northeast quarter of Section 29, Township 53 South,
131 Range 41 East, Dade County, Florida; thence run North 87 degrees 59 minutes 26
132 seconds East along the North line of said Section 29 for a distance of 50 feet to a
133 point; thence run South 1 degree 43 minutes 05 seconds East along a line parallel
134 to and 50 feet East of the West line of the said Northeast half for a distance of
135 1,307.89 feet to a point; thence run North 88 degrees 16 minutes 55 seconds East
136 for a distance of 69.86 feet to a point being the beginning of a curve concave to the
137 Southeast and having a tangent bearing of North 7 degrees 18 minutes 06 seconds
138 East through said point; thence run Northeasterly along said curve having a central
139 angle of 2 degrees 19 minutes 15 seconds and a radius of 2,817.93 feet for an arc
140 distance of 114.14 feet to the end of said curve; thence run North 9 degrees 37
141 minutes 21 seconds East for a distance of 210.35 feet to the beginning of a curve
142 to the right; thence run Northeasterly along said curve to the right having a radius of
143 919.93 feet through a central angle of 29 degrees 16 minutes 22 seconds for an arc
144 distance of 470 feet to a point; thence run South 61 degrees 17 minutes 29
145 seconds East for a distance of 50.83 feet to a point on a circular curve concave to
146 the Southeast and the point of beginning of the parcel of land herein described;
147 thence continue South 61 degrees 17 minutes 29 seconds East for a distance of
148 748.37 feet to a point; thence run south 37 degrees 46 minutes 55 seconds West
149 for a distance of 114.0 feet to the beginning of a tangential circular curve; thence
150 run in a Southwesterly direction along said circular curve having a radius of 670
151 feet through a central angle of 46 degrees 48 minutes 30 seconds for an arc
152 distance of 547.36 feet to a point, the center of the aforesaid circular curve bears
153 North 5 degrees 24 minutes 35 seconds West from said point; thence run South 1
154 degree 43 minutes 05 seconds East along a line parallel to and 528 feet East of the
155 West line of the Northeast quarter of said Section 29 for a distance of 503.37 feet to

156 a point; thence run South 88 degrees 16 minutes 55 seconds West for a distance of
157 478.0 feet to a point 50 feet East of the West line of the Northeast quarter of the
158 said Section 29; thence run South 1 degree 43 minutes 05 seconds East along a
159 line parallel to and 50 feet East of the West line of the Northeast half of the said
160 Section 29 for a distance of 200 feet to a point of intersection thereof with the
161 Northerly right-of-way line of the Seaboard Airline Railroad; thence run North 83
162 degrees 38 minutes 43 seconds East along the Northerly right-of-way line of the
163 Seaboard Airline Railroad for a distance of 1,065.53 feet to the beginning of a
164 tangential circular curve; thence run in a Northeasterly direction along the
165 Northwesterly right-of-way line of the Seaboard Airline Railroad and along said
166 circular curve having a radius of 855.336 feet through a central angle of 75 degrees
167 31 minutes 15 seconds for an arc distance of 1,127.41 feet to a point of intersection
168 thereof with the Southwesterly right-of-way line of Northwest South River Drive;
169 thence run North 50 degrees 51 minutes 06 seconds West along the Southwesterly
170 right-of-way line of Northwest South River Drive for a distance of 1,360.11 feet to a
171 point; thence run South 68 degrees 50 minutes 21 seconds West for a distance of
172 67.07 feet to the beginning of a tangential circular curve; thence continue in a
173 Southwesterly direction along said circular curve being concave to the Southeast
174 having a radius of 869.93 feet through a central angle of 29 degrees 21 minutes 04
175 seconds for an arc distance of 445.64 feet to the point of beginning of the parcel of
176 land herein described.

177 (Ord. 688-84, passed 2-27-84)

178 **Sec. 2.02. Annexation.**

179 The city, by ordinance, may annex contiguous lands in the manner provided by law.
180 The City of Miami Springs shall not annex any lands outside of the existing boundaries
181 of the City of Miami Springs, without first being approved and authorized by a majority of
182 qualified city electors voting in a election to consider any such action.

183 (Res. 2009-3442, § 2, election of 4-7-09, adopted 4-13-09)

184 **ARTICLE III. ELECTIONS**

185 **Sec. 3.01. Electors.**

186 Any person who is a bona fide resident of the city, who has qualified as an elector
187 of the state, and who registers in the procedural manner prescribed by general law and
188 ordinance of the city, shall be a qualified elector of the city.

189 **Sec. 3.02. Nonpartisan elections.**

190 All nominations and elections for office of City Councilmember and Mayor shall be
191 conducted on a nonpartisan basis without regard for, or designation of political party
192 affiliation of any nominee on any nomination petition or ballot.

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Sec. 3.03. Registration.

- (1) The City Clerk shall be supervisor of elections.
- (2) Elections and maintenance of voters registration lists shall be conducted in accordance with the ordinances of the city and the laws of the State of Florida.

Sec. 3.04. Nominations for office of Mayor and/or Councilmember.

(1) Any person who shall be a qualified elector of the city and who shall have resided in the City of Miami Springs for a minimum of 6 months prior to the day on which the said person seeks to qualify as a candidate for the office of Councilmember or Mayor shall be qualified as a candidate to seek office of Councilmember or Mayor. Any qualified elector of the city may be nominated for Mayor or Councilmember by petition. A petition for this purpose shall be signed by not less than 50 qualified electors and filed with the City Clerk, accompanied by a filing fee of \$25, within the qualifying period. No elector shall sign more than one such petition for each group and should an elector do so, his signature shall be void except as to the petition first filed. The signatures on the nominating petition need not all be subscribed to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of the signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each signer shall indicate next to his signature the date of the signing and the place of his residence. The signature of the circulator of the petition, including the place of his residence shall be notarized in the manner provided by law.

(2) The form of the nominating petition shall be substantially as follows:

"WE, the undersigned electors of the City of Miami Springs, hereby nominate _____ for the office of _____ (Councilmember-Mayor)

Name:
Street and Address:

Address from which last Registered (if different)

Date of Signing:

Statement of Circulator

The undersigned is the Circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be.

231 _____
232 Signature of Circulator

233 _____
234 Address

235 Acceptance of Nomination

236 I hereby accept the nomination for the office of _____ (Councilmember-Mayor)
237 _____ and agree to serve if elected.

238 _____
239 Signature of Candidate

240 (3) The qualifying period for candidates for Mayor or City Council shall be 60-10
241 business days, and the qualifying period shall be closed 45 days. Candidates shall
242 qualify with the City Clerk no earlier than noon on the 77th day and no later than
243 noon on the 67th day prior to the general municipal election. The qualifying period
244 provided for in this section may be modified for a specific election by resolution of
245 the City Council in order to accommodate a request by the Miami-Dade County
246 Supervisor of Elections office or a successor entity or to comply with state or
247 Federal law. Qualifying dates for special elections to fill vacancies on the Council
248 and for Mayor or for other purposes permitted by law shall be established by
249 Resolution of the City Council. Within 5 days after the filing of a nominating petition,
250 the City Clerk shall notify the candidate and the person who filed the petition
251 whether or not it is signed by the required number of qualified electors. If a petition
252 is found insufficient, the City Clerk shall return it immediately to the person who filed
253 it with a statement certifying wherein the petition is insufficient. Within the regular
254 time for filing petitions such a petition may be amended and filed again as a new
255 petition or a different petition may be filed for the same candidate. All petitions shall
256 be preserved by the City Clerk until the results of the election, in which such person
257 so nominated is voted upon, are canvassed, whereupon the petition shall be
258 destroyed.

259 (Amend. Ord. 716-87, passed 1-26-87)

260 **Sec. 3.05. Form of ballots; procedures; voting machines.**

261 The form of ballot including the method of listing candidates, ordinances, charter
262 amendments, propositions, or other matters to be voted upon shall be prescribed by
263 ordinance, or in the absence thereof in accordance with law. All elections shall be
264 conducted by secret ballot. Voting machines shall be used unless otherwise authorized
265 by ordinance. An ordinance or charter amendment or proposition to be voted on shall be
266 presented by title. The ballot title may differ from the legal title of the ordinance, charter
267 amendment or proposition and shall be a clear, concise statement describing the
268 substance of the measure without argument or prejudice. Below the ballot title shall
269 appear the following question: "Shall the above described (ordinance) (amendment)
270 (proposition) be adopted?" Immediately below such question shall appear in the
271 following order the word "For" and also the word "Against" and, in the event a voting

272 machine is not used, sufficient blank space thereafter for the placing of a symbol "X"
273 indicating the voter's choice.

274 **Sec. 3.06. Election of Mayor and Councilmembers; general and special**
275 **elections.**

276 (1) General municipal elections shall be held on the first Tuesday of April on each odd
277 numbered calendar year. The Council may call special elections on other dates to
278 fill vacancies on the Council or for other purposes permitted by law.

279 (2) All candidates for the office of Councilmember shall qualify and stand for election in
280 separate groups (groups I, II, III and IV) as to each Council office. The candidates
281 for Mayor shall qualify and stand for election separate and apart from any Council
282 group.

283 (3) All incumbent officeholders shall hold office until a successor is elected or
284 appointed and duly installed as provided herein.

285 (4) Terms of office.

286 (a) The terms of office for all Councilmembers and Mayor shall be 2 years.

287 (b) The Mayor and Councilmembers in groups III and IV shall be elected at the
288 next general municipal election to be held on the first Tuesday of April, 1975,
289 and at each subsequent general municipal election thereafter. The
290 Councilmembers in groups I and II shall be elected at the general municipal
291 election to be held on the first Tuesday of April, 1977, and at each subsequent
292 general municipal election.

293 (5) The candidate for Mayor and the candidate for each Councilmember group
294 receiving the highest number of votes in the General Municipal Election shall be
295 declared to be elected to office upon the canvassing of the certified election results.

296 (6) The newly elected officials shall be installed in office on the day following their
297 election.

298 (7) No person shall hold elective office or offices longer than a total of 8 consecutive
299 years. The holding of an elective office for a portion of any term shall be deemed as
300 serving the full number of years of the term of the said elective office.
301 Notwithstanding the foregoing, an individual appointed or elected to fill a vacancy
302 on or after April 4, 2023 shall not be deemed to have served a full term if the
303 individual holds elective office for less than half of a term.

304 (8) No candidate shall qualify or run for the office of Mayor and Councilmember in the
305 same election.

306 (Res. 2002-3203, § 2, election of 11-5-02, adopted 11-12-02; Amend. Ord. 915-2004,
307 passed 8-23-04; Res. 2004-3266, § 2, election of 11-2-04, adopted 11-8-04; Res. 2008-
308 3421, election of 11-4-08, adopted 11-24-08)

309 **Sec. 3.07. Vacancies; forfeitures of office; filling of vacancies;**
310 **extraordinary vacancies.**

311 (1) The offices of Councilmembers and Mayor shall become vacant upon death,
312 resignation, election to any other office in the city, removal from office in any
313 manner authorized by law, forfeiture of office, failure to attend City Council
314 meetings for a period of 90 consecutive days, failure to remain a bona fide resident
315 of the city, or if the total consecutive years in office of the elected official exceeds 8
316 years.

317 (2) A Councilmember or Mayor shall forfeit his office if:

318 (a) At any time during the term of office the official lacks any qualification for the
319 office as prescribed by this charter or by law, or

320 (b) The official violates any standard of conduct or a code of ethics established by
321 law for public officials, or

322 (c) Is convicted of a felony or violation of the provisions of this charter.

323 (3) A vacancy on the Council shall be filled in one of the following ways:

324 (a) If there is are less than 120-180 days remaining in the unexpired term or if
325 there is are less than 120-180 days before the next regular city election, the
326 Council, by a majority vote of the remaining members shall choose a
327 successor to serve until the newly elected Councilmember or Mayor is
328 qualified;

329 (b) If there is are more than 120-180 days remaining in the unexpired term and no
330 regular city election is scheduled within 120-180 days, the Council shall fill the
331 vacancy on an interim basis as provided in (a) and shall call a special election
332 to be held within 30 days at the earliest time permitted by law following the first
333 regular meeting of the Council after the occurrence of the vacancy;

334 (c) A majority of the remaining members of the Council shall call an election as
335 provided in (b) notwithstanding that the expiration of the 30-day period
336 provided for in this section occurs within 120 days of the next regular election.

337 Notwithstanding the foregoing, a vacancy in the Council which will be created
338 as a result of an irrevocable resignation to run for another office that is effective
339 after a countywide election in accordance with state law shall be filled by
340 election as if the Councilmember's term were otherwise scheduled to expire.
341 The election shall take place at the next available countywide primary or
342 general election prior to the effective date of the resignation. A person elected
343 to fill such vacancy shall take office on the effective date of the resigning
344 Councilmember's resignation and serve for the remainder of the unexpired
345 term of office.

346 (4) If more than one of the members of the City Council should become appointed
347 rather than elected to office, then the remaining members of the Council, or in the
348 absence thereof, the governor of the state shall call an election to be held not more

349 than 45 days thereafter to permit the registered electors to elect Councilmembers.
350 Appointed Councilmembers may succeed themselves unless otherwise prohibited
351 by the charter or by state laws. If a city or countywide election is scheduled to be
352 held within 120 days from the date on which more than one of the members of the
353 Council became appointive, the Council may elect to defer the required election
354 until the next scheduled city or countywide election.

355 **ARTICLE IV. CITY MANAGER**

356 **Sec. 4.01. Appointment.**

357 (1) There shall be a City Manager who shall be appointed by a $\frac{3}{5}$ vote of the City
358 Council. The City Manager shall be responsible to the Council for the administration
359 of all city affairs placed in his charge by or under this charter or by direction of the
360 City Council.

361 (2) The City Council shall establish by resolution the conditions of employment prior to
362 the applicant assuming the duties of the office of City Manager.

363 (Amend. Ord. 650-80, passed 12-8-80)

364 **Sec. 4.02. Removal; vote of confidence.**

365 (1) The Council may remove the manager at any time by a $\frac{3}{5}$ vote of the City Council.

366 (2) The City Council shall at the first regular meeting in October of each year, cause a
367 vote of confidence to be taken as to the continued services of the City Manager.

368 (Amend. Ord. 650-80, passed 12-8-80)

369 **Sec. 4.03. Compensation; terms of employment.**

370 The compensation and terms of employment of the manager shall be set forth in
371 the resolution appointing the manager.

372 **Sec. 4.04. Residency.**

373 The manager need not be a resident of the city or state at the time of his
374 appointment but may reside outside the city while in office only with the approval of the
375 Council.

376 **Sec. 4.05. City Manager; powers, duties and responsibilities.**

377 (1) The manager shall be the chief administrative officer of the city and shall have the
378 powers, duties, and responsibilities:

379 (a) To insure the compliance with all laws, provisions of this charter, and acts of
380 the Council required to be enforced by the manager or by the officers and
381 employees subject to his direction and supervision.

- 382 (b) To appoint and when he deems it necessary for the good of the service,
383 suspend and remove all city employees and appointive administrative officers
384 provided for by and under this charter, except as otherwise provided by law,
385 this charter, personnel rules or collective bargaining agreements wherein the
386 process of removal may be otherwise provided. He may authorize any
387 administrative officer subject to his direction and supervision, to exercise these
388 powers with respect to subordinates in the officer's department, office or
389 agency.
- 390 (c) To appoint an assistant City Manager.
- 391 (d) To attend all meetings of the City Council with the right to take part in the
392 discussion, but having no vote.
- 393 (e) To recommend to the City Council for adoption, such measures as he may
394 deem necessary or expedient. The Council may adopt, reject, or modify the
395 recommendations. The manager shall be bound by the actions of the Council.
- 396 (f) To submit to the City Council an annual budget and to keep the Council fully
397 advised as to the current financial situation and needs of the city.
- 398 (g) To perform such other duties as are specified in this charter or as may be
399 required by Council.
- 400 (2) Except as otherwise provided by this charter or by general law, the City Manager
401 will be responsible for the supervision and direction of all administrative
402 departments, employees, agencies or offices of the city. All departments, offices,
403 and agencies under the direction and supervision of the manager shall be
404 administered by an officer appointed by and subject to the direction and supervision
405 of the manager. With the consent of the Council the manager may serve as the
406 head of one or more such departments, offices, or agencies or may appoint one
407 person as the head of 2 or more of said departments, offices, or agencies.
- 408 (3) The City Manager shall account to the City Council for the conduct and acts of the
409 several departments, their officers and employees as now existing, or to be
410 created, and he shall have supervision and control of the heads of the said
411 departments and said officers shall be accountable to the City Manager for the
412 conduct and acts of their department.
- 413 (4) The City Manager may at any time require the head of any department of the city
414 now existing or to be created, to submit reports relating to the affairs of the
415 department and may at any time investigate the records and works of the said
416 departments.
- 417 (5) The City Manager may submit oral reports or if requested by a $\frac{3}{5}$ vote of the
418 Council, written reports on the finances and administrative activities of the city and
419 make such other reports as the Council may require concerning the operation of the
420 city departments, offices, and agencies subject to his direction and supervision.
- 421 (Amend. Ord. 650-80, passed 12-8-80)

422 **Sec. 4.06. Absence.**

423 (1) In the event of the temporary absence of the City Manager, the assistant City
424 Manager shall assume the duties, powers, and responsibilities of the City Manager.

425 (2) In the event that the City Manager shall be absent without Council consent, or
426 incapacitated or shall, for any other reason not perform the duties of his office, the
427 Council may declare the office of the City Manager to be vacant by a $\frac{3}{5}$ vote of the
428 Council. The City Council shall appoint by a $\frac{3}{5}$ vote a qualified person to assume
429 the duties of the City Manager.

430 (3) Under no circumstances shall any member of the City Council be eligible for
431 appointment to the office of City Manager, either temporarily or permanently, unless
432 they shall not have served as City Councilmembers or Mayor for 2 years prior to the
433 appointment.

434 (Amend. Ord. 650-80, passed 12-8-80)

435 **Sec. 4.07. (Reserved).**

436 **ARTICLE V. COUNCIL**

437 **Sec. 5.01. Council.**

438 All legislative powers of the city shall be vested in the City Council. The City Council
439 shall be comprised of 5 persons, consisting of 4 Councilmembers and a Mayor, all of
440 whom shall possess the qualifications of an elector of the city.

441 **Sec. 5.02. Meetings of the Council.**

442 (1) The Council shall meet regularly at such time as may be prescribed by its rules or
443 upon the call of the Mayor, or 3 Councilmembers. The Council shall fix its rules of
444 procedure or in the absence of such rules, follow Robert's Rules of Order, and shall
445 act in all matters upon a majority vote except as otherwise specified in this charter.
446 A majority of the Council shall constitute a quorum, but less than a majority may
447 adjourn.

448 (2) Reference to the "City Council" in this charter means 5 members thereof, whether
449 or not present to vote on any matter unless otherwise provided.

450 (Amend. Ord. 650-80, passed 12-8-80)

451 **Sec. 5.03. Compensation of Council.**

452 The compensation of the Council and Mayor shall be fixed by ordinance based
453 upon the level of compensation in effect as of the adoption of this charter and in no
454 event may compensation be increased in excess of 5% of said compensation in any 2-
455 year period. The City Council voting to increase such compensation shall not be eligible
456 therefor until the anniversary date of their election in the last year of their term in office.

457 Should any increase in excess of 5% be considered necessary by the Council in order
458 to maintain a compensation level consistent with general economic conditions, then
459 such proposal shall be submitted to the electorate by referendum. The term
460 compensation as used herein shall be deemed to include both salary and a fixed
461 allowance for expenses to be set forth in the budget.

462 **Sec. 5.04. Prohibitions.**

463 (1) Holding other office. No elected city official shall hold any compensated position, or
464 employment with the city until 2 years after the expiration of the term for which he
465 was elected.

466 (2) Appointments and removals. Neither the Council nor any of its members shall in
467 any manner dictate the appointment or removal of any city administrative officer or
468 employee who the manager or any of his subordinates are empowered to appoint,
469 but the Council may express its view fully and freely and discuss with the manager
470 anything pertaining to appointment and removal of such officers and employees.

471 (3) Interference with administration. The Council or its members shall deal with city
472 officers or employees who are subject to the direction and supervision of the City
473 Manager solely through the manager and neither the Council nor its members shall
474 give any orders to any such officer or employee, either publicly or privately. It is the
475 express intent of this charter that recommendations for improvement in city
476 government operations by individual Councilmembers be made to the City
477 Manager, so that the manager may coordinate the efforts of all city departments to
478 achieve the greatest possible savings through the most efficient and sound means
479 available.

480 (4) The Council may, by resolution, designate one or all of its members as special
481 committees of inquiry to inquire into the conduct of any office or employee of the
482 city, provided, however, that said inquiry shall be reported by written memoranda to
483 the Council and to the manager.

484 (Amend. Ord. 716-87, passed 1-26-87)

485 **Sec. 5.05. Ordinance procedures and adoption.**

486 The uniform method for adoption and enactment of municipal ordinances and
487 resolutions established by general law shall govern all procedures for adoption of
488 ordinances and resolutions except that the following additional requirements shall
489 govern:

490 (1) Every ordinance shall contain the enacting clause "BE IT ORDAINED BY THE
491 COUNCIL."

492 (2) No ordinance shall be amended prior to final passage so as to substantially
493 change the purpose of said ordinance unless the ordinance shall be re-noticed
494 as amended, five days prior to public hearing thereon.

495 (3) The Council may adopt in whole or in part, any published code by reference as
496 an ordinance in the manner provided by law, which shall be maintained in the
497 office of the City Clerk.

498 (4) In order to meet public emergency affecting life, property, or public safety, the
499 Council by $\frac{4}{5}$ vote may adopt an emergency ordinance at any meeting at
500 which it is introduced and may make it effective immediately, except that no
501 such ordinance shall be passed to levy taxes, grant or extend a franchise, or
502 authorize the borrowing of money. After the adoption of an emergency
503 ordinance, the Council shall cause the said ordinance to be published by title in
504 full within 10 days in a newspaper of general circulation within the city.

505 (5) Each ordinance and resolution after adoption shall be given a serial number
506 and shall be entered by the clerk in a properly indexed record kept for that
507 purpose.

508 (6) All city ordinances of general application shall be codified.

509 (Amend. Ord. 650-80, passed 12-8-80)

510 **Sec. 5.06. Public hearing.**

511 Whenever a public hearing is required by the provisions of this charter or any
512 ordinance enacted thereunder, notice of said public hearing shall be published in a
513 newspaper of general circulation within the city within such time as may be designated
514 by law and where the time of notice is not designated, notice of the public hearing shall
515 be published at least 5 days prior to the day upon which the meeting is to be held. In
516 addition to publication, notice of all public hearings shall be posted in a prominent place
517 within the City Hall and in such other places as the City Council may, from time to time,
518 designate. No ordinance shall be finally passed without public hearing where all
519 interested parties may appear and be heard with respect to the proposed ordinance.
520 The definition of public hearing as applied to zoning matters is contained within §1.04,
521 subparagraph 3.

522 **Sec. 5.07. Mayor's powers and duties.**

523 (a) Except as otherwise provided in this charter, the Mayor shall be entitled to all
524 privileges and shall be subject to all restrictions and limitations granted to all other
525 members of the Council.

526 (b) The Mayor shall be the presiding officer at the meetings of the Council and shall
527 bear the title of Mayor and shall have a voice and vote in the proceedings of the
528 City Council, but no veto power. He may use the title of Mayor in any case in which
529 the execution of legal instruments in writing or other necessity arising from the
530 general laws of the state, so requires. He shall sign all deeds, contracts, bonds, or
531 other instruments of writing to which the city is a party when authorized to do so by
532 ordinance or resolution of the City Council. He shall be recognized as the official
533 head of the city by the courts for the purpose of serving civil process and by the

534 governor in the exercise of military law and for all ceremonial purposes. The Mayor
535 shall perform such other duties as may be by ordinance prescribed by the City
536 Council.

537 (Amend. Ord. 714-86, passed 10-13-86)

538 **ARTICLE VI. INITIATIVE, REFERENDUM, AND RECALL**

539 **Sec. 6.01. Initiative.**

540 Qualified voters of the city shall have power to propose ordinances to the Council
541 and, if the Council fails to adopt an ordinance so proposed, to adopt or reject it at city
542 election, provided that such a power shall not be extended to the budget or capital
543 program or to any ordinance relating to appropriation of money, levy of taxes, or
544 salaries of the officers or employees.

545 **Sec. 6.02. Referendum.**

546 The qualified voters of the city shall have the power to require reconsideration by
547 the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so
548 reconsidered, to approve or reject it at a city election, provided that such powers shall
549 not extend to the budget or capital program or to any emergency ordinance or
550 ordinances relating to appropriation of money, levy of taxes, or salaries of city officers or
551 employees.

552 **Sec. 6.03. Recall.**

553 The qualified voters of the city shall have the power to remove from office, any
554 elected official of the city.

555 (a) A recall of an elected official shall be initiated and conducted according to the
556 laws of the State of Florida and this charter, and except as otherwise provided
557 by the laws of the State of Florida, a Councilmember who is subject to recall
558 shall not be eligible to qualify as a candidate in the same election or in any
559 election to fill the remaining term of his office whether or not he shall resign
560 from office prior to the election.

561 (b) If a majority of the qualified electors voting on a recall of an elected city official
562 vote for the recall, that official shall be removed from office upon certification of
563 the election result but such removal shall not constitute a disqualification to run
564 for the same or any other city office in any subsequent election at a later date.

565 **Sec. 6.04. Commencement of proceedings.**

566 Initiative and referendum proceedings shall be commenced and conducted in the
567 manner provided by the laws of the State of Florida and in the absence thereof in
568 accordance with the provisions of this charter. Any 5 qualified voters may commence
569 initiative and referendum proceedings by filing with the City Clerk or other official
570 designated by the Council, an affidavit stating that they will constitute the petitioner's

571 committee and are responsible for circulating the petition and filing it in proper form. The
572 affiants shall state their names and addresses and specify the address to which all
573 notices to the committee are to be sent and shall set out in full the proposed initiative
574 ordinance or cite the ordinance sought to be reconsidered.

575 **Sec. 6.05. Petitions.**

576 (1) Number of signatures. Initiative and referendum petitions must be signed by
577 qualified voters of the city equal in number to at least 15% of the total number of
578 qualified voters registered to vote on the day on which the petition is approved.

579 (2) Form and content. All papers of a petition shall be uniform in size and style and
580 shall be assembled as one instrument for filing. Each signature shall be executed in
581 ink or indelible pencil and shall be followed by the address of the person signing,
582 and date signed. Petitions shall contain or have attached thereto throughout their
583 circulation the full text of the ordinance proposed or sought to be reconsidered.

584 (3) Affidavit of circulator. Each paper of a petition shall have attached to it for filing an
585 affidavit executed by the circulator thereof stating that he personally circulated the
586 paper, the number of signatures thereon, that all of the signatures were affixed in
587 his presence, that each signer of the petition and only such signer had signed the
588 petition, that he believes them to be the genuine signatures of the persons whose
589 names they purported to be and that each signer had had the opportunity before
590 signing to read the full text of the ordinance proposed or sought to be
591 recommended to be reconsidered.

592 (4) Time for filing referendum petitions. Referendum petitions must be filed within 30
593 days after adoption by the Council of the ordinance sought to be reconsidered.

594 **Sec. 6.06. Procedure for filing.**

595 (1) Certificate of clerk; amendment. Within 20 days after an initiative petition is filed or
596 within 5 days after a referendum petition is filed, the City Clerk shall determine the
597 sufficiency of the petition and thereafter prepare, complete, and attach to said
598 petition a certificate as to its sufficiency, specifying if it is insufficient, the particulars
599 wherein it is defective and shall promptly send a copy of the certificate to the
600 petitioner's committee by certified or registered mail. Grounds for insufficiency are
601 specified in § 6.05. A petition certified in-sufficient for lack of the required number of
602 valid signatures may be amended once if the petitioner's committee files a notice of
603 intention to amend it with the clerk within 2 days after receiving the copy of the
604 clerk's certificate. The committee shall file a supplementary petition upon additional
605 papers within 10 days after receiving the copy of said certificate. Such
606 supplementary petition shall comply with the requirements of subsections (2) and
607 (3) of §6.05 and within 5 days after it is filed the clerk shall complete a certificate as
608 to the sufficiency of the petition as amended and promptly send a copy of such
609 certificate to the petitioner's committee by certified or registered mail as in the case
610 of the original petition. The clerk shall promptly present his certificate to the Council

611 and the certificate shall then be a final determination as to the sufficiency of the
612 petition, subject to subsection (2) of this section.

613 (2) Council review. If a petition or amended petition has been certified insufficient, the
614 committee may within 2 days after receiving the copy of such certificate, file a
615 request that it be reviewed by the Council. Council shall review the certificate at its
616 next meeting following the filing of such request and approve or disapprove it, and
617 the Council's determination by a $\frac{3}{5}$ vote of the City Council shall then be a final
618 determination as to the sufficiency of the petition.

619 (Amend. Ord. 650-80, passed 12-8-80)

620 **Sec. 6.07. Referendum petitions; suspension of ordinance.**

621 When a referendum petition is filed with the City Clerk or other official designated
622 by the Council, the ordinance sought to be reconsidered shall be suspended from taking
623 effect. Such suspension shall terminate when:

- 624 (1) There is a final determination of the insufficiency of the petition, or
- 625 (2) The petitioner's committee withdraws the petition, or
- 626 (3) The Council repeals the ordinance, or
- 627 (4) The petition has been defeated at referendum.

628 **Sec. 6.08. Actions on petition.**

629 (1) Action by Council. When an initiative and referendum petition has been finally
630 determined sufficient, the Council shall promptly consider the initiative ordinance in
631 the manner provided in this article or reconsider the referred ordinance by voting its
632 repeal. If the Council fails to adopt a proposed initiative ordinance without any
633 change in substance within 30 days or fails to repeal a referred ordinance within 30
634 days, it shall submit the proposed or referred ordinance to the voters of the city.

635 (2) Submission to the voters. An election to consider a proposed or referred ordinance
636 shall be held not less than 30 days and not later than 60 days from the date that the
637 petition was considered by the Council. If no regular city election is to be held within
638 the period prescribed in this subsection, the Council shall provide for a special
639 election; otherwise, the vote shall be held at the same time as such regular
640 election, except that the Council may, in its discretion, provide for a special election
641 at an earlier date within the prescribed period. Copies of the proposed or referred
642 ordinance shall be made available at the polls.

643 (3) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at
644 any time prior to the fifteenth day preceding the day scheduled for the election by
645 filing with the City Clerk a request for withdrawal signed by at least 4 members of
646 the petitioner's committee. Upon the filing of such request, the petition shall have
647 no further force or effect and all proceedings thereon shall be terminated.

648 **Sec. 6.09. Results of election.**

- 649 (1) Initiative. If a majority of the qualified electors voting on a proposed initiative
650 ordinance vote in its favor, it shall be considered adopted upon certification of the
651 election results, and shall be treated in all respects as an ordinance adopted by
652 Council. If conflicting ordinances are approved at the same election, the one
653 receiving the greatest number of affirmative votes shall prevail to the extent of such
654 conflict.
- 655 (2) Referendum. If a majority of the qualified electors voting on a referred ordinance
656 vote against it, it shall be considered repealed upon certification of the election
657 results.

658 **Sec. 6.10. Conduct of election; amendment.**

- 659 (1) Elections provided hereunder shall be conducted in the manner set forth by the
660 provisions of this charter in relation to elections.
- 661 (2) An ordinance adopted by the electorate through initiatory proceedings shall not be
662 amended or repealed by the Council for a period of one year after the election at
663 which it was adopted, but thereafter it may be amended or repealed in the manner
664 provided by this charter for ordinances generally.

665 **ARTICLE VII. CIVIL SERVICE**

666 **Sec. 7.01. Civil service.**

667 Civil service and personnel procedures and rules governing all appointments,
668 dismissals and benefits of employment in effect upon passage of this charter relating to
669 all city officers and employees (except those specifically exempted therefrom by
670 ordinance or subject to collective bargaining agreements) shall remain in effect for the
671 benefit of the said officers and employees in accordance with the ordinances
672 establishing the civil service, personnel procedures and rules. Civil service ordinances,
673 personnel procedures and rules shall be approved or amended by $\frac{4}{5}$ vote of the City
674 Council.

675 **ARTICLE VIII. OFFICERS; DEPARTMENTS; BOARD; MUNICIPAL COURT**

676 **Sec. 8.01. Appointments; establishing departments.**

- 677 (1) The Council shall by ordinance appoint and prescribe the compensation of the
678 following officers who shall not be members of the Council but who shall serve at
679 the will of the Council: City Manager, City Clerk, City Attorney, and such additional
680 professional assistants as may be necessary and proper in order for the Council to
681 carry out its duties. The City Council shall, at its first regular meeting in March of
682 each year cause a vote of confidence to be taken as to the continued services of
683 said officers and professionals who shall serve at the will of the Council. Vote of
684 confidence as to the City Manager shall be only in accordance with § 4.02(2).

685 (Amend. Ord. 650-80, passed 12-8-80)

686 (2) The City Council shall by ordinance establish all departments as may be deemed
687 necessary in addition to the building and zoning department, recreation department,
688 public works department, finance department, code enforcement department, and
689 police department.

690 (Amend. Ord. 650-80, passed 12-8-80)

691 **Sec. 8.02. City Clerk.**

692 The City Clerk shall be appointed or removed by the Council and shall be the
693 official keeper of the city seal and shall in addition thereof, but not in limitation thereof,
694 perform and be responsible for the following:

695 (1) The City Clerk shall be the supervisor of elections and shall be responsible for
696 the preparation of the ballot and the conduct of all elections of the city.

697 (2) The City Clerk shall appoint such deputy clerks as may from time to time be
698 necessary to carry out the duties of the office.

699 (3) The City Clerk shall attend all meetings of the City Council and shall keep the
700 minutes of all such meetings.

701 (4) The City Clerk shall certify and maintain all permanent official records and
702 archives of the city.

703 (5) The City Clerk shall perform such other duties as required by ordinance or
704 resolution of the City Council or as otherwise provided by this charter.

705 **Sec. 8.03. Board of recreation.**

706 There shall be a system of recreation established within the city. An advisory board
707 of recreation shall be appointed by the Council. Said system shall be regulated by
708 ordinance or resolution adopted by the City Council in accordance with the laws of the
709 State of Florida.

710 **Sec. 8.04. Appointments to more than one office.**

711 Officials appointed by the Council may hold more than one office or employment
712 only with the approval of Council. All other city employees may hold more than one
713 office or employment only with the approval of the City Manager.

714 **Sec. 8.05. Oath of office.**

715 Every officer of the city shall, before entering upon the duties of his office, take and
716 subscribe to the following oath or affirmation, to be filed and kept in the office of the City
717 Clerk:

718 "I solemnly swear (or affirm) that I will support the Constitution and will obey
719 the laws of the United States and of the State of Florida, and I will, in all respects,

720 observe the provisions of the Charter and ordinances of Miami Springs, and will
721 faithfully discharge the duties of the office of _____."

722 **ARTICLE IX. FISCAL MATTERS**

723 **Sec. 9.01. Budget adoption.**

724 (1) Fiscal year. The fiscal year of the city shall commence each October 1, and shall
725 end September 30 of the following year.

726 (2) Budget proposal. Not later than 60 days before the end of each fiscal year, the City
727 Manager shall prepare and submit to the City Council, a proposed budget which
728 shall include all contemplated revenue and expenditures of all city departments,
729 divisions and offices for the ensuing fiscal year. The proposed budget shall be
730 compiled from detailed information supplied by each of the several departments,
731 divisions and offices within the city and shall include so far as possible, but shall not
732 be limited to, the following:

733 (a) A detailed estimate of the expenses of conducting each department, division,
734 or office.

735 (b) Actual expenditures for all appropriation categories for the past 2 years.

736 (c) The total estimated income of the city from taxes and other nontax revenues
737 for the period covered by the proposed budget.

738 (d) The amount required for principal and interest on the city debt for sinking funds
739 and for maturing bonds.

740 (e) Such other information as may be required by the City Council.

741 Copies of the proposed budget shall be submitted to newspapers of general
742 circulation within the city and to each library of the city which is open to the public.

743 **Sec. 9.02. Procedure for adoption; notice and public hearing required.**

744 (1) At the meeting of the Council at which the budget is submitted, the Council shall
745 determine the place and time for a public hearing on the budget and shall cause to
746 be published a notice of the place and time not less than 10 days after the date of
747 the publication at which the Council will hold a public hearing. At the time and place
748 so set, or at any time and place to which such hearing may, from time to time be
749 adjourned, the Council shall hold a public hearing on the budget as submitted, at
750 which all interested persons shall be given an opportunity to be heard for or against
751 the proposals or any item thereof.

752 (2) After the conclusion of such public hearing, the Council may insert new items or
753 may increase or decrease the items of the budget provided, however, that if the
754 total of the proposed expenditures shall be increased, then, in that event, the
755 Council shall cause to be published a notice setting forth the nature of the proposed
756 increase and fixing the place and time not less than 10 days after the date of
757 publication at which the Council will hold a further public hearing thereon. The

758 budget shall be finally adopted by a favorable vote of a majority of all members of
759 the Council not later than September 30, of each year and the millage or rate of
760 taxation necessary to pay all outstanding debts during the ensuing fiscal year shall
761 be fixed.

762 (3) In the event the City Council cannot adopt the budget by September 30 of each
763 year, the Council by resolution may direct that the amounts appropriated for current
764 operation for the current fiscal year be deemed adopted for the ensuing fiscal year
765 for a period of 15 days and thereafter renew said resolution each 15 days until such
766 time as the Council adopts a budget for the ensuing fiscal year.

767 **Sec. 9.03. Appropriations and expenditures.**

768 (1) Upon final adoption of the budget, the several amounts stated therein as proposed
769 expenditures shall be and become appropriated to the several objects and
770 purposes therein named for the appropriate budget year. No liabilities shall be
771 incurred or monies expended by an officer or employee of the city except in
772 accordance with the provisions of the budget or amendments thereto.

773 (2) A copy of the budget as finally adopted shall be certified by the clerk and the City
774 Manager and the certified budget shall be filed for the use of all offices and
775 departments.

776 **Sec. 9.04. Appropriation amendments during the fiscal year.**

777 (1) Transfer of appropriations. Upon the request of the City Manager, the City Council
778 by $\frac{3}{5}$ vote may at any time transfer any part of the unencumbered appropriation
779 balance between general classifications of expenditures within an office or
780 department. At the request of the City Manager the Council may, by resolution,
781 transfer any unencumbered appropriations balance or portion thereof from one
782 office or department to another.

783 (2) Excess revenues. If during the fiscal year revenues in excess of those estimated in
784 the budget are available for appropriation, the Council by ordinance may make
785 supplemental appropriations for the year up to the amount of that excess.

786 (3) Reduction of appropriations. If, at any time during the fiscal year, it appears
787 probable to the manager that the revenues available will be insufficient to meet the
788 amount appropriated, he shall report to the Council without delay, indicating the
789 estimated amount of the deficit, the remedial action taken by him and his
790 recommendations as to any other steps to be taken. The Council shall then take
791 such further action as it deems necessary to prevent or minimize any deficit and for
792 that purpose it may by ordinance reduce one or more appropriations.

793 (4) Limitations. No appropriation for debt service may be reduced or transferred, and
794 no appropriation may be reduced below any amount required by law to be
795 appropriated or by more than the amount of the unencumbered balance thereof.

796 (5) Emergency appropriations. In the event of disaster or other circumstances creating
797 an emergency, the City Council may at any time, in any budget year, make an
798 emergency appropriation for the purpose of repairing damages caused by such
799 disaster or meeting such public emergency to the end that the public health, safety
800 or welfare will be protected. To the extent that there are no available
801 unappropriated revenues to meet such appropriation, the Council may authorize the
802 issuance of emergency notes or certificates of indebtedness or other instruments of
803 indebtedness which may be renewed from time to time. Emergency appropriations
804 and the issuance of instruments of indebtedness shall be by ordinance.

805 (Amend. Ord. 650-80, passed 12-8-80)

806 **Sec. 9.05. Assessments.**

807 (1) In addition to the power of the city to levy and collect taxes as authorized and
808 permitted by general law, the Council may impose and provide for the collection of
809 special assessments against properties specially benefited by improvements,
810 provided that said assessments shall be uniform and equal against all persons and
811 properties.

812 (2) All ordinances levying, assessing and collecting general and special taxes,
813 assessments for special or local improvements, excise and privilege taxes and all
814 other taxes authorized by law shall be directory and any errors, defects, or
815 omissions in the levies, assessments, sales, or proceedings for collection shall be
816 corrected by the City Council at any time necessary to establish the validity thereof.

817 **Sec. 9.06. General obligation bonds.**

818 No general obligation bonds shall be issued by the city unless the issuance of such
819 bonds shall have been approved by the vote of the majority of the electors voting on the
820 issuance of such bonds in a general or special election. Such election shall be called,
821 noticed and conducted and the result thereof determined and declared in the manner
822 required by law.

823 **Sec. 9.07. Revenue bonds.**

824 Revenue bonds issued under the provisions of this act, shall not be deemed to
825 constitute a debt of the city or a pledge of the faith and credit of the city, but such bonds
826 shall be payable solely from the revenues of the project financed thereby. All revenue
827 bonds shall contain a statement on their face as follows:

828 "The City of Miami Springs is not obligated to pay the principal of these bonds
829 or interest thereon except from the funds of the project financed thereby and the
830 faith and credit of the City is not pledged to secure the payment of the said principal
831 and interest of these bonds."

832 The issuance of revenue bonds under the provisions of this act shall not directly or
833 indirectly or contingently obligate the city to levy or to pledge any form of ad valorem

834 taxation whatever or to make any appropriation for their payment from monies derived
835 from ad valorem taxes.

836 **ARTICLE X. GENERAL PROVISIONS**

837 **Sec. 10.01. Separability clause.**

838 The provisions of this act are severable, and it is the intention to confer the whole or
839 any part of the powers herein provided for, and if any of the provisions of this act shall
840 be held unconstitutional by any court of competent jurisdiction, the decision of such
841 court shall not affect or impair any of the remaining provisions of this act. It is hereby
842 declared to be the legislative intent that this act would have been adopted had such
843 unconstitutional provision not been included therein.

844 **Sec. 10.02. Suits against the city.**

845 Notice of claim required.

846 (1) No action shall be maintained against the city for damages arising out of any
847 injury caused or claimed to by any act or omission resulting in such injury
848 unless written notice of claim of injury, giving time, place and circumstances of
849 the injury shall be given to the city within 90 days from the occurrence of the
850 injury or of the discovery of the injury if such injury was caused or is claimed to
851 have been caused by a failure of the city to keep in safe condition any public
852 sidewalk, pavement, street, bridge, building or other improvement to realty
853 owned by the city or for which the city is liable for the maintenance. Such
854 notice shall be given to the Mayor or the City Manager or the City Clerk or the
855 City Attorney.

856 (2) No notice of claim of injury shall be required as a prerequisite to the
857 maintenance of any action against the city in any other tort action other than
858 the specific actions enumerated above.

859 **Sec. 10.03. Standards of ethics; conflict of interest.**

860 All elected officials and employees of the city shall be subject to the standards of
861 conduct for public officers and employees as set by general law. In addition, the Council
862 may, by ordinance, establish a code of ethics for officials and employees of the city
863 which may be supplemental to general law but in no case may an ordinance diminish
864 provisions of general law.