

RESOLUTION NO. 12-31

RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE TOWN ELECTORS FOR APPROVAL OR DISAPPROVAL OF A SERIES OF PROPOSED AMENDMENTS TO THE TOWN CHARTER, AS RECOMMENDED BY THE REPORT OF THE CHARTER REVISION COMMISSION AND AS PROVIDED BY THE TOWN COUNCIL, IN ACCORDANCE WITH SECTION 6.2 OF THE TOWN CHARTER; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION OF THE CHARTER AMENDMENTS TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENTS TO BE HELD ON TUESDAY, THE 6TH DAY OF NOVEMBER, 2012, IN CONJUNCTION WITH THE GENERAL ELECTION BEING HELD ON SAID DATE; PROVIDING FOR VOTING AT THE POLLS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 6.2 of the Town of Cutler Bay Charter, the Charter Revision Commission (the "Charter Commission") has determined that a revision to the Town Charter is needed and has proposed certain amendments (the "Charter Amendments") which are described herein; and

WHEREAS, the Town Council of the Town of Cutler Bay (the "Town Council") desires to place the proposed Charter Amendments provided for in this Resolution on the ballot for the next scheduled general election, which is the November 6, 2012 general election; and

WHEREAS, pursuant to Section 6.2(C) of the Town Charter, the Town Council, after its review and approval of the Charter Amendments proposed by the Charter Commission, shall submit suggested amendments and revisions to the electors of the Town in accordance with the

provisions of Section 6.1 of the Town of Cutler Bay Charter, at the next regularly scheduled election.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

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

Section 2. **Charter Amendments.** That pursuant to Sections 6.1 and 6.2 of the Town of Cutler Bay Charter and Section 6.03 of the Home Rule Charter of Miami-Dade County, and subject to the approval of the electors of the Town as provided in Section 8 of this Resolution, the Town of Cutler Bay Charter is hereby amended by amending the sections described in Parts A through L of this section 2, to read as follows:¹

Part A. That the Town of Cutler Bay Charter is amended, to read as follows:

TOWN OF CUTLER BAY

MUNICIPAL CHARTER

Charter Commission Note - The following is the charter of the town, as adopted by referendum on November 8, 2005, and effective on November 9, 2005. On March 1, 2005, the Miami-Dade County Board of County Commissioners appointed the following residents as members of the ~~(See Section 8.9)~~ Town of Cutler Bay Charter Commission: Edward P. MacDougall, as Chair, Alfonsina Sergio, as Vice-Chair, Delleperche Joseph, as Secretary, Sandra K. Reyes-Nanni, and Eduardo Wolmers. The charter commission was represented by Edward P. Ludovici, Esq. as

legal counsel during the drafting of this charter. The charter commission met during the months of March, April, May, June, July and August 2005 to draft the charter for the town.

PREAMBLE We, the people of the ~~town of (See Section 8.9)~~ Town of Cutler Bay, in order to secure for ourselves the benefits and responsibilities of home rule, in order to provide a municipal government to serve our present and future needs, do hereby adopt this charter.

Part B. That the “Citizen’s Bill of Rights” of the Town of Cutler Bay Charter is amended, to read as follows:

CITIZENS' BILL OF RIGHTS

(13) Representation of Public. The mayor shall endeavor to designate one or more individuals to represent the town at all proceedings before county, state and federal regulatory bodies, significantly affecting the town and its residents.

(14) Misuse of Authority. No elected or appointed town official shall intentionally misuse his or her position to threaten, harass or otherwise attempt to intimidate any other person including but not limited to any citizen, employee or colleague. Nothing herein shall be construed to in any way restrict or restrain rigorous discussion or debate of issues that come before the council or are of importance in the town. Rather, this section is intended to insure that the town’s environment is one in which all citizens, employees and council members may express opinions on public issues or, except as otherwise provided in this charter, express support for candidates for public office without fear of reprisals.

¹ Proposed additions to existing Town Charter text are indicated by underlining; proposed

Part C. That Section 1.1 “Corporate Existence” of the Town of Cutler Bay Charter is amended, to read as follows:

Section 1.1 Corporate Existence.

A municipal corporation resulting from the election authorized by Resolution R-1318-04 adopted on November 30, 2004 by the Miami-Dade County Board of County Commissioners, which permitted the continuing process of incorporation of the area described in Section 1.3 below, originally known as Cutler Ridge ~~and which shall hereafter be known by the name selected for the town pursuant to the process set forth in Section 8.9 herein below (the "town")~~ is hereafter known as the Town of Cutler Bay (the “town”), ~~hereby created~~ pursuant to the Constitution of the State of Florida (the "state") and the Home Rule Charter of Miami-Dade County (the "county"). The corporate existence of the town shall commence November 9, 2005 ~~or such other date as this charter is approved by election.~~

Part D. That Section 1.3 “Corporate Boundary” of the Town of Cutler Bay Charter is amended, to read as follows and to provide for inclusion of the Town-wide map and individual Council district map included in Exhibit “A” to this Resolution:

Section 1.3 Corporate Boundary.

The corporate boundaries of the town are generally described as follows bounded on the North by S.W. 184th Street (the South boundary of the Village of Palmetto Bay), bounded on the

deletions from existing Town Charter text are indicated by ~~strikethrough~~.

South by S.W. 232 Street, bounded on the East by Biscayne National Park and bounded on the West by the South Miami-Dade Transit Corridor (Bus Way) and SW 112 Avenue (Allapattah Road), ~~as shown on the map on page 5.~~ A town-wide map and an individual council district map are adopted as provided below. The legal description for the town is on Appendix “A” attached hereto. In case of a conflict between the legal description and the town-wide map, the legal description shall govern.

Part E. That Section 2.1 “Mayor and Vice-Mayor” of the Town of Cutler Bay Charter is amended, to read as follows:

Section 2.1 Mayor and Vice-Mayor.

(A) Powers of the mayor. The mayor shall preside at meetings of the council and be a voting member of the council. In addition, the mayor shall have the following specific responsibilities:

- (1) The mayor shall present a state of the town address annually.
- (2) The mayor shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for service of process. Notwithstanding the foregoing, major awards or other forms of formal recognition of individuals or entities shall be by the council or any individual councilmember with the majority consent of the council. Proclamation requests by individual councilmembers shall be honored by the mayor.
- (3) The mayor or shall be the official designated to represent the town in all dealings with other governmental entities.

(4) The mayor shall execute contracts, deeds and other documents on behalf of the town as authorized by the council.

(B) Vice-mayor. During the absence or incapacity of the mayor, the vice-mayor shall have all the powers, authority, duties and responsibilities of the mayor.

Part F. That Section 2.2 "Town Council" of the Town of Cutler Bay Charter is amended, to read as follows:

Section 2.2 Town Council.

(a) Powers.

There shall be a town council (the "council ") vested with all legislative powers of the town. The council shall consist of the mayor, vice-mayor, and three residential council members ("council members"). The town council shall have the power to pass all such ordinances and resolutions which are not contrary to this charter, the Home Rule Charter of Miami-Dade County, the Constitution and laws of the State of Florida or the United States of America. The council shall not enact any ordinance or resolution that in any way infringes on the rights of its citizens as outlined in the Citizens' Bill of Rights in this charter. References in this charter to the council and/or council members shall include the mayor and vice-mayor unless the context dictates otherwise. The council may create and appoint committees of the council, which may include non-council members. The members of each committee shall select a chair.

(b) Violation of Town Charter.

In addition to any other remedy provided by law, the council may censure, reprimand or levy fines as a sanction against any member of the council, or town staff member under the council's control, who has been determined by the council to have intentionally violated any provision of this charter, or any explicit directive of the council. The council shall employ the

procedures set forth in Section 2.5 (B)(3) in assessing any fine, censure or reprimand. The council shall establish a fine schedule, by ordinance, within 120 days of the adoption of this section.

Part G. That subsections (A) "Election and Term of Office," (B) "Seats," and (E) "Term Limits" of Section 2.3 "Election, Term of Office and Term Limits" of the Town of Cutler Bay Charter are amended, to read as follows:

Section 2.3 Election, Term of Office and Term Limits.

(A) Election and Term of Office. Except for the initial election and terms of office specified in Article ~~IX~~ VIII, the mayor, vice-mayor and each council member shall be elected at-large for four year terms by the electors of the town in the manner provided in Article V of this charter. Said term shall end upon the swearing in of his/her successor.

(B) Seats. Council members shall serve in seats numbered 1-3 described below, collectively "Seats." Individually each is a "Seat." One council member shall be elected to each seat.

(C) Residential Areas. Seats 1-3. The town shall be divided into three residential areas. Individually each is a "residential area" collectively "residential areas." One council member shall be elected to a seat from each residential area. Council members from residential areas are collectively the "residential area council members" or "district council members". Individually each is a "residential area council member." The residential areas corresponding to each seat are formally set forth below:

(E) Term Limits. No person shall serve as mayor or vice-mayor for more than eight (8) consecutive years. No person may serve on the council for more than eight (8) consecutive years. No person may serve as a combination of mayor, vice-mayor and council member for more than

Twelve (12) consecutive years. Notwithstanding the above the seat 1 council member, the seat 3 council member and the mayor elected in the 2005 election may serve for a maximum of eight (8) years and eight (8) months (until the 2014 election), the seat 2 council member and the vice-mayor elected in the 2005 election may serve for a maximum of six (6) years and eight (8) months (until the 2012 election).

(1) No person shall be eligible to be elected to any office if he or she would not be able to complete the term of office due to the application of this section.

(2) No person who has served the maximum time allowed under the above provisions shall qualify to run for or hold office again for a period of two years.

(3) Except for those members holding office as of April 12, 2012 any member who resigns from office prior to the completion of his or her term of office shall be deemed to have served all four years of the term for the purposes of applying these term limits.

(4) Notwithstanding the above or any provision herein to the contrary, the lengthening of terms caused by the initial staggering of terms or any change in the election date shall not be counted in calculating the 8 or 12 year service limits hereunder.

Part H. That subsections (B) “Forfeiture of office” and (C) “Filling of vacancies” of Section 2.5 “Vacancies; Forfeiture of Office; Filling of Vacancies” of the Town of Cutler Bay Charter are amended, to read as follows:

Section 2.5 Vacancies; Forfeiture of Office; Filling of Vacancies.

(A) Vacancies. The office of a council member shall become vacant upon his/her death, resignation, disability, suspension or removal from office in any manner authorized by law or by forfeiture of his/her office.

(B) Forfeiture of Office

(1) Forfeiture by disqualification. The mayor, vice-mayor or council member, shall forfeit his/her office if at any time during his/her term s/he:

(a) ceases to maintain his/her permanent residence in the town.

(b) in the case of a residential area council member, upon his/her ceasing to reside in his/her respective residential area; a residential area council member shall not forfeit his/her office under this paragraph if, in the process of relocating within a residential area, s/he lives outside of his/her residential area but within the town for a period of no more than 90 days.

(c) intentionally commits any prohibited act pursuant to this charter as determined by a court of law.

(d) otherwise ceases to be a qualified elector of the town.

(2) Forfeiture by absence. Any member of the town council who fails to attend town council meetings without good cause for a period of ~~four~~ (4) three (3) consecutive months, shall immediately be subject to forfeiture of his or her office according to the procedures in Section 2.5(B)(3) of the town charter.

(3) Procedures. The council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a council member's office, including but not limited to whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the council member in question; provided, however,

that any council member may at any time during any duly held meeting move to establish good cause for the absence of him/herself or the absence of any other council member, from any past, present or future meeting(s), which motion, if carried, shall be conclusive. A council member whose qualifications are in question, subject to due process or who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. The council member in question shall be entitled to a public hearing upon request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing. Any final determination by the council that a council member has forfeited his/her office shall be made by a minimum of three council members by resolution. All votes and other acts of the council member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(C) Filling of vacancies. A vacancy on the council shall be filled as follows:

- (1) If less than six months remain in the unexpired term, the vacancy shall be filled by resolution of the council, at its next regularly scheduled meeting.
- (2) If six months or more remain in the unexpired term, the vacancy shall be filled by resolution of the council, at its next regularly scheduled meeting or a special meeting to be held no later than 30 days after the vacancy occurs. The nominee shall fill the vacancy until the next scheduled regular countywide election in Miami-Dade County at which time an election shall be held to fill the vacancy for the balance of the term. However, if the council is unable to confirm a nominee, a special election to fill that vacancy shall be held no later than 90 days following the occurrence of the vacancy.

(3) If the mayor's position becomes vacant, the vice-mayor shall complete the term of mayor, even if said complete term shall cause the vice-mayor to exceed the term limits as specified in Section 2.3 (E). The vacancy of vice-mayor thus created shall be filled in the manner that the vacancy of a council member is generally filled under this article. If the elected mayor shall be returned to office, s/he shall automatically resume the duties of the office for the remainder of the term for which elected, and the vice-mayor shall be returned to complete the balance of his/her term. The appointment of the person to complete the term of the vice-mayor shall be automatically rescinded.

(4) A vacancy in seats 1-3 shall be filled by a qualified elector residing in the respective residential area. A vacancy for vice-mayor shall be filled by any qualified elector of the town.

* * *

Part I. That subsection (1) of Section 3.3 "Powers and Duties of the Town Manager" of the Town of Cutler Bay Charter is amended, to read as follows:

Section 3.3 Powers and Duties of the Town Manager.

The town manager shall:

(1) Be responsible for the appointing, hiring, promoting, supervising and removing of all town employees, and the supervision of all contracted services including but not limited to police, consultants and contracted employees, except the town attorney and town clerk and all of their employees. If the town contracts with another entity for the provision of police services, then the town manager shall be responsible for directing the police commander and shall make all police personnel decisions in conjunction with the police commander.

* * *

Part J. That Section 3.9 “Town Boards, Agencies and/or Committees” of the Town of Cutler Bay Charter is amended, to read as follows:

Section 3.9 Town Boards, Agencies and/or Committees.

The council may establish or terminate such boards, agencies and/or committees as it deems advisable from time to time. The council shall establish procedures for appointing town residents to boards, agencies and/or committees provided however that all appointments shall be for residents at large and shall not be restricted to appointees from particular residential districts, except as otherwise provided by the charter; a non-resident may serve as a non-voting member on a board, agency or committee in such cases where specific qualifications or expertise are required and would otherwise be unavailable. ~~provided however, that a~~ No citizen may serve on more than two such boards, agencies or committees simultaneously. The boards, agencies and/or committees shall report to the council.

Part K. That Section 4.5 “Annual Budget Adoption” of the Town of Cutler Bay Charter is amended, to read as follows:

Section 4.5 Annual Budget Adoption.

* * *

(D) Notice and Hearing. The council shall publish the general summary of the budget and a notice of public hearing as prescribed by general law.

Part L. That Section 6.2 "Charter Revision" of the Town of Cutler Bay Charter is amended, to read as follows:

Section 6.2 Charter Revision.

(A) At its first regular meeting in December 2007, and in December 2011 and thereafter every sixth year, the council shall appoint and fund a charter revision commission (the "commission").

(B) The commission shall consist of five ~~persons~~ residents including one from each of the three residential areas. One appointment shall be made by the mayor, vice-mayor and each district council member. Each district council member shall appoint one (1) person from his or her council district. ~~In addition, the mayor shall appoint one person to the commission who is the vice-mayor or council member who is serving a second consecutive term, who shall serve as a non-voting commission member. In the event a second term vice-mayor or council member is not serving, the mayor may appoint a sitting vice-mayor or council member. The mayor shall not be eligible for appointment to the commission. No town official shall be appointed to serve on a charter revision commission.~~ The commission shall commence its proceedings within 45 days after appointment by the council. No person shall serve as a voting member of a charter revision commission more than two times consecutively.

(C) The commission shall be charged with reviewing each and every section of this charter and make recommendations for change. If the commission determines that an amendment or revision is needed, it shall submit the same to the council no later than July 1st of the year following its appointment. Alternative proposals may be submitted by the charter revision commission and/or by citizen's initiative. The council after its review and approval shall submit suggested amendments and revisions to the electors of the town in accordance with the provisions of section 6.1, at the next regularly scheduled election.

* * *

Section 3. Election Called. That a special election is hereby called, to be held on Tuesday, the 6th day of November, 2012, in conjunction with the general election being held on the same date, to present to the qualified electors of the Town of Cutler Bay, the ballot questions provided in Section 4 of this Resolution.

Section 4. Form of Ballot. That the form of ballot for the Town of Cutler Bay Charter amendments provided for in Section 2 of this Resolution shall be substantially as follows:

“1. Technical and Stylistic Amendments.

It has been proposed that the charter be amended to provide for non-substantive stylistic and technical changes made for clarity, including the correction of scrivener’s errors and consistent usage of names, terms and cross-references within the charter.

Shall the above- described charter amendment be adopted?

[] Yes

[] No

2. Misuse of Authority By Elected or Appointed Town Officials Prohibited.

The charter is proposed to be amended to prohibit elected or appointed town officials from intentionally misusing their positions to threaten, harass or otherwise attempt to intimidate any other person, and to further provide that this limitation is not to be construed to in any way restrict or limit debate and expression of opinions on public issues.

Shall the above- described charter amendment be adopted?

[] Yes

☐ No

3. Town-Wide Map and Council District Map to be Included Within the Town Charter.

The charter currently does not include a Town-wide map and an individual council district map within its body. It is proposed that the charter be amended, to provide for the inclusion of both a Town-wide map and an individual council district map within the body of the charter.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

4. Formal Recognitions to be Made By Council or Individual Councilmember with Majority Consent of Council.

The charter is silent concerning the procedure for awards, proclamations or other forms of recognition. It is proposed that the charter be amended to provide that major awards or other forms of formal recognition shall be made by the town council or any individual councilmember with the majority consent of the town council, and that proclamations proposed by any councilmember shall be honored by the mayor.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

5. Censure, Reprimand and Fines Against Councilmembers and Town Staff for Violating Charter or Council Directives.

The proposed charter amendment provides that the council may censure, reprimand or levy fines against any councilmember or staff member under the council's control determined by the council to have intentionally violated any provision of the charter or explicit directive of the council. The amendment further requires that the council shall establish a fine schedule by ordinance within 120 days of the adoption of this charter amendment.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

**6. Requiring Two-Year Period Before Qualification to Hold Office,
After Person Has Served to Term Limit.**

The proposed charter amendment provides that no person who has served out his or her term limit shall be eligible to serve on the town council again until he or she completes a break in council service of at least two (2) years in length.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

7. Amending the Operation of Term Limits to Additional Terms.

The proposed charter amendment provides that a person shall not be eligible for election to another term as mayor, vice-mayor or councilmember if the applicable term limit would be exceeded at any time during the new term of office.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

8. Amending the Operation of Term Limits to Resignation of Mayor, Vice-Mayor or Councilmember.

The proposed charter amendment provides that a mayor, vice-mayor or councilmember who resigns during a term of office shall be deemed to have served for the entire term of office for term limit purposes. This amendment shall apply prospectively only.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No.

9. Amending the Application of Term Limits Due to Staggered Terms or Changes in Election Dates.

The proposed charter amendment provides that the lengthening of mayor, vice-mayor and councilmember terms caused by the initial staggering of mayor, vice-mayor and councilmember terms, or by any change in an election date, shall not be counted in calculating term limits.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

10. Forfeitures of Office, Appointments to Vacancy, and Councilmember and Vice-Mayor Resumption of Office Following Vacancy.

The proposed charter amendment provides that a councilmember who is absent from council meetings without good cause for three (3) consecutive months is subject to forfeiture of office, with the vacancy filled by appointment until the next scheduled

regular countywide election; and that an elected vice-mayor or councilmember returning to his/her office after his/her vacant seat was filled by appointment shall serve for the remainder of his/her term.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

11. Powers and Duties of Town Manager.

It is proposed that the charter be amended to provide that the town manager shall be responsible for supervising all contracted services, consultants and contracted employees, except the town attorney and town clerk and their employees; additionally, if the town contracts for police services, the town manager shall be responsible for directing the police commander and making police personnel decisions in conjunction with the police commander.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

12. Providing for Non-Resident, Non-Voting Members of Town Boards, Agencies and Committees.

The charter currently does not authorize service by non-residents of the town on town boards, agencies and committees. It is proposed that the charter be amended to provide that a non-resident may serve as a non-voting member on a board, agency or committee in such cases where specific qualifications or expertise are required and would otherwise be unavailable.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

13. Prohibiting Service on Charter Revision Commission by Town Official.

The charter is proposed to be amended to provide that no town official shall be appointed to a charter revision commission.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

14. Restriction on Consecutive Service on a Charter Revision Commission as a Voting Member.

The charter is proposed to be amended to provide that no person shall serve as a voting member of a charter revision commission more than two times consecutively.

Shall the above- described charter amendment be adopted?

☐ Yes

☐ No

Section 5. Balloting. That balloting shall be conducted between the hours of 7:00 a.m. to 7:00 p.m. on the date of the election. Absentee ballots shall be available. Early voting shall be provided in conjunction with the general election. All qualified Town electors who are timely registered in accordance with law shall be entitled to vote. The Town Clerk is authorized to obtain any 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 Town 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 special election shall be canvassed pursuant to Section 5.4 of the Town Charter.

Section 6. Notice of Election. That notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the Town 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, September 30, 2012), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 14, 2012), and shall be in substantially the following form:

“NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO 2012- 31 ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA (THE “TOWN”), A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE TOWN, IN CONJUNCTION WITH THE GENERAL ELECTION, ON TUESDAY, THE 6TH DAY OF NOVEMBER, 2012, AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE TOWN FOR APPROVAL OR REJECTION.

Those certain fourteen (14) proposed amendments to the Town of Cutler Bay Charter, which are commonly referred to by the following ballot titles:

- 1. Technical and Stylistic Amendments.**
- 2. Misuse of Authority By Elected or Appointed Town Officials Prohibited.**
- 3. Town-Wide Map and Council District Map to be Included Within the Town Charter.**
- 4. Formal Recognitions to be Made By Council or Individual Councilmember with Majority Consent of Council.**

5. **Censure, Reprimand and Fines Against Councilmembers and Town Staff for Violating Charter or Council Directives.**
6. **Requiring Two-Year Period Before Qualification to Hold Office, After Person Has Served to Term Limit.**
7. **Amending the Operation of Term Limits to Additional Terms.**
8. **Amending the Operation of Term Limits to Resignation of Mayor, Vice-Mayor or Councilmember.**
9. **Amending the Application of Term Limits Due to Staggered Terms or Changes in Election Dates.**
10. **Forfeitures of Office, Appointments to Vacancy, and Councilmember and Vice-Mayor Resumption of Office Following Vacancy.**
11. **Powers and Duties of Town Manager.**
12. **Providing for Non-Resident, Non-Voting Members of Town Boards, Agencies and Committees.**
13. **Prohibiting Service on Charter Revision Commission by Town Official.**
14. **Restriction on Consecutive Service on a Charter Revision Commission as a Voting Member.**

Polling place information, the enabling Resolution including the full text of the proposed Town of Cutler Bay Charter Amendments and the ballot questions, are available at the office of the Town Clerk located at 10720 Caribbean Blvd., Suite 105, Cutler Bay, Florida 33189.



Town Clerk"

Section 7. Copies. That copies of this Resolution concerning the Town of Cutler Bay Charter amendments are on file at the office of the Town Clerk, located at 10720 Caribbean Blvd., Suite 105, Cutler Bay, Florida 33189, and are available for public inspection, during regular business hours.

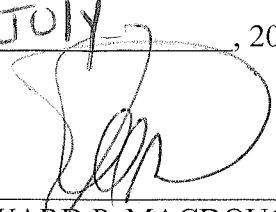
Section 8. Effectiveness. That the Town of Cutler Bay Charter amendments provided for in Section 2 above shall become effective only if the majority of the qualified electors voting on the specific charter amendment vote for its adoption, and it shall be considered adopted and effective upon certification of the election results. Following adoption of the charter amendments, the Town Clerk shall file the adopted charter amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 9. Inclusion in the Charter. That subject to the requirements of Section 8 above, it is the intention of the Town Council and it is hereby provided that the charter amendments shall become and be made a part of the Charter of the Town of Cutler Bay, Florida; that the Sections of this Resolution may be renumbered or relettered to accomplish such intention.

Section 10. Severability. 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. Effective Date of Resolution. That this Resolution shall become effective July 18, 2012.

PASSED and ADOPTED this 18th day of JULY, 2012.



EDWARD P. MACDOUGALL, Mayor


Attest:



Missy Arocha
Interim Town Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:



WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By: Councilmember Mixon
Seconded By: Vice Mayor Sochin

FINAL VOTE AT ADOPTION:

Mayor Edward P. MacDougall	<u>YES</u>
Vice Mayor Ernest N. Sochin	<u>YES</u>
Councilmember Peggy R. Bell	<u>YES</u>
Councilmember Mary Ann Mixon	<u>YES</u>
Councilmember Sue Ellen Loyzelle	<u>YES</u>