

RESOLUTION NO. 2023-09

**A RESOLUTION OF THE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA PROVIDING FOR THE SUBMISSION TO THE VILLAGE ELECTORS OF PROPOSED AMENDMENTS TO THE VILLAGE CHARTER, IN ACCORDANCE WITH SECTION 6.03 OF THE MIAMI-DADE COUNTY CHARTER; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING AN ELECTION ON THE PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO BE HELD ON APRIL 11, 2023; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR BALLOTING; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on November 1, 2022, the Miami Shores (the “Village”) Village Council (the “Council”) established an ad hoc Charter Review Committee for the purpose of examining potential revisions to the Village Charter; and

**WHEREAS**, pursuant to Section 2-33 of the Village Code of Ordinances and Section 6.03 of the Miami-Dade County Charter, the Village Council desires to submit proposed Charter amendments to the electors of the Village for approval or rejection.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF MIAMI SHORES, FLORIDA, AS FOLLOWS:**

**Section 1.**          **Recitals Adopted.** The foregoing recitals are incorporated in this Resolution as if fully set forth herein and made a part hereof by reference.

**Section 2.**          **Charter Amendments.** That, as provided by Section 9 below, and pursuant to Section 2-33 of the Village Code of Ordinances, the Village Charter of Miami Shores Village, Florida, is hereby amended to read as follows:<sup>1</sup>

**PART I - THE CHARTER AND RELATED LAWS SUB-PART A THE CHARTER**

**CITIZENS’ BILL OF RIGHTS**

(1) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient

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<sup>1</sup> Proposed additions to existing Charter text are shown by underlining; proposed deletions from existing Charter text are shown by ~~strikethrough~~. Changes made by Village Council are shown by double underline and ~~double-strikethrough~~.

32 administration management, to make government more accountable, and to ensure  
33 to all persons fair and equitable treatment, the following rights are guaranteed:

34 (a) *Convenient Access.* Every person has the right to transact village business with  
35 a minimum of personal inconvenience. It shall be the duty of the village council  
36 and the village manager to provide, within budget limitations, reasonably  
37 convenient times and places for registration and voting, for required inspections,  
38 and for transacting business with the village.

39 (b) *Truth in Government.* No municipal official or employee shall knowingly furnish  
40 false information on any public matter, nor knowingly omit significant facts when  
41 giving requested information to members of the public.

42 (c) *Public Records.* All audits, reports, minutes, documents and other public records  
43 of the village and its boards, agencies, departments and authorities shall be open  
44 for inspection at reasonable times and places convenient to the public.

45 (d) *Minutes and Ordinance Register.* The village clerk shall maintain and make  
46 available for public inspection an ordinance register separate from the minutes  
47 showing the votes of each member on all ordinances and resolutions listed by  
48 descriptive title. Written minutes of all meetings and the ordinance register shall  
49 be available for public inspection not later than 30 days after the conclusion of  
50 the meeting.

51 (e) *Right to be Heard.* As long as the orderly conduct of public business may be  
52 maintained, any interested person has the right to appear before the village  
53 council or village agency, board or department for the presentation, adjustment  
54 or determination of an issue, request, or controversy within the jurisdiction of the  
55 village. Matters shall be scheduled for the convenience of the public. The village  
56 council shall adopt agenda procedure and schedule hearings in a manner that  
57 will enhance the opportunity for public participation. Nothing herein shall prohibit  
58 any governmental entity or agency from imposing reasonable time limits and  
59 procedures for the presentation of a matter.

60 (f) *Right to Notice.* Persons entitled to notice of a village hearing shall be timely  
61 informed as to the time, place and nature of the hearing and the legal authority  
62 pursuant to which the hearing is to be held. Failure by an individual to receive  
63 such notice shall not constitute mandatory grounds for canceling the hearing or  
64 rendering invalid any determination made at such hearing. Copies of proposed  
65 ordinances or resolutions shall be made available at a reasonable time prior to  
66 the hearing, unless the matter involves an emergency ordinance or resolution.

67 (g) *No Unreasonable Postponements.* No matter, once having been placed on a  
68 formal agenda by the village, shall be postponed to another day except for good  
69 cause shown in the opinion of the village council, board or agency conducting  
70 such meeting, and then only on condition that the affected person shall, upon

71 written request, receive mailed notice of the new date of any postponed meeting.  
72 Failure by an individual to receive such notice shall not constitute mandatory  
73 grounds for canceling the hearing or rendering invalid any determination made at  
74 such hearing.

75 (h) *Right to Public Hearing.* Upon a timely written request from any interested party,  
76 and after presentation of the facts to and approval by the council, a public hearing  
77 shall be held by any village agency, board, department or authority upon any  
78 significant policy decision to be issued by it which is not subject to subsequent  
79 administrative or legislative review and hearing. This provision shall not apply to  
80 the legal counsel of the village nor to any person whose duties and  
81 responsibilities are solely advisory.

82 At any zoning or other hearing in which review is exclusively by certiorari, a party  
83 or his/her counsel shall be entitled to present his/her case or defense by oral or  
84 documentary evidence, to submit rebuttal evidence, and to conduct such cross  
85 examination as may be required for a full and true disclosure of the facts. The  
86 decision of such agency, board, department or authority must be based upon the  
87 facts in the record. Procedural rules establishing reasonable time and other  
88 limitations may be promulgated and amended from time to time.

89 (i) *Notice of Action and Reasons.* Prompt notice shall be given of the denial in whole  
90 or in part of a request of an interested person made in connection with any village  
91 administrative decision or proceeding when the decision is reserved at the  
92 conclusion of the hearing. The notice shall be accompanied by a statement of the  
93 grounds for denial.

94 (j) *Manager's and Attorney's Reports.* The village manager and village attorney  
95 shall periodically make a public status report on all major matters pending or  
96 concluded within their respective areas of concern.

97 (k) *Budgeting.* In addition to any budget required by state statute, the village  
98 Manager at the direction of the council shall prepare a budget showing the cost  
99 of each department for each budget year. Prior to the village council's first public  
100 hearing on the proposed budget required by state law, the village manager shall  
101 make public a budget summary setting forth the proposed cost of each individual  
102 department and reflecting the personnel for each department, the purposes  
103 thereof, the estimated millage cost of each department and the amount of any  
104 contingency and carryover funds for each department.

105 (l) *Quarterly Budget Comparisons.* The village manager shall make public a  
106 quarterly report showing the actual expenditures during the quarter just ended  
107 against one quarter of the proposed annual expenditures set forth in the budget.  
108 Such report shall also reflect the same cumulative information for whatever  
109 portion of the fiscal year that has elapsed.

110 (m) Representation of Public. The Mayor shall endeavor to designate one or more  
111 individuals to represent the village at all proceedings before County, State and  
112 Federal regulatory bodies whose actions may significantly affect the village and  
113 its residents.

114 (n) Natural Resources and Scenic Beauty. It shall be the policy of the village to  
115 conserve and protect its natural resources and scenic beauty, which policy shall  
116 include the abatement of air and water pollution and of excessive and  
117 unnecessary noise, whenever possible.

118 (2) The foregoing enumeration of citizens' rights vests large and pervasive powers in the  
119 citizenry of the village. Such power necessarily carries with it responsibility of equal  
120 magnitude for the successful operation of government in the village. The orderly,  
121 efficient and fair operation of government requires the participation of individual  
122 citizens exercising their rights with dignity and restraint so as to avoid any sweeping  
123 acceleration in the cost of government because of the exercise of individual  
124 prerogatives, and for individual citizens to grant respect for the dignity of public office.

125 (3) All provisions of this Bill of Rights shall be construed to be supplementary to and not  
126 in conflict with the general laws of Florida. If any part of this Bill of Rights shall be  
127 declared invalid, it shall not affect the validity of the remaining provisions.

128 (4) Remedies for violations. Remedies shall be provided in accordance with the Miami-  
129 Dade County Bill of Rights, as may be amended.

## 130 **SUB-PART B RELATED LAWS**

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## 132 **ARTICLE I. IN GENERAL**

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### 135 **~~Sec. 3. Corporate limits.~~**

136 ~~Editor's note(s)—The original boundary description and subsequent annexations are on~~  
137 ~~file in the clerk's office.~~

138 ~~(Laws of Fla. 1955, Ch. 31002, § 1)~~

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### 140 **~~Sec. 4. Annexing lands.~~**

141 ~~Editor's note(s)—The text of this section was deleted as superseded by Section 5.04 of~~  
142 ~~the Dade County Charter.~~

### 143 **~~Sec. 5. Exclusion of lands.~~**

144 ~~Editor's note(s)—The text of this section was deleted as superseded by Section 5.04 of~~  
145 ~~the Dade County Charter.~~

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**ARTICLE II. MUNICIPAL POWERS**

**Sec. 6. General.**

~~Editor's note(s)—The text of this section has been deleted since all powers granted herein are covered by F.S. Ch. 166.~~

**Sec. 7. Taxes.**

~~Editor's note(s)—The text of this section has been deleted as covered by F.S. Ch. 166.~~

**Sec. 8. Public improvements.**

~~Editor's note(s)—The text of this section has been deleted as covered by F.S. Ch. 166.~~

**Sec. 9. Sec. 3. Public utilities.**

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**Sec. 10. Streets and public safety.**

~~Editor's note(s)—The text of this section has been deleted as covered by F.S. Ch. 166.~~

**Sec. 11. Sanitation.**

~~Editor's note(s)—The text of this section has been deleted as covered by F.S. Ch. 166.~~

**Sec. 12. Police.**

~~Editor's note(s)—The text of this section has been deleted as covered by F.S. Ch. 166.~~

**Sec. 13. Paupers.**

~~Editor's note(s)—The text of this section has been deleted as of doubtful constitutionality.~~

**Sec. 14. Regulations and licensing of businesses and prohibition thereof.**

~~Editor's note(s)—The text of this section has been deleted as covered by F.S. Ch. 166.~~

**Sec. 15. Reserved.**

~~Editor's note(s)—Ord. No. 414.79, § 2, adopted Nov. 6, 1979, amended § 15 by deleting the substantive provisions thereof and reserving said section. Prior to amendment by~~

179 Ord. No. 414.79, § 15 granted to the village the right and power to establish and set  
180 apart separate residential areas or restrictions for members of different races, which  
181 provisions were derived from Ch. 26036, Laws of Florida, Acts of 1949.

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183 **Sec. 16. Zoning.**

184 Editor's note(s) — The text of this section has been deleted as covered by F.S. Ch. 166.

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186 **Sec. 17. Dangerous structures.**

187 Editor's note(s) — The text of this section has been deleted as covered by F.S. Ch. 166.

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189 **Sec. 18. Subdivisions, maps, plats.**

190 Editor's note(s) — The text of this section has been deleted as covered by F.S. Ch. 166.

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192 **Sec. 19. Condemnation.**

193 Editor's note(s) — The text of this section has been deleted as covered by F.S. Ch. 166.

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195 **Sec. 20. Fines and imprisonment.**

196 Editor's note(s) — The text of this section has been deleted as covered by F.S. Ch. 166.

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198 **ARTICLE III ARTICLE II, MAYOR, COUNCIL, ELECTIONS, OFFICERS AND**  
199 **EMPLOYEES**

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201 **Sec. 21. Sec. 4. Council number.**

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203 **Sec. 22. Sec. 5. Council terms of office.**

204 (1) The next election of ~~councilmen~~ councilmembers under this charter shall be held on  
205 the third Tuesday in June 1949. Thereafter beginning in 1951 the regular election for  
206 the choice of members of the council shall be held on the second Tuesday in April of  
207 each alternate year.

208 (2) ~~Run-off elections shall be held if necessary.~~ Run-off elections shall be held for  
209 candidates who receive a tie vote. A run-off election shall be held in the same manner  
210 and form as the general municipal election.

211 (3) The term of office of the ~~councilmen~~ councilmember receiving the first and second  
212 highest number of votes shall be four (4) years and the term of office of the  
213 ~~councilman~~ councilmember receiving the third highest number of votes shall be two

214 (2) years. No person shall hold office as ~~councilman~~ councilmember for longer than  
215 a maximum of eight (8) consecutive years.

216 (4) If a vacancy occurs on the council a majority of the remaining members shall appoint  
217 a qualified person to serve until the next regular election. If the vacancy shall occur  
218 as to a ~~councilman~~ councilmember whose term does not expire at the next general  
219 election, then at such next general election, the person receiving the fourth highest  
220 number of votes shall be deemed elected to serve the unexpired term.

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222 (7) Each person running for elected office shall run independently of any other village  
223 candidate, and shall refrain from issuing joint campaign literature. Notwithstanding  
224 the foregoing, this provision shall not prevent village candidates from endorsing other  
225 candidates through other means of communication. This provision shall not be  
226 applicable to third parties, including but not limited to Political Action Committees  
227 (PACs).

228 (8) All elections for the council shall be conducted on a nonpartisan basis. Neither the  
229 ballot nor any campaign literature shall show the party designation of any candidate.  
230 Nonpartisan office means an office for which a candidate is prohibited from  
231 campaigning or qualifying for election or retention in office based on party affiliation.

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234 **~~Sec. 23.~~ Sec. 6. **Elector's qualifications.****

235 Any person who has resided continuously in the village for a minimum of one  
236 (1) year immediately preceding the date of such filing to qualify for the election, ~~has~~  
237 ~~been a resident of Miami Shores Village for six (6) months, who registers in the~~  
238 ~~procedural manner prescribed by general law and the ordinances of the Miami Shores~~  
239 ~~Vvillage, and who has qualified as an elector of this state, shall be a qualified elector~~  
240 ~~of the Miami Shores Vvillage.~~

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242 **~~Sec. 24.~~ Sec. 7. **Nomination for councilmembers ~~councilman.~~****

243 \*\*\*

244 "We, the undersigned electors of Miami Shores Village, hereby nominate \_\_\_\_\_, for  
245 the office of councilmember ~~Councilman.~~

246 *Name, Street and Number Address from which last registered (if different) Date of*  
247 *Signing.*

248 (SPACES FOR SIGNATURE AND REQUIRED DATA)

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250 **~~Sec. 25.~~ Sec. 8. **Election date.****

251 \*\*\*

253 **~~Sec. 26.~~ Sec. 9. Council induction into office, meetings.**

254 Newly elected ~~councilmen~~ councilmembers shall be inducted into office on the first  
255 Tuesday next following their election, after which the council shall meet regularly at such  
256 times as may be prescribed by its rules or upon call of two (2) or more members. All  
257 meetings of the council shall be open to the public. The council shall fix its rules of  
258 procedure, and shall act in all matters upon a majority vote of those present, a majority of  
259 the council being necessary for a quorum, but less than a quorum may adjourn to a  
260 specified time. A minimum of three (3) affirmative votes of the council shall be required  
261 on all matters. A councilmember shall forfeit the right to serve at such time as that member  
262 ceases to be a legal resident of Miami Shores Village.

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264 **~~Sec. 27.~~ Sec. 10. Mayor election.**

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266 **~~Sec. 28.~~ Sec. 11. Recall, initiative and referendum.**

267 \*\*\*

268 **~~Sec. 29.~~ Sec. 12. Delegation of powers by council.**

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270 **~~Sec. 30.~~ Sec. 13. Appointments, establishing departments.**

271 \*\*\*

272 **~~Sec. 31.~~ Compensation of council.**

273 Editor's note—This section was converted to an ordinance by F.S. § 166.021(5). The  
274 portion referring to the equalization or budget adjusting board was deleted as obsolete.  
275 The remainder of the section was transferred to the Code of Ordinances, Miami Shores  
276 Village, Florida, Section 2-32.

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278 **~~Sec. 32.~~ Sec. 14. Area of performance; appointments to more than one office.**

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280 **~~Sec. 33.~~ Sec. 15. Personal interests.**

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282 **~~Sec. 34.~~ Sec. 16. Village manager.**

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284 (4) Keep the council advised of the financial condition and future needs of the village  
285 and make such recommendations as may seem to ~~him~~ desirable;

286 (5) Perform such other duties as may be prescribed by this charter or required of  
287 ~~him~~ by the council.

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289 **Sec. 18. Prohibition on Interference.**

290 Neither the village council nor any of its members shall direct the appointment of  
291 any person to office or employment by the village manager, or in any manner prevent  
292 the village manager from using his or her own judgment in selecting those officers or  
293 employees which they are entitled to appoint or select under provisions of the village  
294 charter or other applicable rules and regulations. In the event the council or any  
295 member thereof gives a direct order to any subordinate of the village manager, either  
296 publicly or privately, which will require the expenditure of substantial time, the  
297 subordinate shall request authorization from the village manager or designee to  
298 proceed to act on the order. Should the authorization from the village manager or  
299 designee not be forthcoming, the subordinate shall take no further action with regard  
300 to the order of the council or councilmember. Nothing herein contained shall restrict  
301 the power of the council at regular or special meetings by formal motion, resolution  
302 or ordinance to establish policies and require compliance therewith by all personnel  
303 in the service of the village.

304 **Sec. 35. Clerk.**

305 ~~Editor's note(s) — This section was converted to an ordinance by F.S. § 166.021(5) and~~  
306 ~~transferred to the Code of Ordinances, Miami Shores Village, Florida, Section 2-46.~~

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308 ~~**Sec. 36. Sec. 19. Police.**~~

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310 ~~**Sec. 37. Court.**~~

311 ~~Editor's note(s) — The text of this section was deleted as superseded by Fla. Const. Art.~~  
312 ~~V, § 20(d)(4).~~

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314 ~~**Sec. 38. Oath of office.**~~

315 ~~Editor's note(s) — This section was converted to an ordinance by F.S. § 166.021(5) and~~  
316 ~~transferred to the Code of Ordinances, Miami Shores Village, Florida, Section 2-8.~~

317

318 ~~**Sec. 39. Bonding employees.**~~

319 ~~Editor's note(s) — This section was converted to an ordinance by F.S. § 166.021(5) and~~  
320 ~~transferred to the Code of Ordinances, Miami Shores Village, Florida, Section 2-9.~~

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322 ~~**Sec. 40. Procedure for passing ordinances.**~~

323 ~~Editor's note(s) — The text of this section has been deleted as superseded by F.S. §~~  
324 ~~166.041.~~

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327 **~~ARTICLE IV. ARTICLE III. FINANCE AND TAXATION; PUBLIC IMPROVEMENTS~~**

328

329 **~~Sec. 41. Suits against the village.~~**

330 Editor's note(s)—~~The text of this section has been deleted as superseded by F.S. §~~  
331 ~~768.28.~~

332

333 **~~Sec. 42. Sec. 20. Fiscal year.~~**

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335 **~~Sec. 43. Budget preparation; expenditures.~~**

336 Editor's note(s)—~~The text of this section has been deleted as superseded by F.S. §§~~  
337 ~~193.023 and 200.065(2)(b) and other sections of the TRIM Act.~~

338

339 **~~Sec. 44. Assessment roll.~~**

340 Editor's note(s)—~~The text of sections 44 through 51 have been deleted as superseded~~  
341 ~~by F.S. § 193.116 and the Dade Metro Charter.~~

342

343 **~~Sec. 45. Budget adoption.~~**

344 Editor's note(s)—~~See editor's note following section 44.~~

345

346 **~~Sec. 46. Tax returns and tax discounts.~~**

347 Editor's note(s)—~~See editor's note following section 44.~~

348

349 **~~Sec. 47. State tax law to apply.~~**

350 Editor's note(s)—~~See editor's note following section 44.~~

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352 **~~Sec. 48. Tax sale notices.~~**

353 Editor's note(s)—~~See editor's note following section 44.~~

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355 **~~Sec. 49. Correcting assessments.~~**

356 Editor's note(s)—~~See editor's note following section 44.~~

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358 **~~Sec. 50. Tax deeds.~~**

359 Editor's note(s)—~~See editor's note following section 44.~~

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~~Sec. 51. Redemption before loss of title by tax deed.~~

Editor's note(s)—See editor's note following section 44.

~~Sec. 52. Sec. 21. Reserved.~~

Editor's note—Res. No. 667-79, § 4, adopted April 17, 1979, declared that Charter Amend. No. 4 was approved by the electorate on April 10, 1979. Said amendment proposed that Art. IV, § 52 be reserved for future use. Prior to amendment, § 52 pertained to sewers, and was derived from Ch. 26036, Laws of Florida, 1949.

~~Sec. 53. Improvements generally.~~

Editor's note(s)—The text of this section was deleted as adequately covered by F.S. Chs. 166, 170 and 180.

~~ARTICLE V. ARTICLE IV. TRANSITIONAL AND MISCELLANEOUS PROVISIONS~~

~~Sec. 22. Sale and lease of municipal property.~~

The sale, exchange, conveyance, lease (including renewal option) of village owned real property shall require approval by a majority vote of electors in a village wide referendum. Notwithstanding the foregoing, this provision shall not be applicable to leases (including renewal options) that are 10 years or less in duration.

~~Sec. 54. Sec. 23. Effect on previous actions of council.~~

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~~Sec. 24. Charter Review Amendments.~~

(1) The Charter may be amended in accordance with the provisions of Section 6.03 of the Home Rule Charter of Miami-Dade County. The village council shall appoint a Charter Review Committee to review and make recommendations regarding potential amendments to the Village Charter, as necessary, but not less than once every ten (10) years.

(2) If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail.

~~Sec. 25. Growth Management.~~

~~(1) Single family character. Future growth, development, and redevelopment in the village shall be compatible with and preserve the village's character as a single family home community, and minimize the intrusion of incompatible development or land uses onto single family residential areas.~~

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~~(2) Height Limit. No building or structure in the village shall exceed 40 feet in height.~~

400 **Sec. 55. Sec. 26. Separability clause.**

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402 **Sec. 56. Sec. 27. Effect of this charter on existing laws.**

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404 **Sec. 57. Sec. 28. Taking effect.**

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406 **SUBPART B RELATED LAWS**

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408 **ARTICLE IV. - EMPLOYEE PENSION FUND**

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410 **Section 3. Election Called.** That an election is hereby called, to be held on April  
411 11, 2023, in conjunction with the general election being held on said date, to  
412 present to the qualified electors of Miami Shores Village, the ballot questions which  
413 are provided in Section 5 of this Resolution

414 **Section 4. Form of Ballot.** That the form of ballot for the Charter Amendments  
415 provided for in Section 2 of this Resolution shall be substantially as follows:

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417 **1. Technical and Stylistic Amendments.**

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419 Currently, the Village Charter contains non-substantive stylistic and technical  
420 inaccuracies that require updates and changes.

421

422 Shall the Charter be amended to reflect non-substantive stylistic and technical  
423 changes made for clarity, including re-naming and numbering of sections and  
424 providing for gender neutrality?

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426 Yes [ ]

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428 No [ ]

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**2. Bill of Rights.**

Currently, the Village Charter does not include a Citizen’s Bill of Rights.

Shall the Charter be amended to include a Citizen’s Bill of Rights that encourages citizen participation within Village government?

Yes [  ]

No [  ]

**3. Run Off Elections.**

Currently, the Charter only provides that a run-off election shall occur when necessary.

Shall the Charter be amended to specify that a run-off election shall be held, in the same manner and form as the general municipal election, for candidates who receive a tie vote?

Yes [  ]

No [  ]

**4. Election Affiliations.**

Currently, the Charter does not include any prohibitions on election affiliation.

Shall the Charter be amended to specify that Village candidates must run independently from any other Village candidate and refrain from issuing joint campaign literature, with the exception that candidates may make endorsements?

Yes [  ]

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No [ ]

**5. Non-Partisan Elections.**

Currently, the Charter does not specify that Council elections shall be conducted on a nonpartisan basis.

Shall the Charter be amended to specify that all Council elections shall be conducted on a nonpartisan basis?

Yes [ ]

No [ ]

**6. Residency Requirement.**

Currently, as one of the election qualifications, the Village Charter requires a person to have resided in the Village for six (6) months prior to running for office.

Shall the Village Charter be amended to require a person to continuously reside in the village for a minimum of one (1) year immediately preceding the date of such filing to qualify for the election?

Yes [ ]

No [ ]

**7. Sale and Lease of Municipal Property.**

Currently, the Village Charter does not require a referendum for the sale of municipal property.

490 Shall the Village Charter be amended to require approval by majority vote of  
491 electors in a Village wide referendum for the sale, exchange, conveyance or  
492 lease and renewal option (greater than ten years) of Village owned real property?  
493

494 Yes [  ]

495

496 No [  ]

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498 **8. Charter Review Amendments.**

499 Currently, the Village Charter does not specify a time-frame for when the Charter  
500 must be reviewed by a Charter Review Committee.

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502 Shall the Village Charter be amended to require the Village Council to appoint a  
503 Charter Review Committee as necessary, but not less than at least once every  
504 ten years.

505

506 Yes [  ]

507

508 No [  ]

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510 **9. Conflicting Charter Amendments.**

511 Currently, the Village Charter does not have a process for when  
512 conflicting proposed amendments are voted upon by the Village electorate.

513

514 Shall the Village Charter be amended to require that if conflicting amendments  
515 be adopted at the same election, the one receiving the greatest number of  
516 affirmative votes shall prevail to the extent of such conflict?

517

518 Yes [  ]

519

520 No [  ]

521 **10. Prohibition on Interference.**

522 Currently, the Village Charter does not include any prohibitions on the Council's  
523 interference with the Village Manager's appointment, removal or activities of  
524 Village employees.

525  
526 Shall the Village Charter be amended to include that neither the Council nor any  
527 of its individual members shall dictate the appointment, removal or activities of any  
528 Village Manager appointed employees, except the Council may make requests  
529 that do not require substantial time of staff?

530  
531 Yes [  ]

532  
533 No [  ]

534 **Section 5. Balloting.** That balloting shall be conducted between the hours of  
535 7:00 A.M. to 7:00 P.M. on the date of the election, and early and absentee balloting  
536 (also known as vote-by-mail ballot) shall also be permitted as provided in  
537 conjunction with the general election. Polling places shall be those polling places  
538 provided for the general election for the electors of the Village, pursuant to  
539 applicable laws. All qualified Village electors who are timely registered in  
540 accordance with law shall be entitled to vote. The Village Clerk is authorized to  
541 obtain any necessary election administration services from the County Supervisor  
542 of Elections. The County registration books shall remain open at the Office of the  
543 County Supervisor of Elections until the date at which the registration books shall  
544 close in accordance with the provisions of the general election laws. The Village  
545 Clerk and the County Supervisor of Elections are each hereby authorized to take  
546 all appropriate action necessary to carry into effect and accomplish the provisions  
547 of this Resolution. This election shall be canvassed by the County Canvassing  
548 Board or as required by law.

549 **Section 6. Notice of Election.** That notice of said election shall be published in  
550 accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation  
551 within the Village at least 30 days prior to said election, the first publication to be



552 in the fifth week prior to the election, and the second publication to be in the third  
553 week prior to the election, and shall be in substantially the form:

554 NOTICE OF ELECTION

555 PUBLIC NOTICE IS HEREBY GIVEN THAT  
556 PURSUANT TO RESOLUTION **NO.**  
557 2023-09 ADOPTED BY THE VILLAGE COUNCIL  
558 OF MIAMI SHORES, FLORIDA, AN ELECTION  
559 HAS BEEN CALLED AND ORDERED TO BE  
560 HELD WITHIN THE VILLAGE, IN  
561 CONJUNCTION WITH THE GENERAL  
562 ELECTION ON APRIL 11, 2023 BETWEEN  
563 THE HOURS OF 7 A.M. AND 7 P.M. AT WHICH  
564 TIME THE FOLLOWING CHARTER  
565 AMENDMENT PROPOSALS SHALL BE  
566 SUBMITTED TO THE QUALIFIED ELECTORS OF  
567 THE VILLAGE FOR APPROVAL OR REJECTION:

564 **1. Technical and Stylistic Amendments.**

565  
566 Currently, the Village Charter contains non-substantive  
567 stylistic and technical inaccuracies that require updates and  
568 changes.

569  
570 Shall the Charter be amended to reflect non-substantive  
571 stylistic and technical changes made for clarity, including re-  
572 naming and numbering of sections and providing for gender  
573 neutrality?

574  
575 Yes [ ]

576  
577 No [ ]

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**2. Bill of Rights.**

Currently, the Village Charter does not include a Citizen’s Bill of Rights.

Shall the Charter be amended to include a Citizen’s Bill of Rights that encourages citizen participation within Village government?

Yes [  ]

No [  ]

**3. Run Off Elections.**

Currently, the Charter only provides that a run-off election shall occur when necessary.

Shall the Charter be amended to specify that a run-off election shall be held, in the same manner and form as the general municipal election, for candidates who receive a tie vote?

Yes [  ]

No [  ]

**4. Election Affiliations.**

Currently, the Charter does not include any prohibitions on election affiliation.

Shall the Charter be amended to specify that Village candidates must run independently from any other Village

611 candidate and refrain from issuing joint campaign literature,  
612 with the exception that candidates may make endorsements?

613  
614 Yes [ ]

615  
616 No [ ]

617  
618 **5. Non-Partisan Elections.**

619 Currently, the Charter does not specify that Council elections  
620 shall be conducted on a nonpartisan basis.

621  
622 Shall the Charter be amended to specify that all Council  
623 elections shall be conducted on a nonpartisan basis?

624  
625 Yes [ ]

626  
627 No [ ]

628  
629 **6. Residency Requirement.**

630 Currently, as one of the election qualifications, the Village  
631 Charter requires a person to have resided in the Village for six  
632 (6) months prior to running for office.

633  
634 Shall the Village Charter be amended to require a person to  
635 continuously reside in the village for a minimum of one  
636 (1) year immediately preceding the date of such filing to  
637 qualify for the election?

638  
639 Yes [ ]

640  
641 No [ ]

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**7. Sale and Lease of Municipal Property.**

Currently, the Village Charter does not require a referendum for the sale of municipal property.

Shall the Village Charter be amended to require approval by majority vote of electors in a Village wide referendum for the sale, exchange, conveyance or lease and renewal option (greater than ten years) of Village owned real property?

Yes [  ]

No [  ]

**8. Charter Review Amendments.**

Currently, the Village Charter does not specify a time-frame for when the Charter must be reviewed by a Charter Review Committee.

Shall the Village Charter be amended to require the Village Council to appoint a Charter Review Committee as necessary, but not less than at least once every ten years.

Yes [  ]

No [  ]

**9. Conflicting Charter Amendments.**

Currently, the Village Charter does not have a process for when conflicting proposed amendments are voted upon by the Village electorate.

672 Shall the Village Charter be amended to require that if  
673 conflicting amendments be adopted at the same election, the  
674 one receiving the greatest number of affirmative votes shall  
675 prevail to the extent of such conflict?

676  
677 Yes [ ]

678  
679 No [ ]

680  
681 **10. Prohibition on Interference.**

682 Currently, the Village Charter does not include any  
683 prohibitions on the Council's interference with the Village  
684 Manager's appointment, removal or activities of Village  
685 employees.

686  
687 Shall the Village Charter be amended to include that neither  
688 the Council nor any of its individual members shall dictate the  
689 appointment, removal or activities of any Village Manager  
690 appointed employees, except the Council may make requests  
691 that do not require substantial time of staff?

692  
693 Yes [ ]

694  
695 No [ ]

696  
697 **Section 7. Copies.** That copies of this Resolution concerning the Charter  
698 Amendments are on file at the office of the Village Clerk located at 10050 NE 2<sup>nd</sup>  
699 Ave, Miami Shores, Florida 33138 and are available for public inspection during  
700 regular business hours.

701  
702 **Section 8. Effectiveness.**

703 A. That the Charter amendments which are provided for in Section 2 and 3 above,  
704 and are presented by ballot summaries in Section 5 above, shall become  
705 effective only if the majority of the qualified electors voting on the specific  
706 Charter amendment vote for its adoption, and it shall be considered adopted  
707 and effective immediately upon certification of election results and shall be  
708 applicable from and after the date of the Charter Amendment election which is  
709 set forth above, unless expressly stated otherwise.

710 B. That following the adoption of the Charter amendments, the Village Clerk shall  
711 file the adopted Charter amendments with the Clerk of the Circuit Court of  
712 Miami-Dade County, Florida.

713  
714 **Section 9. Inclusion in the Charter.** That subject to the requirements of  
715 Section 9 above, it is the intent of the Village Council and it is hereby provided that  
716 the Charter amendments shall become and be made a part of the Charter of the  
717 Miami Shores Village, Florida; and that the sections of this Resolution may be  
718 renumbered or relettered to accomplish such intention. That the Village Attorney  
719 is authorized to reconcile and conform charter provisions in the event that not all  
720 proposed amendments are approved by the voters.

721 **Section 10. Severability.** That the provisions of the Charter Amendments set  
722 forth above are severable, and if any clause, sentence, paragraph or section  
723 thereof is adjudged invalid by any court of the competent jurisdiction, the remaining  
724 provisions shall continue to be effective to the fullest extent possible.

725 **Section 11. Effective Date.** This Resolution shall become effective immediately  
726 upon its adoption.

727 **PASSED AND ADOPTED** this 7th day of February, 2023.

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731 SANDRA HARRIS  
732 MAYOR

733 ATTEST:  
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YSABELY RODRIGUEZ  
VILLAGE CLERK

APPROVED AS TO FORM:



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WEISS SEROTA HELFMAN COLE + BIERMAN P.L.  
VILLAGE ATTORNEY