

## AGENDA TAB 2

### TERM LIMITS: PROPOSED ALTERNATIVE CHARTER AMENDMENTS

- **Page 2 - Option A** – *Replaces existing “8 consecutive years” with “two (2) consecutive terms” as the term limit for Council members. Provides that “term of office” is met when a Council member’s service has not exceeded 50% of a term.*
- **Page 3 - Option B-1** - *Deletes “8 consecutive years” term limit for all Council members and substitutes instead term limit for “2 consecutive terms” for Council persons and “2 consecutive terms” for Mayor. Retains mandatory 2-year break in service after serving term limit. Retains existing related Charter provisions (service on Council due to filling vacancy on Council as excluded from term limit (unless such service exceeds 50% of term)).*
- **Page 5 - Option B-2** - *Deletes “8 consecutive years” term limit for all Council members and substitutes instead term limit of “2 terms” for Councilpersons and “2 terms” for Mayor. Deleting “consecutive” term limits will create a lifetime ban for service on the City Council to 2 terms as Mayor and 2 terms as Councilperson. Under this proposed lifetime ban, the Charter’s existing mandatory 2-year hiatus after serving the “consecutive” term limit would no longer be applicable, and is deleted. Retains existing related Charter provisions re: service on Council due to filling vacancy on Council as excluded from term limit (unless such service exceeds 50% of term).*

**OPTION "A"**

- Replaces existing "8 consecutive years" with "two (2) consecutive terms" as the term limit for Council members.
- Provides that "term of office" is met when a Council member's service has not exceeded 50% of a term:

**PROPOSED CHARTER TEXT:**

"...Commencing with the May 2011 general elections for groups 1, 3, 5, and 7 and with the May 2013 general elections for groups 2, 4, and 6, no person may serve as Councilperson or Mayor or any combination thereof for more than ~~eight (8) consecutive years in office~~ two (2) consecutive terms[A1], not including time served as a member of the Council as a result of having filled a vacancy in the Council pursuant to Section ~~4.5~~ 4.5 of the North Miami Beach City Charter, so long as such time served in filling a vacancy does not exceed 50% of that subject term. Service by a Council member in excess of 50% of any term of office (including those terms provided for in Charter Section 4.1[A2]) shall be considered a full term for purposes of the term limit provisions in this section. After being out-of-office for two (2) years, he/she may run again. Members of the Council shall serve until their successors are elected and qualified. ..."

**PROPOSED BALLOT LANGUAGE:**

**City Council Member's Service in Excess of 50% of Term Constituting Full Term of Office.**

The City Charter establishes a four-year term of office for members of the City Council, with a term limit of eight consecutive years, not including time served for filling a vacancy on the Council. Shall the Charter be amended to establish that service by a Council member (including by filling vacancy) in excess of 50% of a term shall constitute a full "term"?

Yes \_\_\_\_\_

No \_\_\_\_\_

OPTION "B-1[A3]"

- Deletes "8 consecutive years" term limit for all Council members and substitutes instead term limit of "2 consecutive terms" for Councilpersons and "2 consecutive terms" for Mayor.
- Retains mandatory 2-year break in service after serving term limit; and
- Retains existing related Charter provisions (service on Council due to filling vacancy on Council as excluded from term limit (unless such service exceeds 50% of term):

PROPOSED CHARTER TEXT:

"...Commencing with the May 2011 general elections for groups 1, 3, 5, and 7 and with the May 2013 general elections for groups 2, 4, and 6, no person may serve as Councilperson or Mayor or any combination thereof for more than eight (8) consecutive years in office the term limit for Councilpersons shall be two consecutive four-year terms and the term limit for Mayor shall be two consecutive four-year terms, not including time served as a member of the Council as a result of having filled a vacancy in the Council pursuant to Section 4.5 of the North Miami Beach City Charter, so long as such time served in filling a vacancy does not exceed 50% of that subject term. Service by a Council member in excess of 50% of any term of office (including those terms provided for in Charter Section 4.1) shall be considered a full term for purposes of the term limit provisions in this section.

No person who has served two consecutive terms as Councilperson or two consecutive terms as Mayor shall be eligible to qualify for election, or be elected, to that particular office again unless there is an intervening two-year period during which he/she does not serve as Councilperson or Mayor, after which such time he/she may run again. After being out of office for two (2) years, he/she may run again. No person who has served two consecutive terms as Councilperson immediately followed by two consecutive terms as Mayor (or vice-versa) shall be eligible to qualify for election, or be elected, to office as a City Council member unless there is an intervening two-year period during which he/she does not serve as Councilperson or Mayor, after which such time he/she may run again. Members of the Council shall serve until their successors are elected and qualified. ..."

**OPTION "B-1[A4]"**

**PROPOSED BALLOT LANGUAGE:**

**Amending Incumbent/Future City Council Member's Term Limit Provisions.**  
The Charter establishes a term limit of "eight consecutive years" for all Council members elected since 2011 and 2013, requiring two years break in service before running again. Shall the Charter be amended affecting such incumbent/future Council members, by:

- deleting "eight consecutive years" limit,
- providing instead separate term limits of "two consecutive four-year terms" for Councilpersons and "two consecutive four-year terms" for Mayor,
- retaining two-year break to conform to said change.

Yes \_\_\_\_\_

No \_\_\_\_\_

### OPTION "B-2"

- **Deletes "8 consecutive years" term limit for all Council members and substitutes instead term limit of "2 terms" for Councilpersons and "2 terms" for Mayor.**
- **Deleting "consecutive" term limits will create a lifetime ban for service on the City Council to 2 terms as Mayor and 2 terms as Councilperson. Under this proposed lifetime ban, the Charter's existing mandatory 2-year hiatus after serving the "consecutive" term limit would no longer be applicable, and is deleted.**
- **Retains existing related Charter provisions re: service on Council due to filling vacancy on Council as excluded from term limit (unless such service exceeds 50% of term).**

### PROPOSED CHARTER TEXT:

"...Commencing with the ~~May~~ 2011 general elections for groups 1, 3, 5, and 7 and with the ~~May~~ 2013 general elections for groups 2, 4, and 6, ~~no person may serve as Councilperson or Mayor or any combination thereof for more than eight (8) consecutive years in office~~ the lifetime term limit for Councilpersons shall be two four-year terms and the lifetime term limit for Mayor shall be two four-year terms, not including time served as a member of the Council as a result of having filled a vacancy in the Council pursuant to Section 4.5 of the North Miami Beach City Charter, so long as such time served in filling a vacancy does not exceed 50% of that subject term. Service by a Council member in excess of 50% of any term of office (including those terms provided for in Charter Section 4.1) shall be considered a full term for purposes of the term limit provisions in this section. After being out of office for two (2) years, he/she may run again. Members of the Council shall serve until their successors are elected and qualified. ..."

**OPTION "B-2"**

**PROPOSED BALLOT LANGUAGE:**

**Amending Incumbent/Future City Council Member's Term Limit Provisions.**

The Charter establishes a term limit of "eight consecutive years" (two four-year terms) for all Council members elected since 2011 and 2013, requiring two years break in service before running again. Shall the Charter be amended affecting such incumbent/future Council members, by:

- deleting "eight consecutive years" limit/ two-year service break; and
- providing instead separate absolute lifetime term limits of "two four-year terms" for Councilpersons and "two four-year terms" for Mayor?

Yes \_\_\_\_\_

No \_\_\_\_\_

### AGENDA TAB 3

#### **CIVIL SERVICE BOARD:**

- **Page 8 - Recommended Provision** - *Change timing of Civil Service Board's hearing on employee's request for appeal from 15 to 30 days after such request, and repeal Board's powers to give examinations and promotions, appoint/designate a "Chief Examiner", and issue subpoenas/enforce by contempt. Move Charter provisions concerning "Civil Service", "Classified Service", and "Political Activity" from the Charter into the City Code, allowing for their amendment via ordinance instead of referendum.*

**CIVIL SERVICE RECOMMENDED CHARTER PROVISIONS.**

Shall the Charter be amended to:

- change timing of Civil Service Board’s hearing on employee’s request for appeal from 15 to 30 days after such request, and repeal Board’s powers to give examinations and promotions, appoint/designate a “Chief Examiner”, and issue subpoenas/enforce by contempt; and
- move Charter provisions concerning “Civil Service”, “Classified Service”, and “Political Activity” from the Charter into the City Code, allowing for their amendment via ordinance instead of referendum.

**ARTICLE XIII**~~ARTICLE~~<sup>[JS5]</sup> **VIII - DEPARTMENT OF PERSONNEL**<sup>[JS6]</sup>~~-Civil Service Board; Pensions.~~

~~Sec. 73. — Director.~~

~~The city council shall establish a department of personnel, the director of which may be the city manager, or the city manager may appoint a qualified person as such director.~~

~~Sec. 74. — Duties.~~

~~The department of personnel shall maintain records relating to the employees of the City of North Miami Beach, including qualifications, employment classification, salary, leave and attendance and such other information as the city manager or the city council may require. It shall provide for the giving of examinations or other determination of qualifications as herein provided, and shall make periodic reports as may be required by the city manager, the city council or the civil service board. The department shall administer the provisions of the civil service system of the City of North Miami Beach.~~

~~Sec. 75. — Civil service.~~

~~The civil service of the City of North Miami Beach shall be divided into the classified and the unclassified service. The unclassified service shall consist of the city manager and one secretary of his choosing, heads of departments herein provided, or as hereafter created by the city council, the city attorney, the city auditor appointed by the city council, all elected officials, members of appointive boards, and employees of the legal department; provided, however, that employees of the legal department, other than the city attorney, may be included in the classified service by and with the consent of the city council. All other employees of the city shall be members of the classified service. Department heads, other than those persons to be selected by the city council as herein authorized, shall be appointed by the city manager. For the first six (6) months any such appointment shall be provisional only and thereafter~~

department heads shall be appointed for one year and may be reappointed for successive periods of one year each during which time they shall be removable only for cause. Provided, however, a city manager and a department head who has served the City of North Miami Beach as such for a period of five (5) or more years at the time of any reappointment hereunder shall be reappointed for a term of two (2) years during which time he may be removed only for cause, notwithstanding the provisions of section 32 of this Charter[A7].

Sec. 76. ~~Classified service.~~

~~The classified service shall be divided into a competitive class, a noncompetitive class and a labor class. The competitive class shall include all positions and employment for which it is practicable to determine the relative fitness of applicants by competitive examination. The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational nature as determined by the rules of the civil service board. The labor class shall consist of ordinary unskilled labor. Any person promoted from classified service to the position of department head shall maintain all of his rights under civil service and retain the highest rating achieved by him prior to such promotion, and shall be entitled to reemployment at such rating upon ceasing to be a department head, unless removed for cause authorizing removal under civil service[A8].~~

~~Sec. 77~~**Sec. 8.1. - Civil Service Board-Created.**

There shall be a Civil Service Board composed of seven (7) members selected as herein provided. The Board shall make and adopt reasonable rules and regulations governing the administration of civil service of the City of North Miami Beach, including but not limited to, provision for appointments to the classified service, suspension, removal, leave, merit rating, promotion, demotion, appeals and other such matters as the Board may deem necessary to the operation of the civil service. ~~The board shall provide for the giving of examinations and for promotions based on records or merit, ability, efficiency, character, conduct and seniority.~~ Rules and regulations adopted by the Board shall be submitted for approval by the City Council. If approved, the rules and regulations shall become effective immediately or as otherwise provided therein. Should the City Council object to any rule or regulation, such objection shall be stated in writing and the rule or regulation shall be returned to the Board together with the objections of the City Council for further consideration of the Board. The Board shall revise such rules or regulations and resubmit same for approval of the City Council. Should the City Council again refuse to approve same, it shall not become effective. All rules and regulations must receive final approval by the City Council before becoming effective. The Board shall provide a method of selection of personnel to the noncompetitive classified service based on qualifications relating to education, experience, character and such other factors as the Board may by regulation determine.

**Sec. 78. -- Sec. 8.1.1 Composition of Board.**

A. Five (5) members of the Civil Service Board shall be appointed by the City Council, and shall be qualified electors of the City of North Miami Beach. They shall not, during the term for which they are appointed, be employed in any manner by the City of North Miami Beach. Two (2) employees of the classified service in the City of North Miami Beach shall be elected in the manner provided by regulations of the Board to serve as members of the Board. A quorum of the Board for any purpose shall consist of four (4) members, at least three (3) of whom shall be members appointed by the City Council. Members shall be appointed for staggered terms of two (2) years each. Appointments to fill vacancies shall be for the unexpired term only. Members shall serve until their successors are appointed and qualified.

B. The employee members shall each be elected from different departments under the government of the City and shall serve for terms of two (2) years, and until their successors are elected and qualified. Any vacancy in employee membership shall be filled by special election in the manner provided by regulations of the Board, if such vacancy shall occur more than three (3) months prior to the end of the term. Terms of appointed and elected members shall commence on June 1st of the year in which appointed or elected and end May 31st of the year in which such terms are scheduled to expire. The personnel aide to the director of personnel or employee serving in that capacity or function, shall also be the secretary for the civil service commission or board and may act as examiner or chief examiner but only upon the recorded request of the commission.

~~(c) The chief examiner shall be chosen by the members of the civil service board from among the members of the board, excluding the employee representatives. The term of the chief examiner shall be one year commencing on May 1 of each year. Should a vacancy occur in the chief examiner's position prior to the expiration of a term, the board shall make an appointment for the balance of that term. Should an appointment be made for a period of less than nine months, the chief examiner shall be eligible for reappointment for the succeeding one-year term. If the chief examiner serves for a period of nine months or more, he or she shall not be eligible for reappointment as chief examiner for a succeeding term.~~

**Sec. 79. -- Sec. 8.1.2 Appeals.**

Pursuant to regulations of the Board, the City Manager may suspend, demote or otherwise discipline any employee in the classified service, except employees in the legal department, who may be disciplined by the City Attorney. Such action shall be for cause only as specified in writing and delivered to the employee. Within thirty (30) days of such action, the employee may appeal the action of the City Manager or the City Attorney to the Civil Service Board and a hearing shall be afforded by the Board within

~~fifteen (15)~~ thirty (30) days from the taking of the appeal, unless further time be requested by the employee and allowed by the Board. The Board shall review the causes for such action and if the charges, in the opinion of the Board, be sustained as sufficient and established, action shall be affirmed. If the charges shall be deemed insufficient or unfounded, the employee shall be reinstated with no loss of pay or other rights. The Board shall have the power to ~~issue subpoenas to witnesses,~~ require the production of books and other records and administer oaths to persons testifying in any proceedings hereunder. The provisions of this section shall apply to matters of demotion, salary decrease or any other matter concerning which an employee may feel himself aggrieved. The Board shall have the power to modify any decision of the City Manager or City Attorney and impose such punishment for violation of its rules as may be in such ruler provided. ~~The board shall have the power to punish for contempt committed in its presence, which power may be enforced in the county court as for a violation of a city ordinance.~~

~~Sec. 80. — Political activity.~~

~~No person in the classified service, or seeking admission thereto, shall be appointed, promoted, demoted, removed, or in any way favored or discriminated against because of political opinion or affiliation. No officer or employee of the city shall directly or indirectly solicit or receive any assessment, subscription or contribution for any candidate for political office in the City of North Miami Beach. No person holding a position in the classified service shall take part in any political campaign for election to office in the City of North Miami Beach in any manner whatsoever, other than to cast his vote or express privately his opinion. Provided, however, the provisions of this section shall not apply to elected officials of the City of North Miami Beach[A9].~~

~~Sec. 81, Sec. 8.2 - Pensions.~~

The City Council shall by ordinance provide for a pension and retirement system for employees of the City in the classified service. The fund established for such purpose may receive gifts, devises, bequests or other donations for the benefit of the fund. The City Council may provide for the administration of the fund and the rate of contribution thereto by employees, and may make such contribution from public money of the City as it may deem necessary or appropriate. The City Council shall have the power to make contracts of insurance with any insurance company, authorized to do business in the State of Florida, insuring the employees of the City, or any class or classes thereof, under a policy or policies of group insurance covering life, health, accident, and annuity insurance, or any of them. Premiums on any such contract shall be deemed paid for a municipal purpose.

**AGENDA TAB 4**

**BALLOT QUESTIONS:**

**BALLOT QUESTIONS** *–Included with recommended changes identified.*

- **Page 13 - PROPOSED MEASURES RELATED TO CHARTER REVIEW COMMITTEE RECOMMENDATIONS.**
- **Page 15 - PROPOSED MEASURES UNRELATED TO CHARTER REVIEW COMMITTEE.**

**CITY ATTORNEY'S PROPOSED BALLOT MEASURES (revised)<sup>1</sup>**

**PROPOSED MEASURES RELATED TO CHARTER REVIEW  
COMMITTEE RECOMMENDATIONS:**

➤ **Repeal of Existing City Charter and Adoption of New City Charter.**

Shall the North Miami Beach City Charter be repealed and replaced by a new Charter reflecting municipal home rule powers granted by Florida's Constitution and Statutes, incorporating non-substantive stylistic changes, deleting obsolete/redundant language otherwise addressed by State law, restructuring City's Codebook by moving Charter-designated City Departments (excluding Legal and Police[A10]) and Canvassing Board provisions into City Code, while retaining "Boundary" description", "Citizen's Bill of Rights", "Form of Government", and "Initiative/Referendum"?

Yes \_\_\_\_\_

No \_\_\_\_\_

➤ **Reducing Number of Regular City Council Meetings.**

Shall the City Charter be amended to reduce the number of regular City Council meetings from twice monthly to no less than 11 monthly meetings per year, with schedule and number of meetings to be established by City Resolution?

Yes \_\_\_\_\_

No \_\_\_\_\_

➤ **City Manager.**

Shall the City Charter be amended to clarify and further define the existing powers and duties of the City Manager and to also delete certain restrictions and limitations regarding qualifications and hiring of City Manager and include instead provisions granting the City Council greater flexibility in determining qualifications and terms and conditions of the City Manager's employment?

Yes \_\_\_\_\_

No \_\_\_\_\_

---

<sup>1</sup> The City Council is advised to discuss as well the order in which its approved ballot measures shall appear on the Special Election ballot.

➤ **City Attorney and City Clerk.**

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

Yes \_\_\_\_\_  
No \_\_\_\_\_

➤ **Civil Service Charter Provisions[A11].**

Shall the City Charter be amended to:

- change timing of Civil Service Board’s hearing on employee’s request for appeal from 15 to 30 days after such request, and repeal Board’s powers to give examinations and promotions, appoint/designate a “Chief Examiner”, and issue subpoenas/enforce by contempt; and
- move Charter provisions concerning “Civil Service”, “Classified Service”, and “Political Activity” from the Charter into the City Code, allowing amendments by ordinance instead of referendum.

Yes \_\_\_\_\_  
No \_\_\_\_\_

➤ **Change of City’s General Election Date and Delete Runoff Election.**

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

Yes \_\_\_\_\_  
No \_\_\_\_\_

**PROPOSED MEASURES UNRELATED TO CHARTER REVIEW  
COMMITTEE:**

➤ **City Council's Acceptance of Election Returns and Scheduling of Election to Fill Council Vacancy[A12].**

Shall the City Charter be amended to:

- change timing of the City Council's acceptance of election returns from Election night to the second business day following the certification of final election returns; and
- change time by which the City Council must schedule an election to fill a vacancy on the Council from 35-60 to 35-90 days after such vacancy occurs?

➤ **City Council Member's Service in Excess of 50% of "Term" Constituting Full Term of Office.**

The City Charter establishes a four-year term of office for members of the City Council, with a term limit of eight consecutive years, not including time served for filling a vacancy on the Council. Shall the Charter be amended to establish that service by a Council member (including by filling vacancy) in excess of 50% of a term shall constitute a full "term"?

Yes \_\_\_\_\_

No \_\_\_\_\_

**AGENDA TAB 5**

**OTHER RECOMMENDATIONS:**

- **Page 17 - Quorum** – *Discussion pertaining to Florida Statute section 166.041, and City's policy decision pertaining to quorum of governing body.*
- **Page 22 - Vacancy** – *Filling of vacancy on Council due to resignation.*

### QUORUM:

City Charter section 25, reads in relevant part, as follows:

“A quorum of the city council at any regular or special meeting shall consist of five members. **The required number for a quorum at any regular or special meeting of the council shall be reduced by the number of vacancies on the city council at the time of such meeting.** The affirmative vote of a majority of the members present shall be required upon any matter submitted for consideration of the council. Any number less than a quorum may convene any regular or duly called special meeting ....” (Res. No. 64-16, § 8, 2-13-64)

Although the Charter Review Committee voted to not change the above Charter provision, the City Attorney suggests that the City Council reconsider this issue. Florida Statute section 166.041 establishes a uniform procedure for the enactment of municipal ordinances and resolutions which is applicable to, and cannot be lessened or reduced by, municipalities in the state[A13]—section 166.041 provides in relevant part: “A majority of the members of the governing body shall constitute a quorum. An affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution; except that two-thirds of the membership of the board is required to enact an emergency ordinance.” The ‘quorum’ portion of City Charter section 25 may be deleted[A14] from the Charter, as having been nullified and repealed pursuant to s. 166.021(4), Florida Statute.

**West's F.S.A. § 166.021**

**166.021. Powers  
Effective: July 1, 2011**

\* \* \*

(4) The provisions of this section shall be so construed as to secure for municipalities the broad exercise of home rule powers granted by the constitution. It is the further intent of the Legislature to extend to municipalities the exercise of powers for municipal governmental, corporate, or proprietary purposes not expressly prohibited by the constitution, general or special law, or county charter and to remove any limitations, judicially imposed or otherwise, on the exercise of home rule powers other than those so expressly prohibited. However, nothing in this act shall be construed to permit any changes in a special law or municipal charter which affect the exercise of extraterritorial powers or which affect an area which includes lands within and without a municipality or any changes in a special law or municipal charter which affect the creation or existence of a municipality, the terms of elected officers and the manner of their election except for the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates, the distribution of powers among elected officers, matters prescribed by the charter relating to appointive boards, any change in the form of government, or any rights of municipal employees, without approval by referendum of the electors as provided in s. 166.031. Any other limitation of power upon any municipality contained in any municipal charter enacted or adopted prior to July 1, 1973, is hereby nullified and repealed.

\* \* \*

**West's F.S.A. § 166.041**

**166.041. Procedures for adoption of ordinances and resolutions**

**Effective: July 1, 2012**

(1) As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(a) "Ordinance" means an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) "Resolution" means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(2) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

(3)(a) Except as provided in paragraph (c), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(b) The governing body of a municipality may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of paragraph (a) of this subsection. However, no emergency ordinance or resolution shall be enacted which establishes or amends the actual zoning map designation of a parcel or parcels of land or that changes the actual list of permitted, conditional, or prohibited uses within a zoning category. Emergency enactment procedures for land use plans adopted pursuant to part II of chapter 163 shall be pursuant to that part.

(c) Ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (a). Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances initiated by the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

1. In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the governing body shall direct the clerk of the governing body to notify by mail each real property owner

whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

b. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the municipality is published less than 5 days a week. The advertisement shall be in substantially the following form:

#### NOTICE OF (TYPE OF) CHANGE

The (name of local governmental unit) proposes to adopt the following ordinance: (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the map must be part of the online notice required pursuant to s. 50.0211.

c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of any public hearing on the proposed ordinance.

**(4) A majority of the members of the governing body shall constitute a quorum. An affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution; except that two-thirds of the membership of the board is required to enact an emergency ordinance. On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided therein.**

(5) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the governing body.

(6) The procedure as set forth herein shall constitute a uniform method for the adoption and enactment of municipal ordinances and resolutions and shall be taken as cumulative to other methods now provided by law for adoption and enactment of municipal ordinances and resolutions. By future ordinance or charter amendment, a municipality may specify additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than contained herein. However, a municipality shall not have the power or authority to lessen or reduce the requirements of this section or other requirements as provided by general law.

(7) Five years after the adoption of any ordinance or resolution adopted after the effective date of this act, no cause of action shall be commenced as to the validity of an ordinance or resolution based on the failure to strictly adhere to the provisions contained in this section. After 5 years, substantial compliance with the provisions contained in this section shall be a defense to an action to invalidate an ordinance or resolution for failure to comply with the provisions contained in this section. Without limitation, the common law doctrines of laches and waiver are valid defenses to any action challenging the validity of an ordinance or resolution based on failure to strictly adhere to the provisions contained in this section. Standing to initiate a challenge to the adoption of an ordinance or resolution based on a failure to strictly adhere to the provisions contained in this section shall be limited to a person who was entitled to actual or constructive notice at the time the ordinance or resolution was adopted. Nothing herein shall be construed to affect the standing requirements under part II of chapter 163.

(8) The notice procedures required by this section are established as minimum notice procedures.

**FILLING VACANCY ON COUNCIL DUE TO RESIGNATION:**

**PROPOSED AMENDMENTS TO CHARTER SECTION 19 TEXT:**

“Vacancies in elective offices of the City of North Miami Beach shall be filled by the city council pending the next general election, at which an election to fill the vacancy shall be held for the unexpired term. Provided, however, that should any vacancy occur more than one year prior to the next general election, the council shall have no power to fill the same; it shall be filled by a special election to fill the vacancy for the unexpired term, to be held not less than 35 days nor more than ~~60~~ 90 days after such vacancy has occurred except that if the vacancy is due to resignation and a City or County-wide election is scheduled to be held during the intervening period from the resignation’s filing date with the City Clerk up to and including the resignation’s effective date, the special election to fill the vacancy for the unexpired term as of the resignation’s effective date shall occur (subject to consent of the County Elections Department and City’s ability to comply with laws concerning time periods for calling elections) at either such City or County-wide election[A15]. Any person who has been appointed or elected to fill a vacancy due to resignation filed pursuant to Florida Statute section 99.012 shall be installed and take office following the date the resigning official would take office, if elected; any person who has been appointed or elected to fill a vacancy due to resignation not filed pursuant to Florida Statute section 99.012 shall be installed and take office following the effective date set forth in said resignation. When a vacancy is filled by the city council, it shall be done in such manner as shall be provided by the rules of the council, or as provided by separate ordinance. Provisions related to a Special Election called pursuant to this section, including the qualifying period, shall be established in the City Resolution calling the Special Election.”

**FILLING VACANCY ON COUNCIL DUE TO RESIGNATION:**

**PROPOSED BALLOT LANGUAGE:**

**City Council's Acceptance of Election Returns and Election to Fill Vacancy on Commission**

Shall the Charter be amended to:

- change timing of City Council's acceptance of election returns from Election night to the second business day following certification of final election returns; and
- amend provisions governing Special Elections to fill a vacancy on the Council by changing the time for Council's scheduling of such election from 35-60 to 35-90 days after vacancy occurs, and establishing specific procedures for the filling of vacancy caused by resignation.

Yes \_\_\_\_\_

No \_\_\_\_\_