

ORDINANCE NO. 06-82

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, CREATING A NEW CHAPTER OF THE TOWN CODE TO INCLUDE PROCEDURES FOR TOWN CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 5, 2000, the Town of Miami Lakes (the “Town”) Charter was adopted by referendum; and

WHEREAS, Section 6.1(a) of the Town Charter requires the Town Council to adopt by ordinance, a procedure for amending the Town Charter.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted.

The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Charter Amendments.

A new Chapter of the Town Code, entitled Charter Amendment Procedure is created to read as follows:

**Chapter
Charter Amendment Procedure**

Sec. 1 Purpose.

Pursuant to Town Charter Section 6.1, this Code Section shall prescribe the method of proposing Charter amendments to the Town’s electors in a manner consistent with the provisions of Section 5.03 of the Miami-Dade County Charter (the “County Charter”).

Sec. 2 Charter Amendment proposed by Town Council.

The Town Council may propose amendments to the Charter at any time by Council resolution. Alternative proposals may be submitted by the Town Council. The Council resolution shall provide the full text of the proposed Charter amendment, the proposed ballot question, the form for publication of the notice of election, and shall call the election for a date certain, in accordance with applicable law.

Sec. 3 Charter Amendment proposed by the Charter Revision Commission.

In the event that the Charter Revision Commission (the "Commission") submits a proposed amendment or revision to the Charter, including alternative proposals, pursuant to Town Charter Section 7.4, the Town Council shall propose such amendments to the Charter by Council resolution. The Council resolution shall provide the full text of the proposed Charter amendment, the proposed ballot question, the form for publication of notice of election, and shall call the election for a date certain, in accordance with applicable law.

Sec. 4 Charter Amendment Proposed by Electors.

(1) A Charter amendment proposed by the Electors of the Town, as authorized by County Charter Section 5.03 shall be presented to the Town Council. The Town Council, upon finding that the proposed amendment conforms with this Section and County Charter Section 5.03, shall propose such amendments to the Charter by Council resolution. The Council resolution shall provide the full text of the proposed Charter amendment, the proposed ballot question, the form for publication of notice of election, and shall call the elections for a date certain, in accordance with applicable law.

(2) Where a lawful petition for amendment of the Town Charter is certified by the Miami-Dade County Supervisor of Elections as having sufficient signatures of qualified electors to submit the Charter amendment to the Town's electorate, which petition contains the essential ingredients of the proposed Charter amendment but does not contain a draft of the full text of the proposed Charter amendment, it shall be the responsibility of the Town to have drafted the proposed Charter amendment pursuant to the following methods and guidelines:

- a. The Town Attorney shall be empowered to draft the full text of the Charter amendment proposal upon finding that the petition contains the essential ingredients of the proposed Charter amendment.
- b. In drafting the Charter amendment proposal, the Town Attorney shall seek to relate the proposal to the existing Charter grammatical organizations, ie: articles, sections and subsections, where the same are identifiable from the petition contents. Said Charter amendment draft shall show additions through

underlined language and deletions by language which is stricken through, in the usual Town legislative format.

- c. The full text of the proposed Charter amendment shall be drafted clearly in order to convey the expressed intent of the petition.
- d. Where an existing article, section, subsection or other grammatical subdivision is not identified in the language of the Charter amendment petition, the Charter amendment proposal drafted may contain new articles, sections, subsections and other subdivisions.

Section 3. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance 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 Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Inclusion in the Code.** It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Town of Miami Lakes; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Mary Collins, who moved its adoption on second reading. The motion was seconded by Vice Mayor Robert Meador, and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	yes
Vice Mayor Robert Meador, II	yes
Councilmember Roberto Alonso	yes

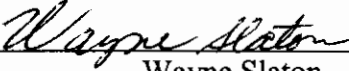
Councilmember Mary Collins	yes
Councilmember Dorothy Cook	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	yes

PASSED AND ADOPTED on first reading this 11th day of April, 2006.

The foregoing Ordinance was offered by Councilmember Nancy Simon, who moved its adoption on second reading. The motion was seconded by Vice Mayor Robert Meador, and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	yes
Vice Mayor Robert Meador, II	yes
Councilmember Roberto Alonso	yes
Councilmember Mary Collins	yes
Councilmember Dorothy Cook	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	yes

PASSED AND ADOPTED on second reading this 9th day of May, 2006.




Wayne Slaton
MAYOR

ATTEST:



Debra Eastman, MMC
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Weiss, Serota, Helfman, Pastoriza,
Cole & Boniske, P.A.
TOWN ATTORNEY