

**RESOLUTION NO. 2016-51**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016 FOR THE PURPOSE OF SUBMITTING TO THE VOTERS, A BALLOT QUESTION TO EITHER AFFIRM OR REJECT THE REFERENDUM APPROVED AT THE SEPTEMBER 5, 2006 SPECIAL ELECTION TO BURY THE UTILITY LINES THROUGHOUT THE VILLAGE; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

**WHEREAS**, at a Special Election held on September 5, 2006, the electorates of North Bay Village voted for a capital improvement project to bury the utility lines throughout the City, financed by issuing a maximum of \$9,100,000 in general obligation bonds, such bonds bearing interest not exceeding maximum legal rate, maturing within 30 years, and being payable from *ad valorem* taxes levied on all taxable property in the City, with the understanding that the residents also may be responsible for paying for their own electrical upgrades and hookup; by a vote of 232 for the project and 201 against the project; and

**WHEREAS**, with the length of time that has passed and the financial impact of the program, the Village Commission finds that it is in the best interest of the residents of North Bay Village to decide whether or not to proceed with the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:**

**SECTION 1.**

In accordance with the provisions of the North Bay Village Charter and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in North Bay Village, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 8, 2016, for the purpose of submitting to the voters a ballot question to affirm or reject burying the utility lines throughout the Village.

**SECTION 2.**

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with Miami-Dade County's certification of the results of said Special Election being accepted by the Village Commission. The official returns for each precinct shall be furnished to the Village Clerk of North Bay Village as soon as the ballots from all precincts have been tabulated.

**SECTION 3.**

Said voting precincts in the Village of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which, the official registration books show that the said electors reside. A list of the voting precincts and the polling places therein (subject to change by the Supervisor of Elections of Miami-Dade County, in accordance with the laws of Florida) is included herewith.

Precinct 016  
Pelican Harbor Marina  
1275 N.E. 79<sup>th</sup> Street  
Miami, FL 33138

Precinct 017  
Treasure Island Elementary School  
7540 East Treasure Drive  
North Bay Village, FL

**SECTION 4.**

Registration of persons desiring to vote in the Special Election shall be in accordance with the general laws of the State of Florida governing voter registration. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87<sup>th</sup> Avenue, Miami, FL 33172, Telephone: (305) 499-8683.

**SECTION 5.**

Copies of the subject ballot questions shall be made available to the electors at the office of the Village Clerk from 9:00 a.m. to 5:00 p.m. each day no later than thirty days prior to the date of said election.

**SECTION 6.**

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in North Bay Village, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes.

**SECTION 7.**

The notice of election shall be substantially in the following form:

NORTH BAY VILLAGE, FLORIDA

NOTICE OF SPECIAL ELECTION

PURSUANT TO RESOLUTION NO. 2016-51

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AND WILL BE HELD IN SAID VILLAGE FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 8TH DAY OF NOVEMBER 2016, AT THE POLLING PLACES IN THE ELECTION PRECINCTS DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA AS SET FORTH HEREIN, UNLESS OTHERWISE PROVIDED BY LAW, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF NORTH BAY VILLAGE THE FOLLOWING QUESTION:

**PROPOSITION 1:**  
**BURYING UTILITY LINES THROUGHOUT THE**  
**VILLAGE**

Shall the Village proceed with the capital improvement project to bury utility lines throughout the Village, financed by issuing a maximum of \$9,100,000 in general obligation bonds, such bonds bearing interest not exceeding maximum legal rate, maturing within 30 years, and being payable from *ad valorem* taxes levied on all taxable property in the Village, with the understanding that the residents also may be responsible for paying for their own electrical upgrades and hookup; as approved by the voters at the September 5, 2006 Special Election?

YES \_\_\_\_\_ NO \_\_\_\_\_

**SECTION 8.**

The ballot questions shall appear in substantially the form set forth in the notice of election set forth in Section 7 above.

**SECTION 9.**

Absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting.

**SECTION 10.**

That North Bay Village shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

**SECTION 11.**

The Village Clerk shall deliver a certified copy of this Resolution to the Supervisor of Elections of Miami-Dade County, Florida.

**SECTION 12. Recitals**

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

**SECTION 13. Effectiveness of Ballot Question.**

That the ballot question submitted to the electors shall become effective only upon a majority vote.

**SECTION 14. Severability.**

That the provisions of this Resolution are declared to be severable, and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand, notwithstanding the invalidity of any part.

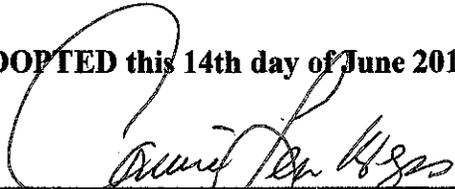
**SECTION 15. Effective Date.** That this Resolution shall become effective immediately upon adoption hereof.

The foregoing Resolution was offered by Vice Mayor Jorge Gonzalez, who moved for its adoption. This motion was seconded by Commissioner Richard Chervony, and upon being put to a vote, the vote was as follows:

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps Yes  
Vice Mayor Jorge Gonzalez Yes  
Commissioner Richard Chervony Yes  
Commissioner Andrea Jackson Yes  
Commissioner Eddie Lim Yes

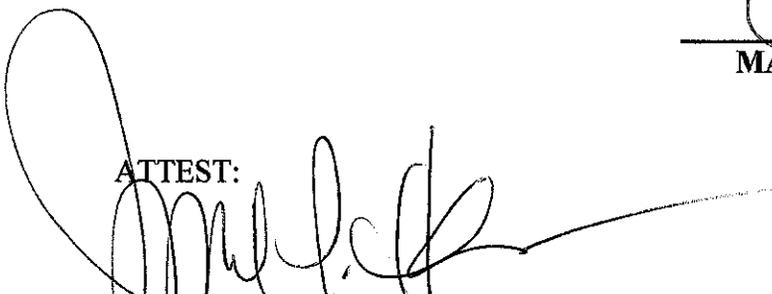
**PASSED and ADOPTED this 14th day of June 2016.**

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**MAYOR CONNIE LEON-KREPS**

ATTEST:

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**YVONNE P. HAMILTON, CMC**  
**VILLAGE CLERK**

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR NORTH BAY VILLAGE**

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**ROBERT L. SWITKES & ASSOCIATES, P.A.**  
**VILLAGE ATTORNEY**

North Bay Village Resolution: Special Use Exception One-Year Extension-1755 Kennedy Causeway Development.