

ORDINANCE NO. 2002-3

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR AMENDMENT OF THE VILLAGE CHARTER BY AMENDING SECTION 2.07 "NO COMPENSATION; REIMBURSEMENT FOR EXPENSES" TO READ SECTION 2.07 "COMPENSATION; REIMBURSEMENT FOR EXPENSES," TO PROVIDE FOR PAYMENT OF ANNUAL SALARY FOR MAYOR AND COUNCIL MEMBERS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR ADOPTION OF ENABLING RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 6.02(a)(i) of the Charter of the Village of Key Biscayne provides that the Council may, by ordinance, propose amendments to the Charter, subject to approval by the electorate at the next general election or at a special election called for such purpose; and

WHEREAS, the Council has determined to submit certain proposed Charter amendments for approval or disapproval by the electors, in addition to the proposals recommended by the Charter Revision Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. That Section 2.07 "No Compensation; reimbursement for expenses" of the Village Charter, is amended by revising this Section to read as follows:

Section 2.07. ~~No e~~Compensation; reimbursement for expenses.

~~Council Members (including the Mayor) shall serve without compensation but~~ Members of the Council shall be compensated with an annual salary, payable in monthly increments, which shall be as follows:

i. for the Mayor: \$ 12,000.00 ;

ii. for Council Members: \$ 7,200.00.

The salaries set forth above shall be subject to annual automatic adjustment to include any cost of living increases which are provided to administrative employees of the Village. Further, Council Members (including the Mayor) shall receive reimbursement in accordance with applicable law, or as may be otherwise provided by ordinance, for authorized travel and per diem expenses incurred in the performance of their official duties.

Section 2. Form of Ballot. The form of ballot for the Charter amendment provided for in Section 1 of this Ordinance shall be as follows:

COMPENSATION FOR MAYOR AND COUNCIL MEMBERS

The current Village Charter requires the Mayor and Council Members to serve without compensation. The Village Council proposes amending the Charter to enable the Mayor and Council Members to receive annual compensation established by the Charter, of \$ 12,000.00 for the Mayor, and \$ 7, 200.00 for Council Members, subject to annual adjustments for cost of living increases on the same basis that such adjustments are provided to Village administrative employees.

Shall the above described amendment be adopted?

Yes []

No []

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 Charter. It is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Charter of the Village of Key Biscayne as to each Charter amendment measure approved by a majority of voters voting on such measure in such election; 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. Enabling Resolution. The Village Council shall provide for enactment of an enabling resolution submitting the proposed amendments to the electorate pursuant to Section 5.03 of the Miami-Dade County Charter.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading, and each of the Charter amendment measures provided herein shall be effective only upon approval of a majority of electors voting on the measure, effective upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

PASSED AND ADOPTED on first reading this 16th day of April, 2002.

PASSED AND ADOPTED on second reading this 30th day of April, 2002.

MAYOR JOE I. RASCO

ATTEST:
CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
RICHARD JAY WEISS, VILLAGE ATTORNEY