

GOLDEN BEACH, FLORIDA

ORDINANCE NO. 398.94

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA; AMENDING THE TOWN CHARTER TO REQUIRE A VOTE OF THE ELECTORATE PRIOR TO ANNEXATION OF ANY REAL PROPERTY TO THE MUNICIPALITY; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CHARTER AND AN EFFECTIVE DATE.

WHEREAS, the Town Council may, by ordinance, propose amendments to the Town Charter subject to approval by the electorate at a general or special election called for such purpose;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the Charter of the Town of Golden Beach, Florida is hereby amended by adding a new section to Article II which shall read as follows:

Section 2.02 - Annexation:

Any resolution adopted by the Town Council proposing to annex any real property to the Town, pursuant to the procedures for annexation established by Chapter 20 of the Code of Metropolitan Dade County, shall be submitted to a vote of the qualified electors of the Town for approval or disapproval. No annexation shall be authorized unless approved by a majority of those qualified persons voting in such an election.

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Section 2. Form of Ballot.

That the Form of the ballot shall be as follows:

**TITLE: CHARTER AMENDMENT REQUIRING THE AFFIRMATIVE
VOTE OF TOWN VOTERS FOR ANNEXATION OF REAL PROPERTY.**

Question: Shall the Golden Beach Town Charter be amended to add a requirement that annexation of real property (which is the increase of the land area of Golden Beach) would only be permitted by the approval of a majority of the town voters voting in a town wide referendum?

☐] Yes, for the amendment

☐] No, against the amendment

Section 3. Severability That 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. That 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 Charter of the Town of Golden Beach; that the sections of the Ordinance may be renumbered of relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall become effective upon approval of the electorate at an election which is called pursuant to a resolution of the Town Council and certification of the election results by the Town Council.

PASSED AND ADOPTED on first reading this 28th day of JUNE 1994.

The Motion to adopt the foregoing Ordinance on first reading was offered by
COUNCILMAN DUFFNER, seconded by VICE MAYOR ROSENTHAL and on roll call the
following vote ensued:

Mayor Nelson	<u>AYE</u>
Vice Mayor Rosenthal	<u>AYE</u>
Councilman Duffner	<u>AYE</u>
Councilman Mena	<u>AYE</u>
Councilman Addicott	<u>AYE</u>

PASSED AND ADOPTED on second reading this 19th day of JULY 1994.

The Motion to adopt the foregoing Ordinance on second reading was offered by
COUNCILMAN ADDICOTT, seconded by VICE MAYOR ROSENTHAL and on roll call the
following vote ensued:

Mayor Nelson	<u>AYE</u>
Vice Mayor Rosenthal	<u>AYE</u>
Councilman Duffner	<u>AYE</u>
Councilman Mena	<u>AYE</u>
Councilman Addicott	<u>AYE</u>

ATTEST:

Barry A. Nelson
MAYOR BARRY A. NELSON

Theresa Rosenthal
~~TOWN CLERK~~/DEPUTY TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Jeff Hanning
TOWN ATTORNEY Jeff M. Hanning