

damage alleged is attributed to the negligence of the City, and that written notice of such damage was, within thirty (30) days after the receiving of the injury alleged given to the City Attorney with reasonable specifications as to time and place and witnesses as would enable the city officials to investigate the matter; and no verdict shall in any suit be given for an amount exceeding compensative damages to the plaintiff directly attributal to such negligence on the part of the City, and contributory negligence on the part of the plaintiff shall defeat all recovery against the City. It shall be the duty of the City Attorney, upon receiving any such notice, to at once investigate the matter and lay the facts, supported by the evidence, before the City Council in a written report, and the City Council shall have the right, and upon the written request of the person injured, it shall be the duty of the City Council to investigate the matter, and it may, by resolution, make such reasonable settlement of damages as may be agreed upon between the City Council and the person so damaged.

SECTION 49.

Nothing in this Act shall invalidate or make void any act done by the City Council, or any of the officers of said City, or any contract entered into by them or any of them, or any suit pending begun prior to the passage of this Act, but the same shall remain in full force and effect, and all laws and parts of laws inconsistent with the provisions of this Act, be, and the same are, hereby repealed; but the repeal shall not have the effect to nullify or make void any contracts heretofore entered into by the City Council of the City of Miami, and all ordinances of the City of Miami now in existence and not inconsistent with the provisions of this Act shall remain in full force and effect until altered, modified, or repealed, according to the provisions hereof.

Id.
Construction of
act.

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Repeal of incon-
sistent laws.

SECTION 50.

The City of Miami shall have the power from time to time to pass all such ordinances not inconsistent with this Act as may be necessary to carry out and enforce the provisions of this Act.

Id.
Power of Council
to enforce act.

SECTION 51.

That the City of Miami be, and it is hereby fully authorized and empowered, as fully and completely as a natural or artificial person might or could be, to establish, construct, build, maintain and operate a municipal plant

Id.
Power to establish
water, ice, light
plants, etc.

or plants for the supply and distribution of water, within or without its limits, for Municipal use, and for the use of such persons as may require and pay for the same, a municipal plant for the manufacture and sale of ice, and a municipal plant or plants for the making and distribution of gas and electricity for furnishing light, heat and power for municipal use, and for the use of such persons as may require and pay for the same, without first having to purchase or acquire the waterworks, gas and electric light plants or ice plants, now operating or hereafter erected in the City of Miami or either of them; Provided, That two-thirds of the electors of said City qualified to vote and voting shall at a special election called by the City Council for that purpose vote in favor of the construction of such municipal plant or plants; and the City Council of the City of Miami shall have full authority to pass all such ordinances and resolutions as may be necessary for the calling, conducting and ascertaining the result of such election, and if two-thirds of the qualified electors of said City of Miami, voting at such election, shall vote in favor of the construction of said plant or plants, then said City Council shall have full authority and power to pass such ordinances and resolutions as are necessary and expedient to carry into effect all the provisions of this Section; Provided further, That said City Council shall also have the power to purchase and acquire upon such terms as may be agreed upon by the parties in interest, any such plant or plants now in existence in said City of Miami, and should said City be authorized by a vote of two-thirds of the electors voting at such election to undertake to construct or build any such plant or plants, or should said City purchase or agree to purchase any such plant or plants now in existence in said City, then in either event the said City Council shall have the power to call and hold a bonding election as provided for in Section 41 of this Act, for the calling and conducting of an election for bonds for municipal improvements, and to issue, sell and dispose of all bonds authorized by said election to be issued in the same manner and under the same regulations as provided herein for the issue of municipal bonds for public improvements, and all provisions of this Act relating to the issue, sale and disposition of other municipal bonds shall, as far as practicable, apply to the issue, sale, disposition and redemption of the bonds to be issued for the purchase or construction of such municipal waterworks, gas and electric light plants or either of them.

Bonds.

SECTION 52.

That whenever the City Council deems it expedient to submit to the qualified electors of the City of Miami the question of the construction of any such municipal plant or plants mentioned in the foregoing Section, the City Council shall, by resolution, cause to be made and furnished to them, within sixty (60) days from the record of such determination, an itemized estimate of the approximate cost of such plant or plants so to be constructed, and upon the receipt of such estimate, the City Council shall call an election as specified in the foregoing Section, which said call shall contain the estimate of the approximate cost of such plant, or plants, and said call for such election shall be published once each week for thirty (30) days before said election; and if, upon the holding of said election, it is determined, as provided in the foregoing section, to construct any such plant or plants, the said City Council shall proceed in the construction of such plant or plants, and the said City Council shall have the sole supervision and control of the construction of such plant or plants, and the maintenance of the same thereafter; and said Council shall have the sole power of the appointment and hire of all operatives, employes, officers and agents necessary to operate any such municipal plant or plants, either constructed, acquired or purchased by the City, and the removal of the same; Provided, however, That no employee, officer, agent or operator of said plant or plants shall be appointed by said Council, except upon a merit basis, and after being so appointed by them shall not be removed except for cause.

Id.
Estimate of costs
of plants required
to be published,
etc.

SECTION 53.

All fees permitted by this Charter or created by any existing ordinance, or which may hereafter be created by ordinance, shall be collected by the proper officer, and deposited in like manner as the other city funds, provided, that nothing herein contained shall prevent the payment of the attorney fees provided by this Act for the enforcement of street and other improvement liens, which said fee shall be paid to the attorney employed to enforce said lien, who shall be entitled to retain the same.

Id.
Collection of fees.

SECTION 54.

That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Id.

SECTION 55.

1d.

This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.