



# MEMORANDUM

To: The Honorable Mayor and City Council  
Michael Etienne, Esq., City Clerk

From: Jeff P. H. Cazeau, City Attorney

Date: April 10, 2018

**Subject: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 6 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "ELECTIONS", BY AMENDING ARTICLE IV ENTITLED "ELECTION ADMINISTRATION", SPECIFICALLY AT SECTION 6-78, ENTITLED "ELECTION OF CITY COUNCILMEMBERS"; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

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The accompanying ordinance was prepared and placed on the agenda at the request of Councilman Philippe Bien-Aime.

kp/jpc

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 6 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED “ELECTIONS”, BY AMENDING ARTICLE IV ENTITLED “ELECTION ADMINISTRATION”, SPECIFICALLY AT SECTION 6-78, ENTITLED “ELECTION OF CITY COUNCILMEMBERS”; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, Pursuant to the Charter of the City of North Miami, specifically, Article III entitled, “The Council” at Section 10 entitled “Number; selection; term” a councilmember candidate must show proof of residency by submitting a Florida government issued identification (ID) plus one type of residency showing that the candidate has continuously resided in the district for which the candidate is seeking election, for a period of one (1) year prior to the time of qualification and thereafter; and

**WHEREAS**, Chapter 6 of The North Miami Code Of Ordinances entitled “Elections” at Article IV, Section 6-78, entitled “Election of City Councilmembers” requires that a councilmember candidate provide a sworn affidavit affirming that they have met the residency requirement plus one (1) proof of residency; and

**WHEREAS**, there exists a conflict between the Charter and the Code of Ordinances; and

**WHEREAS**, the Mayor and City Council believe that it is in the best interest of the City of North Miami to resolve the conflict by amending the Code of Ordinances to conform with the City Charter.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1. Amendments to Chapter 6, North Miami Code of Ordinances.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 6 of the North Miami Code of Ordinances Chapter 6 of The North Miami Code of Ordinances entitled “Elections” at Article IV entitled “Election Administration”, specifically at Section 6-78, entitled “Election of City Councilmembers” as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES  
CHAPTER 6. ELECTIONS

\* \* \* \* \*

ARTICLE IV. ELECTION ADMINISTRATION

\* \* \* \* \*

**Sec. 6-78. - Election of city council members.**

(a) Pursuant to Section 5 of the Charter of the City of North Miami, four (4) single-member districts are hereby created for the election of four (4) city council members, one (1) member from each district, with each district to be designated as District 1, District 2, District 3, and District 4.

The specific descriptions of each of the single member districts are as set forth in the Single Member District Map and accompanying 1990 U.S. Census Block descriptions attached hereto as Exhibit "A" and incorporated herein.

(b) Any person seeking the office of mayor or councilperson must be a resident of the city and/or the respective district of North Miami for at least one (1) year prior to qualifying for office.

(1) All candidates shall submit a sworn affidavit at the time of qualifying that provides their current address of legal residence and affirms that they have met the residency requirements pursuant to this section. The affidavit shall be on a form provided by the city clerk acting as the supervisor of elections.

(2) In addition to filing the affidavit, candidates shall submit a Florida government issued identification (ID) plus proof of residency which shall include one (1) of the following documents: voter's registration, driver's license, property tax receipt, homestead exemption, utility bill or lease agreement; all of which must have been in effect for at least one (1) year prior to qualifying. For purposes of meeting the residency requirements of this section sublease agreements are unacceptable.

(3) ...

\* \* \* \* \*

**Section 2.** **Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed.

**Section 3.** **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

**Section 4.** **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 by a court of competent jurisdiction, 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 5.** **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

**Section 6.** **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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DR. SMITH JOSEPH  
MAYOR

ATTEST:

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MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN PHILIPPE BIEN-AIME

Moved by: \_\_\_\_\_

Sponsored by: \_\_\_\_\_

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.	_____ (Yes)	_____ (No)
Vice Mayor Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilman Scott Galvin	_____ (Yes)	_____ (No)
Councilman Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilman Alix Desulme	_____ (Yes)	_____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.