ADD-ON AGENDA
NORTH MIAMI CITY COUNCIL

Regular Meeting **Tuesday, May 27, 2014**
7:00 P.M.

ADDITION(s) TO MAY 27, 2014 COUNCIL AGENDA:

Honorable Vice Mayor as Acting Mayor Philippe Bien-Aime and City Council Members, I respectfully request that the item(s) below be added UNDER:

SECTION 10.B.2. ORDINANCES – FIRST READING

[TAB F-1]

PROPOSED ORDINANCE ***(FIRST READING)*** OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, CALLING FOR A SPECIAL ELECTION FOR THE OFFICE OF THE MAYOR OF NORTH MIAMI DUE TO THE SUSPENSION OF MAYOR LUCIE TONDREAU BY GOVERNOR RICK SCOTT, TO BE HELD ON AUGUST 26, 2014, WITH ANY NECESSARY RUN-OFF ELECTION TO BE HELD ON NOVEMBER 4, 2014, AS PROVIDED BY STATE LAW, THE CHARTER OF THE CITY OF NORTH MIAMI AND THE NORTH MIAMI CODE OF ORDINANCES; DESCRIBING PERSONS QUALIFIED TO VOTE IN SAID ELECTION, PROVIDING FOR QUALIFYING DATES, PROVIDING FOR THE PROVISION OF AND CLOSING OF REGISTRATION BOOKS, DESIGNATING HOURS AND PLACES FOR VOTING, DIRECTING THE CITY CLERK TO GIVE NOTICE OF THIS ORDINANCE'S ADOPTION AND TRANSMIT A CERTIFIED COPY TO THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

Sponsored by: ***Michael A. Etienne, Esq., City Clerk***

Thank you.

Aleem A. Ghany
Interim City Manager

c: Regine M. Monestime, Esq., City Attorney
Michael A. Etienne, Esq., City Clerk

ORDINANCE NO._____

AN ORDINANCE OF THE OF THE VICE MAYOR AS ACTING MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, CALLING FOR A SPECIAL ELECTION FOR THE OFFICE OF THE MAYOR OF NORTH MIAMI DUE TO THE SUSPENSION OF MAYOR LUCIE TONDREAU BY GOVERNOR RICK SCOTT, TO BE HELD ON AUGUST 26, 2014, WITH ANY NECESSARY RUN-OFF ELECTION TO BE HELD ON NOVEMBER 4, 2014, AS PROVIDED BY STATE LAW, THE CHARTER OF THE CITY OF NORTH MIAMI AND THE NORTH MIAMI CODE OF ORDINANCES; DESCRIBING PERSONS QUALIFIED TO VOTE IN SAID ELECTION, PROVIDING FOR QUALIFYING DATES, PROVIDING FOR THE PROVISION OF AND CLOSING OF REGISTRATION BOOKS, DESIGNATING HOURS AND PLACES FOR VOTING, DIRECTING THE CITY CLERK TO GIVE NOTICE OF THIS ORDINANCE'S ADOPTION AND TRANSMIT A CERTIFIED COPY TO THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE

WHEREAS, following a general and run-off election held in the City of North Miami on May 4, 2013 and June 4, 2013, respectively; Lucie Tondreau was declared the winner of the mayoral election in the City of North Miami, ("City"); and

WHEREAS, on June 11, 2013, Lucie Tondreau was sworn and inducted into public office as the Mayor of the City; and

WHEREAS, on May 15, 2014, the Grand Jury for the United States District Court of Florida, returned an indictment charging Tondreau with one count of conspiracy to commit wire fraud in violation of 18 U.S.C. Section 1349 and four counts of wire fraud affecting a financial institution in violation of 18 U.S.C. Section 1343; and

WHEREAS, on May 20, 2014, Governor Rick Scott signed Executive Order Number 14-170, suspending Mayor Tondreau from public office; and

WHEREAS, pursuant to Section 15(2) of the City Charter, "if the office of a councilmember becomes vacant on or before the councilmember has served one half of his or her

term plus one day, a regular or special election shall be held within sixty (60) days to fill the vacancy for the balance of the term;" and

WHEREAS, in accordance with the City Charter, a special election was requested from the Miami-Dade County Elections Department ("Elections Department") to be held within sixty (60) days of the vacancy; and

WHEREAS, the Elections Department reported to the City Clerk and City administration that the special election, as a precinct-based election (one that allows for absentee ballots, live early voting, and live election day voting) would be unavailable to the City during the time set forth in the City Charter, (See Enclosed Exhibit 'A'); and

WHEREAS, the Elections Department indicated that the earliest available election date for a City precinct-based election would be August 26, 2014, in conjunction with the Primary Election, with a candidate qualifying period ending no later than June 27, 2014; and

WHEREAS, the Elections Department also advised that it would be unable to commit to providing registration books to allow the City to conduct its own election; and

WHEREAS, because the Elections Department immediately transitions from primary election to general election, it would also be unable to allow the City to hold a run-off election sooner than November 4, 2014; and

WHEREAS, the special election shall be open to all qualified electors, i.e., a citizen having the qualifications required by law to vote in the City who is at the time of the special election registered to vote, or, if no later complete registration is in effect at the time, was registered to vote in the City at the last preceding general election; and

WHEREAS, pursuant to Section 10(3) of the City Charter, a candidate for the office must continuously reside and submit a Florida government issued identification (ID) plus one type of residency showing that the candidate has continuously resided in the City for a period of one (1) year prior to the time qualification; and

WHEREAS, the person who receives at least fifty (50) percent plus one (1) of the votes shall be deemed elected to the office; and

WHEREAS, in the event no candidate receives at least fifty (50) percent plus one (1) of the votes, a runoff election between the two (2) highest candidates shall be held on November 4, 2014, and thereafter until a winner is declared; and

WHEREAS, such person elected pursuant to such special election would serve until the end of Mayor Tondreau's term in office, subject to possible displacement by Tondreau if the Governor restores Tondreau to office pursuant to Section 112.51(6), Florida Statutes (2013); and

WHEREAS, pursuant to Sections 101.75(2) and (3), 100.3605(2), and 166.021(4), Florida Statutes (2013), the governing body of the City, notwithstanding the Charter may, by ordinance, move the date of an election to a date concurrent with any countywide election, and change the dates for qualifying for that election; and

WHEREAS, the Vice-Mayor as Acting Mayor and City Council are desirous of calling a special election to fill the vacancy created by the suspension of Mayor Tondreau.

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

Section 1. **Special Election and Run-Off Dates.** A special election will be called on August 26, 2014 for the office of Mayor of North Miami with any necessary run-off election to be held on November 4, 2014.

Section 2. **Qualifying Period for Candidates.** It shall be the duty of any person desiring to become a candidate for election to the office of Mayor under the provisions of the City Charter, to file such intention in writing as provided, together with a signed acceptance and the required filing fee not earlier than June 23, 2014, and no later than June 27, 2014, by 12:00 P.M., which period of time is the qualifying period.

Section 3. **Special Election.** The special election shall be held and conducted in the manner prescribed by law for holding general elections. Places of voting in the election shall be the designated places of voting within the City of North Miami ("City") in general elections, unless otherwise provided by the City Council or the Miami-Dade County Supervisor of Elections. The polls shall be open at the voting places on the date of any election from 7:00 o'clock a.m. to 7:00 o'clock p.m. on the specified day(s). All qualified electors residing within the City shall be

permitted to vote for the office Mayor, pursuant to Section 6-78(b) of the City of North Miami Code of Ordinances.

Section 4. **Registration Books.** The registration books of the City of North Miami, under the supervision of the Miami-Dade County Supervisor of Elections shall be provided for and closed in accordance with general law.

Section 5. **Authorization and Direction to City Clerk.** The City Clerk, acting as Supervisor of Elections, is authorized and directed to file and publish a Notice of Election as provided by law and to designate the Inspectors and Clerks of the election. The City Clerk is further authorized and directed to make appropriate arrangements with the proper officials of Miami-Dade County, Florida, for the use of the necessary voting machines and for any other election services.

Section 6. **Polling Locations.** The polling places for the City of North Miami election, to be held on August 26, 2014, and for any necessary run-off election on November 4, 2014, shall be as follows:

North Miami District	County Precinct Nos.	Name of Location	Address
1	143	First Church of North Miami	1200 N.E. 135th Street
1	144	First Church of North Miami	1200 N.E. 135th Street
1	145	Natural Bridge Elementary School	1650 N.E. 141 Street
1	146	Keystone Park Community Center	13050 Ixora Court
1	165	Miami-Dade Fire Station #20	13000 N.E. 16 Avenue
2	142	Holy Cross Christian Day School	650 N.E. 135 Street
2	147	Senator Gwen Margolis Community Center	1590 N.E. 123 Street
2	148	Beth Moshe Congregation	2225 N.E. 121 Street
2	169	Senator Gwen Margolis Community Center	1590 N.E. 123 Street
2	176	Senator Gwen Margolis Community Center	1590 N.E. 123 Street
3	137	North Miami Jaycees	12100 W. Dixie Highway
3	138	North Miami Elementary School	655 N.E. 145 Street
3	139	North Miami Jaycees	12100 W. Dixie Highway
3	140	Haitian Evangelical Baptist Church	14455 Memorial Highway
3	170	North Miami Elementary School	655 N.E. 145 Street
3	182	Griffing Senior Citizens Center	12220 Griffing Blvd.
3	187	Griffing Senior Citizens Center	12220 Griffing Blvd.
3	189	Haitian Evangelical Baptist Church	14455 Memorial Highway
4	133	County Fire Station #19	650 N.W. 131 Street

North Miami District	County Precinct Nos.	Name of Location	Address
4	135	Sunkist Grove Community Center	12500 NW 13 Avenue
4	136	Miami Union Academy	12600 N.W. 4 Avenue
4	185	County Fire Station #19	650 N.W. 131 Street
4	63	**No Registered Voters**	
4	64	**No Registered Voters**	

Section 7. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 8. **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 9. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Acting Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2014.

PASSED AND ADOPTED by a _____ vote of the Acting Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2014.

_____
PHILIPPE BIEN-AIME
VICE MAYOR AS ACTING MAYOR

ATTEST:

_____
MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

_____

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY CLERK

Moved by: _____

Seconded by: _____

Vote:

Vice Mayor as Acting Mayor Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

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

Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-VOTE F 305-499-8547
TTY: 305-499-8480

miamidade.gov

May 26, 2014

The Honorable Michael A. Etienne, Esq. Elected City Clerk
City of North Miami
776 NE 125 Street, Room 101
North Miami, FL 33161

Dear Mr. Etienne:

I am in receipt of the City of North Miami's request to call a special election for the Office of the Mayor in next 60 days.

While the Elections Department has the ability to conduct municipal special elections with greater flexibility under a standard election cycle, the months of June and July 2014 will be a specially rigorous time for the Department as we are currently engaged in the reprecincting process. As a result, a precinct based election - one that allows for absentee ballots, live early voting and live election day voting - is unavailable to the City of North Miami during the period of time set forth in the City of North Miami's municipal charter.

The earliest available election date for a precinct-based election is August 26, 2014, in conjunction with the Primary Election. Candidate qualifying must end no later than June 27, 2014.

The City also inquired about conducting its own election to satisfy this requirement. While the City has this option under Florida Statute, this may only occur if the registration books are available. In light of the continued reprecincting progress, the Department cannot commit to having the registration books available for an election during the above-mentioned timeframe.

Therefore, the Elections Department is unable to authorize your request for a precinct-based election at this time, and our recommendation is that the City take the necessary action to call the election for August 26, 2014 to coincide with the countywide Primary Election with a Run-off election, if necessary, on November 4, 2014 to coincide with the countywide General Election. The Department immediately transitions to General Election preparation following the Primary Election. Ballot preparation begins within days and the first state mandated deadline requires absentee ballots to be mailed to overseas voters no later than September 20, 2014.

Should you need additional information or if I can be of assistance, please feel free to reach me at the number below. Thank you.

Best Regards,

Penelope Townsley
Supervisor of Elections
305.499.8509

c: Regine Monestime, City Attorney, North Miami
Thelisca Louis, Deputy City Clerk