



## **NORTH MIAMI CHARTER REVIEW BOARD**

### **AGENDA**

**Monday, May 20, 2024**

**6:30 PM**

**City Hall | 2<sup>nd</sup> Floor | Council Chambers**

**776 NE 125<sup>th</sup> Street**

**North Miami, FL 33161**

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#### **I. ASSEMBLY AND ORGANIZATION**

- Call to Order
- Pledge of Allegiance
- Roll Call of Board Members
- Amendments to the Agenda

#### **II. APPROVAL OF MINUTES**

- May 9, 2024, Charter Board Meeting Minutes

#### **III. PAST DISCUSSIONS**

- **DISCUSSION OF MAYOR'S BREAK IN SERVICE**
- **DISCUSSION OF CITY COUNCIL VICE-MAYOR APPOINTMENT**
- **DISCUSSION OF LENGTHENING AND MOVING THE QUALIFYING TIME PERIOD FOR CITY COUNCIL**
- **DISCUSSION OF CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR CITY BOARDS AND COMMISSIONS**

#### **IV. NEW DISCUSSIONS**

- **DISCUSSION OF EXTENDING THE RESIDENCY TIME PERIOD TO QUALIFY FOR OFFICE FROM 1 YEAR TO 2 YEARS**

#### **V. QUESTIONS AND ANSWERS**

#### **VI. ADJOURNMENT**

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH CODE SECTIONS 2-401, ALL LOBBYISTS SHALL REGISTER WITH THE OFFICE OF THE CITY CLERK WITHIN FIVE (5) BUSINESS DAYS OF BEING RETAINED AS A LOBBYIST OR BEFORE ENGAGING IN ANY LOBBYING ACTIVITIES, WHICHEVER SHALL COME FIRST.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING SPECIAL ACCOMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY MANAGER NO LATER THAN 4 DAYS PRIOR TO THE PROCEEDING. TELEPHONE NUMBER (305) 893-6511, EXT. 12110, FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE ASSISTANCE.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF NORTH MIAMI WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, WILL NEED A RECORD OF THE PROCCEDINGS AND, FOR SUCH PURPOSE, MAY NEED

TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT THE OFFICE OF THE CITY MANAGER, (305) 893-6511, EXT. 12110. THE ENTIRE AGENDA PACKET CAN ALSO BE FOUND ON THE CITY'S WEBSITE AT [WWW.NORTHMIAMIFL.GOV](http://WWW.NORTHMIAMIFL.GOV).

TWO OR MORE MEMBERS OF THE CITY COUNCIL AND OTHER CITY BOARDS MAY BE IN ATTENDANCE AT THIS MEETING. THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY A TELEPHONE CONFERENCE CALL. THE LOCATION, 776 N.E. 125<sup>TH</sup> STREET, NORTH MIAMI, FL 33161, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT.



## **NORTH MIAMI CHARTER REVIEW BOARD**

### **RESEARCH RESULTS**

**Monday, May 20, 2024**

**6:30 PM**

**City Hall | 2<sup>nd</sup> Floor | Council Chambers**

**776 NE 125<sup>th</sup> Street**

**North Miami, FL 33161**

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#### **I. DISCUSSION OF MAYOR'S BREAK IN SERVICE**

Whether extending the break in service time period from 2 years to 4 years would have an immediate effect on the Mayor's term or whether this decision, if approved, would come into effect during the next elections cycle.

Per Miami-Dade County Supervisor of Elections, this depends on how the question is posed to the public on the ballot. The City could decide to make the effect immediate, thereby extending the Mayor's current term as soon as the decision is approved. Conversely, the City can add language to the ballot question indicating when the new break in service time period for the Mayor starts.

The following is the ballot question created by the Board Counsel in 2020:

##### **Lengthen Mayor's Term**

The Charter currently provides that the Mayor shall serve no more than two consecutive two-year terms. It is proposed that the Charter be amended to provide that the Mayor shall serve no more than two consecutive four-year terms. Shall the above-described Charter Amendment be adopted?

☐ Yes

☐ No

#### **II. DISCUSSION OF CITY COUNCIL VICE-MAYOR APPOINTMENT**

The Board directed staff to conduct research on the currently adopted procedure in the appointment of the Vice-Mayor. Prior to 2021, the City followed Resolution 2015-R-83 (**Exhibit A**) providing that the Mayor and City Council rotate the designation of Vice Mayor annually in the following order: District 1, District 2, District 3, District 4.

In 2021, the City passed Resolution 2021-R-56 (**Exhibit B**) rescinding the 2015 resolution and replacing the rotation system used for assigning the Vice Mayor and return to the election and designation of the Vice Mayor in accordance with Section 13 of the City Charter.



### **III. DISCUSSION OF LENGTHENING AND MOVING THE QUALIFYING TIME PERIOD FOR CITY COUNCIL**

The Board directed staff to conduct research on pertinent law or rules from either the State of Florida or Miami-Dade County associated to this item. Staff concluded that in 2022, the Mayor and City Council adopted Ordinance No. 1509 (**Exhibit C**) and Ordinance No. 1510 (**Exhibit D**) amending the City's dates of qualification to occur no earlier than eighty-five (85) days nor later than seventy-five (75) days before the election, following Miami-Dade County's advice to comply with the State's Elections Laws.

This stemmed from the City Council's decision to move the City's General Election from May in odd-numbered years to the first Tuesday in November following the first Monday in November in each even-numbered years so that the City General Election would coincide with the national and gubernational election, thereby, reducing the cost of calling for elections.

### **IV. DISCUSSION OF CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR CITY BOARDS AND COMMISSIONS**

The Board directed staff to provide a list of all City Boards and Commissions, including all quasi-judicial in nature boards and commissions. List is attached as **Exhibit E**.

### **V. DISCUSSION OF EXTENDING THE RESIDENCY TIME PERIOD TO QUALIFY FOR OFFICE FROM 1 YEAR TO 2 YEARS**

Board Counsel to provide updates.

RESOLUTION NO. 2015-R-83

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR AN ANNUAL ROTATION OF THE VICE-MAYOR FROM AMONG THE COUNCILMEMBERS IN ACCORDANCE WITH SECTION 13 OF THE CITY OF NORTH MIAMI CHARTER, IN LIEU OF THE APPOINTMENT SYSTEM CURRENTLY IN PLACE; AND FURTHER PROVIDING ASSIGNMENT AND DESIGNATION OF VICE MAYOR IN THE FOLLOWING ORDER: DISTRICT 1, DISTRICT 2, DISTRICT 3, AND DISTRICT 4, TO BE APPLIED RETROACTIVELY TO VICE MAYOR CAROL KEYS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, the Mayor and City Council of the City of North Miami ("City"), currently appoint the designation of "Vice Mayor" every six (6) months, by a majority vote; and

**WHEREAS**, the bi-annual appointment system originated with the adoption of Resolution No. R-2012-49, by the Mayor and City Council on April 10, 2012; and

**WHEREAS**, Section 13 of the City Charter provides, in pertinent part, "[T]he council shall elect a vice-mayor who shall act as mayor during the absence or disability of the mayor. The vice-mayor shall be elected from among the councilmembers"; and

**WHEREAS**, in accordance with the spirit and intent of the City Charter, the Mayor and City Council desire to replace the current appointment system with a rotation system for assigning the Vice Mayor every twelve (12) months, to be applied retroactively to Vice Mayor Carol Keys; and

**WHEREAS**, the Mayor and City Council desire that the next assignment and designation for Vice Mayor shall be established in the following order: District 1, District 2, District 3, and District 4.

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

**Section 1. Annual Rotation of Vice Mayor.** The Mayor and City Council of the City of North Miami, Florida, hereby adopt an annual rotation of the Vice-Mayor from among the

councilmembers in accordance with Section 13 of the City of North Miami Charter, in lieu of the appointment system currently in place; and further provide assignment and designation of Vice Mayor in the following order: District 1, District 2, District 3, and District 4, to be applied retroactively to Vice Mayor Carol Keys.

**Section 2. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 25th day of August, 2015.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
ROLAND C. GALDOS, ESQ.  
INTERIM CITY ATTORNEY

SPONSORED BY: VICE MAYOR CAROL KEYS, ESQ.

Moved by: Desulme

Seconded by: Bien-Aime

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

|          |       |                 |      |
|----------|-------|-----------------|------|
| <u>X</u> | (Yes) | <u>        </u> | (No) |
| <u>X</u> | (Yes) | <u>        </u> | (No) |
| <u>X</u> | (Yes) | <u>        </u> | (No) |
| <u>X</u> | (Yes) | <u>        </u> | (No) |
| <u>X</u> | (Yes) | <u>        </u> | (No) |

RESOLUTION NO. 2021-R-56

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA RESCINDING RESOLUTION 2015-R-83 WHICH CREATED A ROTATION SYSTEM FOR THE ELECTION OF THE VICE-MAYOR AND RETURNING TO THE ANNUAL ELECTION OF THE VICE-MAYOR FROM AMONG THE COUNCIL MEMBERS IN ACCORDANCE WITH SECTION 13 OF THE CITY OF NORTH MIAMI CHARTER; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, since August 25, 2015, the Mayor and City Council have rotated the designation of Vice Mayor annually pursuant to the order prescribed in Resolution 2015-R-83; and

**WHEREAS**, pursuant to Resolution 2015-R-83 the Mayor and City Council of the City of North Miami (“City”), currently rotate the designation of Vice-Mayor every year, in the following order: District 1, District 2, District 3, and District 4; and

**WHEREAS**, Section 13 of the City Charter provides, in pertinent part, “The council shall elect a vice-mayor who shall act as mayor during the absence or disability of the mayor. The vice-mayor shall be elected from among the councilmembers.”; and

**WHEREAS**, in accordance with the spirit and intent of the City Charter, the Mayor and City Council desire to rescind Resolution 2015-R-83 and replace the current rotation system used for assigning the Vice- Mayor and return to the election and designation of the Vice-Mayor in accordance with Section 13 of the City Charter.

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

**Section 1.     Election of Vice Mayor.** The Mayor and City Council of the City of North Miami, Florida, hereby rescind Resolution 2015-R-83 and desire to provide for the election of the Vice-Mayor from among the Council members in accordance with Section 13 of the City of North Miami Charter, in lieu of the rotation system currently in place.

**Section 3.     Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a 3-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 25th day of May, 2021.

  
 PHILIPPE BIEN-AIME  
 MAYOR

ATTEST :

  
 VANESSA JOSEPH, ESQ.  
 CITY CLERK

APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY:

  
 JEFF H. CAZEAU, ESQ.  
 CITY ATTORNEY

SPONSORED BY: MAYOR PHILIPPE BIEN-AIME

Moved by: Galvin

Seconded by: Bien-Aime

**Vote:**

Mayor Philippe Bien-Aime  
 Vice Mayor Scott Galvin  
 Councilwoman Carol Keys, Esq.  
 Councilwoman Mary Estimé-Irvin  
 Councilman Alix Desulme, Ed.D.

|                 |       |                 |             |
|-----------------|-------|-----------------|-------------|
| <u>X</u>        | (Yes) | <u>        </u> | (No)        |
| <u>X</u>        | (Yes) | <u>        </u> | (No)        |
| <u>        </u> | (Yes) | <u>X</u>        | (No)        |
| <u>        </u> | (Yes) | <u>        </u> | (No) Absent |
| <u>X</u>        | (Yes) | <u>        </u> | (No)        |



**ORDINANCE NO. 1509**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING SECTION 40 OF THE CITY CHARTER, TO CHANGE THE QUALIFYING DATES FOR CANDIDATES IN THE GENERAL ELECTION SCHEDULED FOR NOVEMBER 5, 2024, AND FOR ALL SUBSEQUENT ELECTIONS; ADOPTING SUCH CHARTER AMENDMENTS PURSUANT TO SECTIONS 100.3605(2) AND 166.021(4), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER/CONFORMITY OF AMENDMENTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with Section 40 of the City Charter, candidates for office must qualify by filing such intention in writing with the city election authorities not earlier than forty-three (43) days nor later than thirty-five (35) days before the election; and

**WHEREAS**, Sections 6-21 and 6-24 of the City Code provide for a qualifying period of not earlier than forty-three (43) days nor later than thirty-five (35) days before the election; and

**WHEREAS**, Section 100.3605(2), Florida Statutes, authorizes the City Council to change the dates of its election, as well as dates of qualification, and to extend the terms of office of sitting Councilmembers necessitated by any such changes to the election date; and

**WHEREAS**, on December 13, 2022, the City Council adopted Ordinance No. 1501 and Ordinance No. 1502 determining that the City's General Election held in May is funded entirely by the residents of the City and it would be in the public interest to move the City's General Election from May in odd-numbered years to the first Tuesday in November following the first Monday in November in each even-numbered year so that the City General Election would coincide with the national and gubernatorial election and the cost of the election would be reduced by such a change; and

**WHEREAS**, the City of North Miami has been advised by the Miami-Dade County Supervisor of Elections that for the City's General Election scheduled for November 5, 2024, the qualifying dates for candidates must be amended to comply with the State of Florida's Elections Laws requiring the mailing of overseas vote-by-mail ballots to commence 45 days prior to the election; and

**WHEREAS**, to ensure compliance with state election laws, the City will amend its dates of qualification to occur no earlier than eighty-five (85) days nor later than seventy-five (75) days before the election; and

**WHEREAS**, the City Council desires to change the City's qualifying dates accordingly.

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

**Section 1. Recitals.** The above recitals are true and correct and incorporated herein by this reference.

**Section 2. Charter Amendment.** Pursuant to Sections 100.3605(2) and 166.021(4), Florida Statutes, Section 40 of the City Charter is amended to read as follows:

## **PART I. CHARTER OF THE CITY OF NORTH MIAMI**

\* \* \* \* \*

### **ARTICLE VII. ELECTIONS**

\* \* \* \* \*

#### **Sec. 40. – Qualification of candidates.**

(a) Any qualified elector, as described in Article III, Section 10 above, of the city may qualify and run for a single council district seat, for mayor, or for city clerk by filing such intention in writing with the city election authorities not earlier than ~~forty-three (43)~~ eighty-five (85) days nor later than ~~thirty-five (35)~~ seventy-five (75) days before the election, such intention to be in substantially the following form:

(b) I, the undersigned, an elector of the City of North Miami, whose residence is \_\_\_\_\_ hereby announce my candidacy for the office of (councilmember, District No. \_\_\_\_\_ (for mayor), (for city clerk) to be voted for at the election to be held on the day of \_\_\_\_\_ 20\_\_, and I hereby agree to serve if elected.

Signature of candidate \_\_\_\_\_

Date and hour filing \_\_\_\_\_

Received by \_\_\_\_\_  
(signature of election official)

(c) No intention or announcement of candidacy shall be accepted by the election authorities unless accompanied by a qualifying fee to be paid by the candidate in the sum of five (5) percent of the yearly salary which a councilmember is then entitled to receive. The officer who receives the qualifying fee shall issue a receipt. Such qualifying fee shall be returned to the candidate if the candidate becomes ineligible or withdraws such candidacy not later than the close of qualifying. Any candidate may withdraw such candidacy not later than the last day for filing same by filing a notice of withdrawal with the city clerk.

\* \* \* \* \*

**Section 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/Conformity of Amendments.** Following the adoption of the Charter Amendments, the City Clerk shall have the Charter Amendments incorporated into the City Charter and shall file the revised Charter with the Department of State. The City Clerk is authorized to revise the Charter to the extent necessary to ensure that the adopted Charter Amendments conform to one another.


**Section 5. Repeal of Conflicting Provisions.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

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

**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 22nd day of August, 2023.

**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 12th day of September, 2023.



  
 ALIX DESULME, ED.D.  
 MAYOR

ATTEST :

  
 VANESSA JOSEPH, ESQ.  
 CITY CLERK

APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY:

  
 JEFF P. H. CAZEAU, ESQ.  
 CITY ATTORNEY

SPONSORED BY: CITY CLERK

Moved by: Desulme

Seconded by: Galvin

**Vote:**

|   |          |       |               |      |
|---|----------|-------|---------------|------|
| Mayor Alix Desulme, Ed.D.               | <u>X</u> | (Yes) | <u>      </u> | (No) |
| Vice-Mayor Mary Estimé-Irvin            | <u>X</u> | (Yes) | <u>      </u> | (No) |
| Councilman Scott Galvin                 | <u>X</u> | (Yes) | <u>      </u> | (No) |
| Councilwoman Kassandra Timothe, MPA     | <u>X</u> | (Yes) | <u>      </u> | (No) |
| Councilman Pierre Frantz Charles, M.Ed. | <u>X</u> | (Yes) | <u>      </u> | (No) |

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

**ORDINANCE NO. 1510**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 6 OF THE CITY CODE OF ORDINANCES, ENTITLED "ELECTIONS", BY AMENDING ARTICLE II, ENTITLED "CANDIDATES" SPECIFICALLY AT SECTIONS 6-21 AND 6-24 TO CHANGE THE QUALIFYING DATES FOR CANDIDATES IN THE GENERAL ELECTION SCHEDULED FOR NOVEMBER 5, 2024, AND FOR ALL SUBSEQUENT ELECTIONS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with Section 40 of the City Charter, candidates for office must qualify by filing such intention in writing with the city election authorities not earlier than forty-three (43) days nor later than thirty-five (35) days before the election; and

**WHEREAS**, Sections 6-21 and 6-24 of the City Code provide for a qualifying period of not earlier than forty-three (43) days nor later than thirty-five (35) days before the election; and

**WHEREAS**, Section 100.3605(2), Florida Statutes, authorizes the City Council to change the dates of its election, as well as dates of qualification, and to extend the terms of office of sitting Councilmembers necessitated by any such changes to the election date; and

**WHEREAS**, on December 13, 2022, the City Council adopted Ordinance No. 1501 and Ordinance No. 1502 determining that the City's General Election held in May is funded entirely by the residents of the City and it would be in the public interest to move the City's General Election from May in odd-numbered years to the first Tuesday in November following the first Monday in November in each even-numbered year so that the City General Election would coincide with the national and gubernatorial election and the cost of the election would be reduced by such a change; and

**WHEREAS**, the City of North Miami has been advised by the Miami-Dade County Supervisor of Elections that for the City's General Election scheduled for November 5, 2024, the qualifying dates for candidates must be amended to comply with the State of Florida's Elections Laws requiring the mailing of overseas vote-by-mail ballots to commence 45 days prior to the election; and

**WHEREAS**, to ensure compliance with state election laws, the City will amend its dates of qualification to occur no earlier than eighty-five (85) days nor later than seventy-five (75) days before the election; and

**WHEREAS**, the City Council desires to change the City's qualifying dates accordingly.

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

**Section 1.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 6 of the Code of Ordinances entitled "Elections", under Article II, entitled "Candidates", specifically at Sections 6-21 and 6-24 as follows:

## **CHAPTER 6. ELECTIONS**

\* \* \* \* \*

## **ARTICLE II. CANDIDATES**

\* \* \* \* \*

### **Sec. 6-21. - Method of qualifying.**

(a) Any qualified elector, as described in article II, section 5 above, of the city may qualify and run for a single council district seat, for mayor, or for city clerk by filing such intention in writing with the city election authorities not earlier than ~~forty-three (43)~~ eighty-five (85) days nor later than ~~thirty-five (35)~~ seventy-five (75) days before the election, such intention to be in substantially the following form:

(b) I, the undersigned, an elector of the City of North Miami, whose residence is \_\_\_\_\_ hereby announce my candidacy for the office of (Councilperson, District No. \_\_\_\_\_ (for Mayor), (for City Clerk) to be voted for at the election to be held on the day of \_\_\_\_ 20, \_\_\_\_\_ and I hereby agree to serve if elected.

Signature of candidate \_\_\_\_\_

Date and hour filing \_\_\_\_\_

Received by \_\_\_\_\_

(signature of election official)



(c) No intention or announcement of candidacy shall be accepted by the election authorities unless accompanied by a qualifying fee to be paid by the candidate in the sum of five (5) percent of the yearly salary which a councilperson is then entitled to receive. The officer who receives the qualifying fee shall issue a receipt. Such qualifying fee shall be returned to the candidate if the candidate becomes ineligible or withdraws such candidacy not later than the close of qualifying. Any candidate may withdraw such candidacy not later than the last day for filing same by filing a notice of withdrawal with the city clerk.

(d) Unless qualifying pursuant to the alternative method of qualifying set forth in section 6-22, a qualification fee in the sum of five (5) percent of the yearly salary a councilmember is then entitled to receive shall be paid at the same time as the qualification papers are filed pursuant to subsections (a) through (c) above. Payment of the fee shall be by a check drawn on the candidate's campaign account payable to the City of North Miami, delivered to the city clerk, who shall see that it is deposited in the general revenue fund of the city.

(e) Each person seeking to qualify for election to an office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to one (1) percent of the annual salary of the municipal office sought. Within thirty (30) days after the close of qualifying, the city clerk shall forward all amounts collected pursuant to this provision to the Department of State for deposit in the elections commission trust fund.

(f) Any person seeking to qualify for election to an office who is unable to pay the election assessment without imposing an undue burden on his personal resources or on resources otherwise available to him shall, upon written certification of such inability given under oath to the city clerk, be exempt from paying the election assessment provided by paragraph (e) above.

(g) Statement of candidate. Each candidate must file a statement with the qualifying officer within ten (10) days after he files his appointment of campaign treasurer and designation of campaign depository, stating that he has read and understands the requirements of F.S. ch. 106. Such statement shall be provided by the city clerk and shall be in substantially the following form:

#### STATEMENT OF CANDIDATE

I, \_\_\_\_\_, candidate for the office of \_\_\_\_\_, have received, read, and understand the requirements of Chapter 106, Florida Statutes.

(Signature of candidate)      (Date)

Willful failure to file this form is a violation of F.S. §§ 106. 19(1)(c) and 106.25(3), and section 6-21 of the City Code.

\* \* \* \* \*

**Sec. 6-24. - Time for qualifying.**

No person may qualify as a candidate in accordance with this Code prior to the ~~forty-third~~ eighty-fifth (85<sup>th</sup>) day preceding the next city election nor later than 5:00 p.m., local time, on the ~~thirty-fifth~~ seventy-fifth (75<sup>th</sup>) day preceding the election.

\* \* \* \* \*

**Section 2.      Repeal.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby 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, 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.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, 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 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 22nd day of August, 2023.

**PASSED AND ADOPTED** by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 12th day of September, 2023.



  
ALIX DESULME, ED.D.  
MAYOR

ATTEST :

  
\_\_\_\_\_  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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

SPONSORED BY: CITY CLERK

Moved by: Desulme

Seconded by: Galvin

**Vote:**

|   |          |       |       |      |
|---|----------|-------|-------|------|
| Mayor Alix Desulme, Ed.D.               | <u>X</u> | (Yes) | _____ | (No) |
| Vice-Mayor Mary Estimé-Irvin            | <u>X</u> | (Yes) | _____ | (No) |
| Councilman Scott Galvin                 | <u>X</u> | (Yes) | _____ | (No) |
| Councilwoman Kassandra Timothe, MPA     | <u>X</u> | (Yes) | _____ | (No) |
| Councilman Pierre Frantz Charles, M.Ed. | <u>X</u> | (Yes) | _____ | (No) |

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

| Boards & Commission                               | Liaison               | Title                                   | Frequency                       | Quasi-Judicial |
|---|-----------------------|---|---------------------------------|----------------|
| Board of Adjustment                               | Mawusi Khadija Watson | Zoning Manager                          | 3rd Wednesday of every month    | YES            |
| Advisory Committee for Persons with Special Needs | Steven Marcellus      | Transportation Planner                  | 3rd Wednesday of every month    | No             |
| Affordable Housing Advisory Committee             | Alberte Bazile        | Housing & Social Services Director      | 2nd Wednesday every other month | No             |
| Centennial Committee                              | To Be Determined      | -                                       | To Be Determined                | No             |
| Charter Board                                     | Francisco Medranda    | Grants Administrator                    | As needed                       | No             |
| Citizens Investigative Board                      | Phillip Harris        | CIB Executive Director                  | 4th Monday of every month       | No             |
| Commission for Women                              | -                     | -                                       | 3rd Tuesday of every month      | No             |
| CRA Advisory Committee                            | Anna-Bo Emmanuel      | Interim City Manager                    | 2nd Monday of every month       | No             |
| Community Relations Board                         | -                     | -                                       | 3rd Tuesday of every month      | No             |
| Downtown Action Plan Committee                    | John Lorfills         | Interim Deputy City Manager             | 2nd Friday of every month       | No             |
| Education Relations Board                         | To Be Determined      | -                                       | To Be Determined                | No             |
| Floodplain Management Planning Committee          | Richard Rubi          | Building Official                       | As needed                       | No             |
| Library Board                                     | Maritza Santana       | Administrative Coordinator              | 3rd Thursday of every month     | No             |
| MOCA Board of Trustees                            | Chana Sheldon         | MOCA Director                           | -                               | No             |
| North Miami Youth Council                         | -                     | -                                       | 3rd Tuesday of every month      | No             |
| Nuisance Abatement Board                          | -                     | -                                       | As needed                       | No             |
| Parks & Recreation Commission                     | Christine Carney      | Parks & Rec Director                    | 1st Thursday of every month     | No             |
| Personnel Board                                   | Lura Woodley          | Personnel Director                      | 3rd Monday of every month       | No             |
| Planning Commission                               | Derrick Cook          | Assistant Director of Land Use Services | 1st Tuesday of every month      | No             |
| Senior Citizen's Advisory Board                   | -                     | -                                       | 3rd Tuesday of every month      | No             |
| Unsafe Structures Board                           | Richard Rubi          | Building Official                       | As needed                       | No             |
| Youth Opportunity Board                           | Khalid Salahuddin     | Recreation Supervisor                   | 2nd Wednesday every other month | No             |

## EXHIBIT E