



## **NORTH MIAMI CHARTER REVIEW BOARD**

### **AGENDA**

**Monday, June 17, 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 20, 2024, Charter Board Meeting Minutes

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

1. DISCUSSION OF CITY CLERK POSITION AND APPOINTMENT
2. DISCUSSION OF MAYOR'S TERM OF OFFICE LIMITS
3. DISCUSSION OF MAYOR'S BREAK IN SERVICE
4. DISCUSSION OF MAYOR AND CITY COUNCIL PARTIAL TERMS OF OFFICE
5. DISCUSSION OF CITY COUNCIL VICE MAYOR APPOINTMENT
6. DISCUSSION OF PERIOD WHICH COUNCIL MAY APPOINT A SUCCESSOR TO FILL A VACANCY
7. DISCUSSION OF NOTICE OF ELECTIONS BY ELECTRONIC OR DIGITAL MEDIA
8. DISCUSSION OF SIGNATURES IF QUALIFYING BY PETITION
9. DISCUSSION OF LENGTHENING AND MOVING THE QUALIFYING TIME PERIOD FOR CITY COUNCIL
10. DISCUSSION OF CHIEF OF POLICE AUTHORITY AND RESPONSIBILITIES
11. DISCUSSION OF NAME OF GOVERNING BODY
12. DISCUSSION OF CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR CITY BOARDS AND COMMISSIONS
13. DISCUSSION OF EXTENDING RESIDENCY TIME PERIOD TO QUALIFY FOR OFFICE FROM ONE YEAR TO TWO YEARS

#### **IV. QUESTIONS AND ANSWERS**

#### **V. 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.

## **CHARTER BOARD RECAP OF DECISIONS 2019-2024**

### **DISCUSSION OF CITY CLERK POSITION AND APPOINTMENT**

#### **2019-2020 Update:**

- Board approved a motion with a 6-0 vote to change the position of the City Clerk from an elected position to an appointed position.
- Board approved a motion with a 6-0 vote to have the position of the City Clerk appointed by the City Manager.

#### **2024 Update:**

Mr. Palenzuela, the Board Counsel, advised that any changes made to the Charter take effect on the next election cycle of 2026 or however the language is posed on the ballot question according to the Supervisor of Elections. As written, the proposed amendment provides that the City Clerk is allowed to finish his or her term before the change comes into effect.

The Board discussed the effective dates of changing the City Clerk from an elected position to an appointed position. The Board discussed it would be best for the effective date to coincide with the 2028 Election, allowing the City Clerk position to complete one last full term based on the 2024 Election. Counsel advised to include language on the ballot question determining that the City Clerk position will become an appointed position either at the end of the term of the winner of the 2024 election, or should the position become vacant for any reason before the end of his or her term, then the amendment will come into effect as well.

#### **Conclusion:**

A motion was made by Board Member Lila providing that the effective date of the transition of the City Clerk from an elected to an appointed position be the end of the term of the winner of the 2024 election, or should the position become vacant, for any reason, before the end of such term. Motion was seconded by Vice Chair Seifried. Motion passed unanimously.

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### **DISCUSSION OF MAYOR'S TERM OF OFFICE LIMITS**

#### **2019-2020 Update:**

- Board approved a motion with a 5-1 vote to change the Mayor's current term limits of two 2-year terms to two 4-year terms.

#### **2024 Update:**

The Board discussed the effective date of changing the term of the Mayor from 2 years to 4 years. The Board discussed should this amendment be effective by the 2026 or the 2028 Election. Board Chair McDearmaid explained that making the 2028 Election the effective date for this amendment, meant that whoever won the 2026 Election would still have a 2-year term before the effective date, which defeats the intent of the Board.

**Conclusion:**

A motion was made by Vice Chair Seifried Member providing that a single North Miami Mayoral term be extended from 2 years to 4 years effective on the next election of 2026. Motion was seconded by Board Member Lila. Motion passed with a 4 – 1 vote.

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**DISCUSSION OF MAYOR'S BREAK IN SERVICE**

**2019-2020 Update:**

- Board approved a motion with a 7-0 vote to change the length of break in service period from 2 to 4 years before a Mayor, who has served the maximum amount of years as Mayor, can campaign and serve in this elected position again.

**2024 Update:**

The Board upheld the decision made in 2019-2020 unanimously.

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**DISCUSSION OF MAYOR AND CITY COUNCIL PARTIAL TERMS OF OFFICE**

**2019-2020 Update:**

- Board approved a motion with a 6-0 vote to include language in the Charter providing that the inability to serve a full term of office, for any reason, does not negate term limits.

In other words, a partial term of office would count as a full term should this item be approved.

**2024 Update:**

The Board upheld the decision made in 2019-2020 unanimously.

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**DISCUSSION OF CITY COUNCIL VICE MAYOR APPOINTMENT**

**2019-2020 Update:**

- Board approved a motion with a 6-0 vote to change the language on Article III, Sec. 13 of the North Miami Charter providing that the Vice Mayor shall serve on the City Council on a rotating basis with the term of the Vice Mayor to be set by resolution of the City Council.

**2024 Update:**

Francisco Medranda, Board Liaison, explained that the Council changed the appointment of the Vice Mayor via a 2015 resolution to a rotating basis starting with District 1 followed by District 2, District 3, and District 4 annually. The City Council passed another resolution in 2021, aligning with the current Charter language that only provides the Vice Mayor appointment to be set by resolution, without indicating a term limit for such position.

**Conclusion:**

A motion was made by Board Member Lila providing that the appointment of the Vice Mayor be decided on a rotating basis annually, allowing each Council Member to serve as Vice Mayor at least once for 1 year during a single term. Motion was seconded by Board Member Cobo. Motion passed unanimously.

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**DISCUSSION OF PERIOD WHICH COUNCIL MAY APPOINT A SUCCESSOR TO FILL A VACANCY**

**2019-2020 Update:**

- Board approved a motion with a 6-0 vote to change the language on Article III, Sec. 15(2) by replacing the phrase “one half” with the phrase “seven hundred and thirty-one (731) days” and by eliminating the phrase “plus one day” in order to make the period in which to call for elections or appoint a temporary successor to fill a vacancy more specific, as exemplified below:

*“[...] becomes vacant on or before the councilmember has served ~~one half~~ seven hundred and thirty one (731) days of his or her term ~~plus one day~~, a regular [...]” and “[...] becomes vacant more than ~~one half~~ seven hundred and thirty one (731) days of his or her term ~~plus one day~~, then the remaining members [...]”*

**2024 Update:**

The Board upheld the decision made in 2019-2020 unanimously.

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**DISCUSSION OF NOTICE OF ELECTIONS BY ELECTRONIC OR DIGITAL MEDIA**

**2019-2020 Update:**

- Board approved a motion with a 7-0 vote to allow the City to post notice of elections on all digital or electronic media the City uses to provide notice of the public, in addition to any other methods already in place by law.

**2024 Update:**

The board upheld the 2019-2020 decision unanimously.

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## **DISCUSSION OF SIGNATURES IF QUALIFYING BY PETITION**

### **2019-202 Update:**

- Board approved a motion with a 6-0 vote providing that the signatures obtained by a candidate qualifying for elections by petition originate from the same Council District the candidate is running for.

### **2024 Update:**

The Board upheld the 2019-2020 decision unanimously.

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

### **2019-2020 Update:**

- Board approved a motion with a 5-0 vote to change the closing time period for qualification to 45 days prior to the election date.
- Board approved a motion with a 5-0 vote to change the qualifying time window from 8 days to 14 days thereby extending the start of the qualifying period to 59 days prior to the election date.

### **2024 Update:**

Mr. Palenzuela, Board Counsel, explained that in 2022, the Mayor and City Council adopted Ordinance No. 1509 and Ordinance No. 1510 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 State Election Laws. In other words, no changes or amendments ought to be made since we already follow the corresponding State statutes associated with this topic.

### **Conclusion:**

Board members decided that this amendment does not need extra discussion and does not need to be put forth as a ballot question for this year's election in November.

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## **DISCUSSION OF CHIEF OF POLICE AUTHORITY AND RESPONSIBILITIES**

### **2019-2020 Update:**

- Board approved a motion with a 5-0 vote to adopt language in the Charter outlining the authority and responsibilities of the Chief of Police for accreditation purposes.

Refer to Exhibit A attached to October 9, 2019, Minutes.

### **2024 Updates:**

The Board upheld the 2019-2020 decision unanimously.

## **DISCUSSION OF NAME OF GOVERNING BODY**

### **2019-2020 Update:**

- Board approved a motion with a 4-1 vote to change the name of the governing body from City Council to City Commission.

### **2024 Update:**

The Board upheld the 2019-2020 decision unanimously.

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

### **2019-2020 Update:**

- Board approved a motion with a 5-0 vote to include language in the Charter providing that members of the following boards must be qualified electors of the City:
  1. Board of Adjustment
  2. Charter Board
  3. Nuisance Abatement Board
  4. Parks & Recreation Commission
  5. Personnel Board
  6. Planning Commission
- Board approved a motion with a 7-0 vote to include any future quasi-judicial boards established by the City to the pool of boards.

### **2024 Update:**

The Board had directed staff to provide a list of all City Boards and Commissions, including all quasi-judicial boards. The Board Liaison explained that only the Board of Adjustment is quasi-judicial based on the research and based on feedback from our City Attorney's Office.

### **Conclusion:**

A motion was made by Board Member Each providing a US citizenship and North Miami residency requirement for the following boards including any future quasi-judicial boards established by the City:

1. Board of Adjustment
2. Charter Board
3. Planning Commission
4. Nuisance Abatement Board
5. Personnel Board

Motion was seconded by Vice Chair Seifried. Motion passed unanimously.

**DISCUSSION EXTENDING RESIDENCY TIME PERIOD TO QUALIFY FOR OFFICE FROM ONE YEAR TO TWO YEARS**

**2019-2020 Update:**

- This was a new item introduced by the 2024 Charter Board Members.

**2024 Update:**

Board Counsel explained that there is case law arguing that a one-year qualifying time period is enough and appropriate. Cases concluded that extending such time to 2 or even 3 years is unconstitutional because it infringes on the right to travel to any individual who wants to run for office.

**Conclusion:**

Board members decided there is no need to bring forth this item as it could potentially open up the City to litigation.



## MINUTES

### NORTH MIAMI CHARTER BOARD

6:30 P.M.

Wednesday, October 9, 2019  
COUNCIL CHAMBERS

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The meeting was called to order at 6:31 p.m. by Chairman McDearmaid.

Name	Present	Excused	Absent
Chair Michael McDearmaid	X		
Vice-Chair Emmanuel Jeanty	X		
Board Member Bob Pechon	X		
Board Member Roseline Philippe		X	
Board Member Kenneth Each	X		

#### At-Large Members:

Name	Present	Excused	Absent
Board Member Jeff Mondesir	X		
Board Member Lumana Joseph		X	

#### I. ASSEMBLY AND ORGANIZATION – Amendments to the Agenda:

None made.

#### II. CONFIRMATION OF CHAIR AND VICE-CHAIR

A motion was made by Board Member Pechon to confirm Michael McDearmaid as Chair of the North Miami Charter Board, motion was seconded by Board Member Mondesir, all in favor (**5-0 passed**).

A motion was made by Board Member Mondesir to confirm Emmanuel Jeanty as Vice-Chair of the North Miami Charter Board, motion was seconded by Board Member Pechon, all in favor (**5-0 passed**).

#### III. APPROVAL OF MINUTES

A motion was made by Board Member Mondesir to approve the March 13, 2019 minutes, motion was seconded by Board Member Pechon, all in favor (**5-0 passed**).

#### IV. PRESENTATIONS

- Administration presented summary of Charter Board decisions as of May 13, 2019.
- Administration presented attendance requirements of Charter Board members.

**V. PAST DISCUSSIONS**

• **DISCUSSION OF QUALIFYING PERIOD TIME FOR CITY COUNCIL**

A motion was made by Board Member Pechon to change the closing date of the qualifying period to forty-five (45) days prior to the election date, motion was seconded by Board Member Mondesir, all in favor **(5-0 passed)**.

A motion was made by Board Member Each to change the qualifying window from eight (8) days to fourteen (14) days thereby extending the start of the qualifying period to fifty-nine (59) days prior to the election date, motion was seconded by Board Member Pechon, all in favor **(5-0 passed)**.

• **DISCUSSION OF CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR CITY BOARDS AND COMMISSIONS**

Tabled for next Charter Board meeting pending presentation of list of Boards and Commissions and their respective membership requirements.

• **DISCUSSION OF CHIEF OF POLICE AUTHORITY AND RESPONSIBILITIES**

A motion was made by Board Member Pechon to adopt the language presented by Counsel **(Exhibit A)** outlining the authority and responsibilities of the Chief of police, motion was seconded by Vice-Chair Jeanty, all in favor **(5-0 passed)**.

**VI. NEW DISCUSSIONS**

**D. DISCUSSION OF NAME OF GOVERNING BODY**

A motion was made by Vice-Chair Jeanty to change the name of the governing body from City Council to City Commission, motion was seconded by Board Member Mondesir, all in favor **(5-0 passed)**.

**VII. QUESTIONS AND ANSWERS**

- A request was presented to the administration to research the number of municipalities in Florida where the Council or Commission appoints the Clerk, emphasis was made to research the City of Miami Gardens.

**VIII. ADJOURNMENT:** The meeting was adjourned on October 9, 2019 at 7:47 p.m.

**Summary of dates:**

- **Next Charter Board Meeting:** Wednesday, February 12, 2020 (every 2<sup>nd</sup> Wednesday of every month).
- **Deadline to submit Agenda items:** Wednesday, January 29, 2020 (10 business days prior to meeting).
- **Agenda posted by:** Wednesday, February 5, 2020 (1 week prior to meeting).
- **Agenda advertised by:** Friday, February 7, 2020 (Friday of the week prior to meeting).

Respectfully submitted:

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Michael McDearmaid, Chair  
Charter Board

Attest:

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Arthur H. Sorey, III, Interim City Manager  
Charter Board Liaison

Prepared by:

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Francisco Medranda, Senior Management Analyst  
Office of the City Manager

## **EXHIBIT A**

Sec. \_\_\_\_\_ .- Authority and responsibilities of the chief of police.

Subject to the supervision and control of the city manager in all matters, the chief of police shall administer the affairs of the police department, which shall include the immediate direction and control of the police force. The chief of police is charged with responsibilities for the prevention, control, and suppression of crime in the city. The responsibilities of the police department shall include, but not be limited to, the activities of police administration, traffic control, police patrols, training, criminal investigation, vehicle inspection, police property, police records, and internal affairs.

**RESOLUTION NO. 20-**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF PROPOSED AMENDMENTS TO THE CITY OF NORTH MIAMI CHARTER, AS AMENDED, PURSUANT TO SECTION 6.03 OF THE MIAMI-DADE COUNTY CHARTER AND SECTION 6-49 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, AND IN ACCORDANCE WITH THE COMPREHENSIVE REVIEW AND RECOMMENDATIONS OF THE CITY OF NORTH MIAMI CHARTER REVIEW BOARD, AS REVIEWED, REVISED, AND APPROVED FOR SUBMITTAL BY THE MAYOR AND CITY COUNCIL; PROVIDING FOR REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL; CALLING FOR AN ELECTION ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD ON AUGUST 25, 2020; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR THE PROCEDURE FOR BALLOTTING; PROVIDING FOR INCLUSION IN THE CITY CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, Section 6.03 of the Miami-Dade County Charter and Section 6-49 of the City of North Miami (“CITY”) Code of Ordinances (“Code”), provide the manner in which Charter amendments shall be proposed; and

**WHEREAS**, pursuant to the comprehensive review and recommendations of the City of North Miami Charter Review Board, the Mayor and City Council desire to submit the proposed Charter amendments for approval or rejection by the electorate; and

**WHEREAS**, pursuant to law, the electors of the City shall have the power to approve or reject at the polls, any of the proposed Charter amendments submitted by the Mayor and City Council to a vote of the electors.

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

**Section 1.**    **Recitals Adopted.** That each of the above-stated recitals is hereby adopted and confirmed.

**Section 2. Charter Amendments.** That, pursuant to Section 6.03 of the Miami- Dade County Charter and Section 6-49 of the City Code and in accordance with the comprehensive review and recommendations of the City of North Miami Charter Review Board, the City of North Miami Charter is hereby amended by amending Section 10 “Number; Selection; Term”, Section 13 “Presiding Officer; Mayor”, Section 15 “Vacancies on the Council”, Section 36 “Municipal Elections”, Section 38 “Selection of Candidates”, Section 40 “Qualification of Candidates, Section 57 “Elected Officials”, Section 58 “City Clerk, Election”, and by adding Section 59 “Boards”, to read as follows:

## **CHARTER OF THE CITY OF NORTH MIAMI**

### **ARTICLE III. THE COUNCIL COMMISSION**

#### **Sec. 10. - Number; Selection; Term.**

- (1) The city shall be governed by a mayor and city ~~council~~ commission. The ~~council~~ commission shall consist of four (4) ~~councilmembers~~ commissioners and a mayor. Four (4) single member districts shall be created for the election of four (4) ~~councilmembers~~ commissioners, with such districts to be determined by city ordinance.
- (2) Each candidate for ~~council~~ commission shall run in one (1) of four (4) districts designated as Districts 1, 2, 3, and 4. The mayor shall be elected at large. The terms of the ~~councilmembers~~ commissioners shall end on the fourth Tuesday of May of the fourth year of their term or when their successors in office are elected and sworn into office beginning with the election in 2013.
- (3) On the second Tuesday in May of each odd-numbered year, two (2) ~~councilmembers~~ commissioners shall be elected for a four-year term. No ~~councilmember~~ commissioner, including the mayor, shall serve more than two (2) consecutive terms beginning with the election in 2013. The mayor shall be elected for a ~~two~~ four-year term. Service will be deemed consecutive unless there is a two-year period during which the individual does not serve as councilmember or mayor ("Break in Service"). Any person serving the maximum amount of years as mayor must have a two-year Break in Service before serving as ~~councilmember~~ commissioner. Any person serving the maximum amount of years as ~~councilmember~~ commissioner is not mandated to have a two-year Break in Service before serving as mayor. If a commissioner, including the mayor, only serves part of a term for any reason, the partial term shall count as a full term for the purpose of determining term limits. A ~~councilmember~~ commissioner candidate 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 district for which the candidate is seeking election, for a period of one (1) year prior to the time of qualification and thereafter. A ~~councilmember~~ commissioner who changes residence to a location outside of the district shall immediately vacate such office, and such vacancy shall be filled pursuant to this charter. The mayor shall not serve as mayor for more than two (2) consecutive terms and must be a continuous resident of the city for one year prior to the time of qualification and thereafter. ~~Councilmembers~~ Commissioners serving an unexpired term who desire to run for the office of mayor or in another district shall resign as

required by state law. Whenever the term ~~council commission~~ or ~~councilmembers commissioners~~ is used in this charter, it shall be deemed to mean and include the mayor unless otherwise specifically provided.

### **Sec. 13. - Presiding Officer; Mayor.**

The mayor shall preside at the meetings of the council and shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law, and shall have a voice and vote in the proceedings of the council, but shall have no regular administrative duties. 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 on a rotating basis. The city council shall set the term of the vice mayor by resolution.

### **Sec. 15. - Vacancies on the council.**

Vacancies on the council shall be filled for the remainder of the unexpired term of the councilmember whose seat becomes vacant in the following manner:

- (1) If the vacancy occurs because of resignation by a councilmember who is seeking other elective office, the election for which office includes the electors of the City of North Miami, such councilmember must file a written resignation with the city clerk at least ten (10) days prior to the earliest qualifying date for such other elective office (the resignation to become effective upon a successor's being sworn into office) and a successor shall be elected in the same election with qualifying concurrent with the qualifying dates of the office sought by the resigning councilmember.
- (2) If the office of a councilmember becomes vacant on or before the councilmember has served ~~one-half seven hundred and thirty-one (731) days~~ 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. If the office of a councilmember becomes vacant more than ~~one-half seven hundred and thirty-one (731) days~~ of his or her term ~~plus one day~~ after the councilmember takes office, then the remaining members of the council shall choose a successor and such appointee shall fill the vacancy for the balance of the term.
- (3) In accordance with subsection (1) or (2), if a vacancy is to be filled at other than a regular city election, and the city clerk certifies that the city candidates cannot be included on the ballot, then the vacancy shall be filled as provided in subsection (2) as though there were no other election being held.
- (4) Nominations and the conduct of the election shall be as otherwise provided in this charter and by law, and notice of election shall be posted in the city hall and published in a newspaper of general circulation in the City of North Miami once a week for four (4) consecutive weeks preceding the holding of the election.

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## ARTICLE IV. ELECTIONS

### Sec. 36. - Municipal elections.

The regular election for councilmembers, and mayor and city clerk, when applicable, shall be held on the second Tuesday in May in odd-numbered years.

Should the council determine that by reason of the happening of a disaster or of an impending disaster, such election should not be held, it may by resolution authorize the mayor by proclamation to postpone the holding of the election for a period not to exceed fourteen (14) days. Such proclamation shall be posted in the city hall not less than ten (10) hours prior to the opening of the polling place or places for such elections and shall specify the time to which the election is to be postponed. The term "qualified elector" as used in this charter shall mean a citizen having the qualifications required by law to vote in the city who is at the time 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. Any special election of the council shall be held as nearly as practicable according to provisions for a regular election.

### Sec. 38 - Selection of candidates.

In any election held hereunder, candidates for council, and mayor ~~or city clerk~~ receiving at least fifty (50) percent plus one (1) of the votes cast in their respective groups shall be deemed elected to the vacancies to be filled. Where no candidate receives a least fifty (50) percent plus one (1) of the votes cast in his/her group or for mayor, a runoff election between the two (2) highest candidates in the group or for mayor shall be held on a date established by the city council, by ordinance, which shall not be more than three (3) weeks after the regular election and the candidates receiving at least fifty (50) percent plus one (1) of the votes in the runoff election shall be deemed elected to the vacancy in that group or for mayor. In the event that the two (2) candidates in the runoff receive an equal number of votes, then there shall be another runoff election on a date established by the city council, by ordinance, which shall not be more than three (3) weeks after the previous runoff election, until a candidate shall have received at least fifty (50) percent plus one (1) vote of the people.

### 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 or~~ mayor, ~~or for city clerk~~ by filing such intention in writing with the city election authorities not earlier than ~~forty three (43)~~ ~~fifty-nine (59)~~ days nor later than ~~thirty five (35)~~ ~~forty-five (45)~~ 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. All signatures for a candidate qualifying by petition shall be of electors from the same district for which the candidate is running.

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## ARTICLE VIII. CITY CLERK

### **Sec. 57. - Elected officials Appointment and duties.**

Anything in this charter to the contrary notwithstanding, the city clerk shall be appointed by the city manager. The current elected city clerk shall serve the remainder of her term continue to be elected by the people in the same manner as is now provided by law, and shall perform such duties as may now or hereafter be provided by ordinance.

### **Sec. 58. - City clerk; election vacancy.**

(a) On the second Tuesday in May of an odd numbered year, the city clerk shall be elected to hold office for a term of four (4) years and until his or her successor is elected and qualified but beginning in 2013 shall be limited to serving no more than two consecutive terms. In the event that no candidate receives a majority of the votes cast, then a runoff election shall be held between the two (2) candidates receiving the highest number of votes at the time and in the manner set forth in [section] 61. In the event a vacancy occurs in the office position of city clerk, the deputy city clerk shall assume the duties of the city clerk until such time as the city manager shall fill such vacancy. Such vacaney shall be filled for a full four year term in the next regular election being held for the City of North Miami.

(b) Qualifications. Except as otherwise provided below, any qualified voter of the City of North Miami may qualify and run for the office of be appointed to the position of city clerk. Such candidate must have been a resident of this city for at least one (1) year prior to qualifying. The city council may, by ordinance, establish additional qualifications, applicable subsequent to the May 1985 election of the city clerk.

(c) Duties.

- (1) Give notice of regular and special council meetings.
- (2) Keep a journal of the council proceedings and record in full in a book kept for the purpose, all ordinances and resolutions as may be enacted and adopted by the council.
- (3) Be the keeper of official city contracts.
- (4) Be responsible for issuing occupational licenses and the billing and collection of said license fees.

- (5) Shall act as supervisor of all City of North Miami elections.
- (6) ~~Reserved.~~
- (7)(6) Shall perform such other duties as shall be required ~~of him~~ by ordinance.
- (d) Salary. The city clerk shall receive a salary which shall be fixed in advance by the city council by ordinance; and which salary shall be included in the budget.

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## ARTICLE IX. CHIEF OF POLICE

### **Sec. 59. - Authority and responsibilities of the chief of police.**

Subject to the supervision and control of the city manager in all matters, the chief of police shall administer the affairs of the police department, which shall include the immediate direction and control of the police force. The chief of police is charged with responsibilities for the prevention, control, and suppression of crime in the city. The responsibilities of the police department shall include, but not be limited to, the activities of police administration, traffic control, police patrols, training, criminal investigation, vehicle inspection, police property, police records, and internal affairs.

\*\*\*\*\*

## ARTICLE IX. BOARDS

### **Sec. 60 - Boards; Residency and citizenship requirements.**

A member of the following boards shall be a qualified elector of the City:

- (a) Board of Adjustment
- (b) Charter Board
- (c) Nuisance Abatement Board
- (d) Personnel Board
- (e) Parks and Recreation Commission
- (f) Planning Commission

\*\*\*\*\*

**Section 3. Election Called.** That an election is hereby called to be held on August 25, 2020, to present to the qualified electors of the City of North Miami, the ballot questions provided in Section 4 of this Resolution. The Mayor and City Council may in the future, call another date of election for any ballot question contained herein, which was not approved by the qualified electors of the City of North Miami.

**Section 4.      Form of Ballot.** That the form of ballot for the Charter Amendments provided for in Section 2 of this Resolution shall be substantially as follows:

**Ballot Questions:**

**1.      Name Change of Governing Body.**

The Charter currently provides that the governing body of the city shall be called the City Council. It is proposed that the Charter be amended to provide that the name of the governing body of the city should be changed to City Commission.

Shall the above-described Charter Amendment be adopted?

[ ]      Yes

[ ]      No

**2.      Increase in length of 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

**3.      Effect of Partial Term on Term Limits.**

The Charter does not currently address how to count a partial term when determining term limits. It is proposed that the Charter be amended to provide that a partial term shall count as full term when determining term limits.

Shall the above-described Charter Amendment be adopted?

[ ]      Yes

[ ]      No

**4. Vice-Mayor's Term.**

The Charter does not currently address the term of the office of the Vice-Mayor. It is proposed that the Charter be amended to provide that 1) councilmembers shall serve as Vice-Mayor on a rotating basis and 2) that the term of the Vice-Mayor shall be set by resolution.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**5. Filling of Vacancies.**

The Charter currently provides that Council vacancies are filled by general or special elections 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. It is proposed that the Charter be amended to change the time period to seven hundred and thirty-one (731) days of his or her term. This change is intended to remove the uncertainty that may arise if a councilmembers' term is extended by the need for a runoff election, which increases the length of the serving councilmembers' term until the runoff election results in the election of a candidate.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**6. Lengthening and Moving Qualifying Period.**

The Charter currently provides that a candidate must file a written intention to run for an office not earlier than forty-three (43) days nor later than thirty-five (35) days before the election. It is proposed that the Charter be amended to 1) lengthen the time period from eight (8) to fourteen (14) days and 2) move the time period to not earlier than fifty-nine (59) days and not later than forty-five (45) days before the election.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**7. Signatures if Qualifying by Petition.**

The Charter does not currently specify whether the signatures for a candidate qualifying by petition must come from the same district for which the candidate is running. It is proposed that the Charter be amended to specify that the signatures for a candidate qualifying by petition must come from the same district for which the candidate is running.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**8. City Clerk to be appointed by the Manager.**

The Charter currently provides that the City Clerk shall be elected to hold office. It is proposed that the Charter be amended to provide that the City Manager shall appoint the City Clerk.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**9. Authority and Responsibilities of the Chief of Police.**

The Charter does not currently address the authority and responsibilities of the Chief of Police. It is proposed that the Charter be amended to specify the authority and responsibilities of the Chief of Police.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

No

**10. Members of certain Boards must be qualified electors of the City.**

The Charter does not currently address membership of City boards. It is proposed that the Charter be amended to provide that a member of 1) the Board of Adjustment, 2) the Charter Board, 3) the Nuisance Abatement Board, 4) the Personnel Board, 5) the Parks and Recreation Commission, and 6) the Planning Commission shall be a qualified elector of the City.

Shall the above-described Charter Amendment be adopted?

Yes

No

**11. Technical and Stylistic Amendments.**

The Charter Board suggests an amendment to the Charter to reflect non-substantive stylistic and technical changes made for clarity, including: titles, typographical, grammatical errors, and renumbering of references to sections of the Charter.

Shall the above-described Charter Amendment be adopted?

Yes

No

**Section 5. Notice of Election.** That notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing \_\_\_\_\_ day of \_\_\_\_\_, 2020, and the second publication to be in the third week prior to the election (to-wit: during the week commencing \_\_\_\_\_ day of \_\_\_\_\_, 2020), and shall be in substantially the following form:

**NOTICE OF ELECTION**

**PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO  
RESOLUTION NO. \_\_\_\_\_ ADOPTED BY THE MAYOR AND CITY**

**COMMISSION OF THE CITY OF NORTH MIAMI, FLORIDA (“CITY”),  
AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD  
WITHIN THE CITY ON TUESDAY, AUGUST 25, 2020, BETWEEN THE  
HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE  
FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE  
SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY FOR  
APPROVAL OR REJECTION.**

**1. Name Change of Governing Body.**

The Charter currently provides that the governing body of the city shall be called the City Council. It is proposed that the Charter be amended to provide that the name of the governing body of the city should be changed to City Commission.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**2. Increase in length of 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

**3. Effect of Partial Term on Term Limits.**

The Charter does not currently address how to count a partial term when determining term limits. It is proposed that the Charter be amended to provide that a partial term shall count as full term when determining term limits.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**4. Vice-Mayor's Term.**

The Charter does not currently address the term of the office of the Vice-Mayor. It is proposed that the Charter be amended to provide that 1) councilmembers shall serve as Vice-Mayor on a rotating basis and 2) that the term of the Vice-Mayor shall be set by resolution.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**5. Filling of Vacancies.**

The Charter currently provides that Council vacancies are filled by general or special elections 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. It is proposed that the Charter be amended to change the time period to seven hundred and thirty-one (731) days of his or her term. This change is intended to remove the uncertainty that may arise if a councilmembers' term is extended by the need for a runoff election, which increases the length of the serving councilmembers' term until the runoff election results in the election of a candidate.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**6. Lengthening and Moving Qualifying Period.**

The Charter currently provides that a candidate must file a written intention to run for an office not earlier than forty-three (43) days nor later than thirty-five (35) days before the election. It is proposed that the Charter be amended to 1) lengthen the time period from eight (8) to fourteen (14) days and 2) move the time period to not earlier than fifty-nine (59) days and not later than forty-five (45) days before the election.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**7. Signatures if Qualifying by Petition.**

The Charter does not currently specify whether the signatures for a candidate qualifying by petition must come from the same district for which the candidate is running. It is proposed that the Charter be amended to specify that the signatures for a candidate qualifying by petition must come from the same district for which the candidate is running.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**8. City Clerk to be appointed by the Manager.**

The Charter currently provides that the City Clerk shall be elected to hold office. It is proposed that the Charter be amended to provide that the City Manager shall appoint the City Clerk.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**9. Authority and Responsibilities of the Chief of Police.**

The Charter does not currently address the authority and responsibilities of the Chief of Police. It is proposed that the Charter be amended to specify the authority and responsibilities of the Chief of Police.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**10. Members of certain Boards must be qualified electors of the City.**

The Charter does not currently address membership of City boards. It is proposed that the Charter be amended to provide that a member of 1) the Board of Adjustment, 2) the Charter Board, 3) the Nuisance Abatement Board, 4) the Personnel Board, 5) the Parks and Recreation Commission, and 6) the Planning Commission shall be a qualified elector of the City.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**11. Technical and Stylistic Amendments.**

The Charter Board suggests an amendment to the Charter to reflect non-substantive stylistic and technical changes made for clarity, including: titles, typographical, grammatical errors, and renumbering of references to sections of the Charter.

Shall the above-described Charter Amendment be adopted?

[ ] Yes

[ ] No

**Polling place information and the full text of the proposed City Charter Amendments, as set forth in the enabling Resolution, are available at the office of the City Clerk located at 776 N.E. 125<sup>th</sup> Street, North Miami, FL 33161.**

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**City Clerk**

**Section 6. Balloting.** That balloting shall be conducted between the hours of 7:00 a.m. to 7:00 p.m. on the date of the election. Absentee ballots shall be available. Early voting shall be provided in conjunction with the general election. All qualified City electors who are timely

registered in accordance with law shall be entitled to vote. The City Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County (“County”) Supervisor of Elections. The County registration books shall remain open at the Office of the County Supervisor of Elections until the date at which the registration books shall close in accordance with the provisions of the general election laws. The City Clerk and the County Supervisor of Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the provisions of this Resolution. Pursuant to Section 6-49 of the City Code, this election shall be canvassed by the City Council with assistance from the County Supervisor of Elections, or as required by law.

**Section 7. Copies.** That copies of this Resolution proposing Charter Amendments, are on file at the offices of the City Clerk located at 776 Northeast 125 Street, North Miami, Florida 33161, and are available for public inspection during regular business hours.

**Section 8. Effectiveness.** That the Charter Amendments provided for in Section 2 above shall become effective if the majority of the qualified electors voting on the Charter Amendments vote for adoption, and shall be considered adopted and effective upon certification of the election results. That the City Attorney is authorized to revise the Charter to the extent necessary to assure that any amendments adopted conform to one another and are properly included in the publication of the revised City Charter. Further, that in the event that some, but not all, of the Charter amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the City Attorney is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting Charter amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. That following the adoption of the Charter amendments, the City Clerk shall file the adopted Charter amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida.

**Section 9. Inclusion in the Charter.** That subject to the requirements of Section 8 above, it is the intention of the Mayor and City Council, and it is hereby provided, that the Charter Amendments shall become and be made a part of the Charter of the City of North

Miami, and that the Sections of this Resolution may be renumbered or re-lettered to accomplish such intention.

**Section 10. Severability.** That the provisions of this Resolution are declared to be severable, and if any section, sentence, clause or phrase of this Resolution 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 Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**Section 11. Conflicts.** That in the event that the provisions of this Resolution conflict with any other City Resolution, the provisions of this Resolution shall prevail to the extent of any such conflict.

**Section 12. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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PHILIPPE BIEN-AIME  
MAYOR

ATTEST:

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VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

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

Seconded 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)

# PROPOSED REVISIONS TO THE CITY CHARTER AS OF APRIL 23, 2020

## 1. Mayor's Term Limits and Partial Terms

Sec. 10. - Number; selection; term.

- (1) The city shall be governed by a mayor and city council. The council shall consist of four (4) councilmembers and a mayor. Four (4) single member districts shall be created for the election of four (4) councilmembers, with such districts to be determined by city ordinance.
- (2) Each candidate for council shall run in one (1) of four (4) districts designated as Districts 1, 2, 3, and 4. The mayor shall be elected at large. The terms of the councilmembers shall end on the fourth Tuesday of May of the fourth year of their term or when their successors in office are elected and sworn into office beginning with the election in 2013.
- (3) On the second Tuesday in May of each odd-numbered year, two (2) councilmembers shall be elected for a four-year term. No councilmember, including the mayor, shall serve more than two (2) consecutive terms beginning with the election in 2013. The mayor shall be elected for a ~~two~~ four-year term. Service will be deemed consecutive unless there is a two-year period during which the individual does not serve as councilmember or mayor ("Break in Service"). Any person serving the maximum amount of years as mayor must have a two-year Break in Service before serving as councilmember. Any person serving the maximum amount of years as councilmember is not mandated to have a two-year Break in Service before serving as mayor. If a commissioner, including the mayor, only serves part of a term for any reason, the partial term shall count as a full term for the purpose of determining term limits. A councilmember candidate 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 district for which the candidate is seeking election, for a period of one (1) year prior to the time of qualification and thereafter. A councilmember who changes residence to a location outside of the district shall immediately vacate such office, and such vacancy shall be filled pursuant to this charter. The mayor shall not serve as mayor for more than two (2) consecutive terms and must be a continuous resident of the city for one year prior to the time of qualification and thereafter. Councilmembers serving an unexpired term who desire to run for the office of mayor or in another district shall resign as required by state law. Whenever the term council or councilmembers is used in this charter, it shall be deemed to mean and include the mayor unless otherwise specifically provided.

## 2. Vice-Mayor's Term

Sec. 13. - Presiding officer; mayor.

The mayor shall preside at the meetings of the council and shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law, and shall have a voice and vote in the proceedings of the council, but shall have no regular administrative duties. 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 on a rotating basis. The city council shall set the term of the vice mayor by resolution.

## 3. Vacancies

Sec. 15. - Vacancies on the council.

Vacancies on the council shall be filled for the remainder of the unexpired term of the councilmember whose seat becomes vacant in the following manner:

- (1) If the vacancy occurs because of resignation by a councilmember who is seeking other elective office, the election for which office includes the electors of the City of North Miami, such councilmember must file a written resignation with the city clerk at least ten (10) days prior to the

earliest qualifying date for such other elective office (the resignation to become effective upon a successor's being sworn into office) and a successor shall be elected in the same election with qualifying concurrent with the qualifying dates of the office sought by the resigning councilmember.

- (2) If the office of a councilmember becomes vacant on or before the councilmember has served ~~one-half seven hundred and thirty-one (731) days~~ 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. If the office of a councilmember becomes vacant more than ~~one-half seven hundred and thirty-one (731) days~~ of his or her term ~~plus one day~~ after the councilmember takes office, then the remaining members of the council shall choose a successor and such appointee shall fill the vacancy for the balance of the term.
- (3) In accordance with subsection (1) or (2), if a vacancy is to be filled at other than a regular city election, and the city clerk certifies that the city candidates cannot be included on the ballot, then the vacancy shall be filled as provided in subsection (2) as though there were no other election being held.
- (4) Nominations and the conduct of the election shall be as otherwise provided in this charter and by law, and notice of election shall be posted in the city hall and published in a newspaper of general circulation in the City of North Miami once a week for four (4) consecutive weeks preceding the holding of the election.

### **3. City Clerk to be appointed by the City Manager**

Sec. 36. - Municipal elections.

The regular election for councilmembers, ~~and mayor and city clerk~~, when applicable, shall be held on the second Tuesday in May in odd-numbered years.

Should the council determine that by reason of the happening of a disaster or of an impending disaster, such election should not be held, it may by resolution authorize the mayor by proclamation to postpone the holding of the election for a period not to exceed fourteen (14) days. Such proclamation shall be posted in the city hall not less than ten (10) hours prior to the opening of the polling place or places for such elections and shall specify the time to which the election is to be postponed. The term "qualified elector" as used in this charter shall mean a citizen having the qualifications required by law to vote in the city who is at the time 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. Any special election of the council shall be held as nearly as practicable according to provisions for a regular election.

Sec. 38. - Selection of candidates.

In any election held hereunder, candidates for council, ~~and mayor or city clerk~~ receiving at least fifty (50) percent plus one (1) of the votes cast in their respective groups shall be deemed elected to the vacancies to be filled. Where no candidate receives a least fifty (50) percent plus one (1) of the votes cast in his/her group or for mayor, a runoff election between the two (2) highest candidates in the group or for mayor shall be held on a date established by the city council, by ordinance, which shall not be more than three (3) weeks after the regular election and the candidates receiving at least fifty (50) percent plus one (1) of the votes in the runoff election shall be deemed elected to the vacancy in that group or for mayor. In the event that the two (2) candidates in the runoff receive an equal number of votes, then there shall be another runoff election on a date established by the city council, by ordinance, which shall not be more than three (3) weeks after the previous runoff election, until a candidate shall have received at least fifty (50) percent plus one (1) vote of the people.

## 5. Signatures if Qualifying by Petition and Lengthening and Moving Qualifying Period

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 or mayor, or for city clerk~~ by filing such intention in writing with the city election authorities not earlier than ~~forty-three (43)~~ ~~fifty-nine (59)~~ days nor later than ~~thirty-five (35)~~ ~~forty-five (45)~~ 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. All signatures for a candidate qualifying by petition shall be of electors from the same district for which the candidate is running.

Sec. 57. - ~~Elected officials~~ Appointment and duties.

Anything in this charter to the contrary notwithstanding, the city clerk shall be appointed by the city manager. The current elected city clerk shall serve the remainder of her term continue to be elected by the people in the same manner as is now provided by law, and The city clerk shall perform such duties as may now or hereafter be provided by ordinance.

Sec. 58. - City clerk; ~~election~~ vacancy.

- (a) ~~On the second Tuesday in May of an odd numbered year, the city clerk shall be elected to hold office for a term of four (4) years and until his or her successor is elected and qualified but beginning in 2013 shall be limited to serving no more than two consecutive terms. In the event that no candidate receives a majority of the votes cast, then a runoff election shall be held between the two (2) candidates receiving the highest number of votes at the time and in the manner set forth in [section] 61. In the event a vacancy occurs in the office position of city clerk, the deputy city clerk shall assume the duties of the city clerk until such time as the city manager shall fill such vacancy. Such vacancy shall be filled for a full four-year term in the next regular election being held for the City of North Miami.~~
- (b) Qualifications. Except as otherwise provided below, any qualified voter of the City of North Miami may qualify and run for the office of be appointed to the position of city clerk. Such candidate must have been a resident of this city for at least one (1) year prior to qualifying. The city council may, by ordinance, establish additional qualifications, applicable subsequent to the May 1985 election of the city clerk.
- (c) Duties.
  - (1) Give notice of regular and special council meetings.

- (2) Keep a journal of the council proceedings and record in full in a book kept for the purpose, all ordinances and resolutions as may be enacted and adopted by the council.
- (3) Be the keeper of official city contracts.
- (4) Be responsible for issuing occupational licenses and the billing and collection of said license fees.
- (5) Shall act as supervisor of all City of North Miami elections.
- (6) ~~Reserved.~~
- (7)(6) Shall perform such other duties as shall be required ~~of him~~ by ordinance.

(d) Salary. The city clerk shall receive a salary which shall be fixed in advance by the city council by ordinance, and which salary shall be included in the budget.

## **6. Members of certain Boards must be City Residents and U.S. Citizens**

### **ARTICLE IX – BOARDS**

Sec. 59 – Residency and citizenship requirements.

A member of the following boards shall be a qualified elector of the city:

- (a) Board of Adjustment
- (b) Charter Board
- (c) Nuisance Abatement Board
- (d) Personnel Board
- (e) Parks and Recreation Commission
- (f) Planning Commission