

ORDINANCE NO. 1501

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING SECTIONS 10, 36 AND 58 OF THE CITY CHARTER, TO CHANGE THE DATE OF THE GENERAL ELECTION FROM MAY 9, 2023 TO NOVEMBER 5, 2024 AND TO CHANGE THE DATE OF ALL SUBSEQUENT ELECTIONS; PROVIDING FOR THE EXTENSION OF EXISTING TERMS OF OFFICE; 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 FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Sections 36 of the City Charter, regular elections shall be held in odd-numbered years, on the second Tuesday in May; and

WHEREAS, Section 6-76, of the City Code provides for the date of regular elections to be held in odd-numbered years, on the second Tuesday in May; and

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

WHEREAS, the City Council has determined that the City's current 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;

WHEREAS, starting with the 2023 City General Election currently scheduled for May 9, 2023, the City Council desires to change the date of the City's General Election to November 5, 2024, and to extend the corresponding terms of office of sitting Councilmembers to coincide with the election date change; and

WHEREAS, all subsequent elections will occur on the first Tuesday following the first Monday in November in each even-numbered year and the date of runoff elections shall occur on the first Tuesday after the first Monday in December following the City General Election; and

WHEREAS, the City Council desires to change the City's regular election 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, Sections 10, 36 and 58 of the City Charter are amended to read as follows:

PART I. CHARTER OF THE CITY OF NORTH MIAMI

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ARTICLE III. THE COUNCIL

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Sec. 10. - Number; selection; term.

(3) On the ~~second~~first Tuesday ~~after the first Monday in May~~November of each ~~odd~~even-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 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. 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.

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ARTICLE VII. ELECTIONS

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Sec. 36. – Municipal elections.

The regular election for councilmembers, mayor and city clerk when applicable shall be held on the second-first Tuesday after the first Monday in May November in odd-even-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.

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ARTICLE VIII. CITY CLERK

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Sec. 58. - City clerk; election.

(a) On the second-first Tuesday after the first Monday in May November of an odd-even-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 of city clerk, the deputy city clerk shall assume the duties of the city clerk. Such vacancy shall be filled for a full four-year term in the next regular election being held for the City of North Miami.

Section 3. Extension of Existing Terms of Office. Notwithstanding the provisions of Section 10(2) of the City Charter, for the 2023 and 2025 General Elections only, the term of the office for any Councilmember or City Clerk whose term would ordinarily expire in May of 2023 or in May of 2025 shall be extended up to the date that the newly elected or re-elected Councilmember or City Clerk would take office pursuant to Section 37 of the City Charter.

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. Inclusion in the Charter/Conformity of Amendments. Following 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 6. 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 7. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 7th day of November, 2022.

PASSED AND ADOPTED by a 3-1 vote of the City Council of the City of North Miami, Florida, on second reading this 13th day of December, 2022.



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: MAYOR ALIX DESULME

Moved by: Desulme

Seconded by: Galvin

Vote:

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

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