

ORDINANCE No. 2006-10-91

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 5.1(C) OF ARTICLE V. OF THE CHARTER TO CHANGE THE DATE OF RUNOFF ELECTIONS AS SET FORTH IN THE CHARTER, TO THE DAY OF THE STATE GENERAL ELECTION, OR IF NONE IS HELD IN ANY SUCH YEAR, TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH EVEN-NUMBERED YEAR PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 5.1(C) of the City of Miami Gardens Charter, if necessary, runoff elections are to occur on the day of the second State primary election, or if none is held in any such year, then on the first Tuesday in October, and

WHEREAS, the State no longer holds a second primary election, which would require the City to hold an election on the first Tuesday in October, and

WHEREAS, the Miami-Dade County Supervisor of Elections has informed the City that it does not hold County elections on the first Tuesday in October, which would require the City to hold its own separate runoff election, and

WHEREAS, the Miami-Dade County Supervisor of Elections has informed the City that holding a separate run-off election could cost upwards of \$90,000.00, and

WHEREAS, Section 100.3605(2) and Section 166.021(4), Florida Statutes permits municipalities to change the dates for the elections of members of the governing body, by ordinance, and

WHEREAS, the Florida Attorney General has opined that a city may amend its charter by ordinance to move the dates of city elections to coincide with federal, state,

and county elections, and

WHEREAS, the City Council deems it in the best interest of the City to amend the runoff election date to coincide with the date of the State general election, or if none is held in any year, to the first Tuesday after the first Monday in November of each even-numbered year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT TO RUNOFF ELECTION DATE PROVIDED IN SECTION 5.1(C) OF ARTICLE V. OF THE CHARTER: Section 5.1(C) of Article V. of the Charter is hereby amended as follows:

- (C) *Election Dates.* A general election shall be held in each even-numbered year, on the day of the first state primary election, or if none is held in any such year, on the first Tuesday following the second Monday in September. A runoff election, if necessary, shall be held on the day of the second-state ~~primary~~ general election, or if none is held in any such year, then on the first Tuesday after the first Monday in ~~October~~ November. The Council shall hold no meetings between the general election and the swearing in of those newly elected or re-elected Council members except in the case of an emergency affecting life, health, property or the public peace.

SECTION 3. DIRECTIONS TO THE CITY CLERK: The City Clerk is hereby authorized and directed to take any and all actions required to ensure that runoff

elections, if necessary are conducted in accordance with this Ordinance.

SECTION 4. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

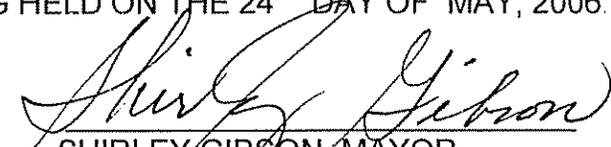
SECTION 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 7. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 26th DAY OF APRIL, 2006.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 24TH DAY OF MAY, 2006.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Ordinance No. 2006-10-91

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: MAYOR SHIRLEY GIBSON

MOVED BY: Vice Mayor Braynon
SECONDED BY: Councilman Harvard

VOTE: 7-0

Mayor Gibson	<u>x</u>	(Yes)	<u> </u>	(No)
Vice Mayor Oscar Braynon, II	<u>x</u>	(Yes)	<u> </u>	(No)
Councilman Melvin L. Bratton	<u>x</u>	(Yes)	<u> </u>	(No)
Councilman Aaron Campbell	<u>x</u>	(Yes)	<u> </u>	(No)
Councilman Ulysses Harvard	<u>x</u>	(Yes)	<u> </u>	(No)
Councilwoman Sharon Pritchett	<u>x</u>	(Yes)	<u> </u>	(No)
Councilwoman Barbara Watson	<u>x</u>	(Yes)	<u> </u>	(No)

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