

ORDINANCE No. 2007-19-125

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 9, OF ORDINANCE NO. 2005-12-50, TO CHANGE THE QUALIFYING DATES FOR CANDIDATES FOR MAYOR OR CITY COUNCIL MEMBER; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens previously adopted Ordinance No. 2005-12-50, which established the processes for the City' elections, and

WHEREAS, recently State law changed so that the date of the State Primary Election is now in August, as opposed to September, and

WHEREAS, the City Council deems it necessary and appropriate to amend Section 9 of the Ordinance to change the dates for qualifying as a candidate for Mayor or City Council Member to comport with a recent change in the State Law,

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: Section 9 of Ordinance No. 2005-12-50 is hereby amended as follows:

Section 9. **Qualifying as candidate for Mayor or City Council Member; fee; oath; single candidate considered elected.**

Candidates for the office of Mayor or City Council Member shall qualify with the City Clerk no earlier than ~~9:00 a.m. on the 63rd day~~ 9:00 a.m. on the first Monday in June

and no later than 4:00 p.m. on the ~~40th~~ day prior to the date of the general election on the second Monday in June, for the office of Mayor or City Council Member, every year a municipal general election is held, and in the method provided for in the City Charter and under the rules of elections prescribed in the Florida Statutes.

(A) A candidate for the office of Mayor or City Council Member shall qualify by paying to the City Clerk the sum of \$200 as a qualifying fee, which fee shall be in addition to any fee required by the State, and by signing the oath required by Section 9 of this Ordinance. The following additional provisions shall also apply:

(1) A person may not be a candidate for more than one office in the same election.

(2) Only electors of the City, as defined by Section 5.1(a), of the City Charter, who have resided continuously in the City for at least one year preceding their qualifying date shall be eligible to hold the office of Mayor, or Council member.

(3) A person may not be a candidate for an open residential council member seat unless that person has resided in the residential area he or she seeks to represent, continuously for a period of one year preceding his/her qualifying date.

(4) If, at the conclusion of the qualifying period, no elector has filed or qualified for an open seat, or if the death, withdrawal or removal from the ballot of a qualified elector occurs, then the qualifying period for that open seat shall be reopened for a period of five business days and any qualified elector who resides in the relevant residential area and has resided continuously in the City for at least one year may file a written notice of candidacy for the open seat in accordance with the provisions of this Section.

(B) If, at the close of the qualifying period, there is only one duly qualified candidate for Mayor or for any City Council seat, that single candidate shall be considered elected automatically. The City Clerk shall not accept any oath or affirmation for filing unless the same is accompanied by the payment of the required qualifying fee, unless qualifying is via petition in which case the qualifying fee is waived.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. 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 5. 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 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 12th DAY OF SEPTEMBER, 2007.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 25th DAY OF SEPTEMBER, 2007.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: Ronetta Taylor, City Clerk

MOVED BY: Vice Mayor Watson

SECONDED BY: Councilman Campbell

VOTE: 6-0

Mayor Shirley Gibson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Vice Mayor Barbara Watson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman Melvin L. Bratton	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman Aaron Campbell Jr.	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman André Williams	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilwoman Sharon Pritchett	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)
Councilman Oscar Braynon II	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No) Out of town