

ORDINANCE NO. 2011-16-258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE V, SECTION 2-446 OF THE CODE OF ORDINANCES RELATING TO THE INSTALLATION OF NEWLY ELECTED OFFICIALS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 2-446 of Article V of the City of Miami Gardens Code of Ordinances currently provides that newly elected officials are to be installed at 12:00 noon on the first Monday after a general election, and in the event of a run-off, at 12:00 noon on the first Monday after the date of run-off election, and

WHEREAS, in the last election, the City Council did not receive certified election results from the Miami-Dade County Supervisor of Elections in a time frame that would permit the City to comply with the requirements of the Ordinance, and

WHEREAS, the City Clerk is recommending that the City Council amend Section 2-446, to provide that newly elected officials will be sworn in upon receipt of the certified election results from the Miami Dade County Division of Election at a date and time to be determined by the City Clerk, and

WHEREAS, in addition, the City Clerk is recommending that results of any election be approved by resolution by the City Council at the next regularly scheduled City Council meeting subsequent to the installation ceremony,

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 paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT: Section 2-446 of the Code of Ordinances relating to the swearing in of newly elected officials is hereby amended as follows:

Sec. 2-446. - Installation of new officers.

~~The city council shall meet at 12:00 noon on the first Monday after a general election, and in the event a runoff election is necessary, the city council shall also meet at 12:00 noon on the first Monday after said runoff election, for the purpose of receiving the certificate of election results from the city clerk. In the event Monday falls on a holiday, the results shall be certified on the following Tuesday. Newly elected officers shall be sworn in upon the receipt of certified election results from the Miami-Dade County Division of Elections, at a date and time to be determined by the City Clerk. The city council shall accept the results thereof by resolution and shall declare the new officers to be elected, at the next regularly scheduled City Council meeting subsequent to the installation ceremony, at which time the city clerk, or any other person authorized by law to take oaths, shall administer the oath and the new officers shall be installed and shall enter upon the discharge of their duties. ~~In the event a runoff election is necessary, the new officers shall be declared elected subsequent to canvass of election returns on the day after said runoff election, at which time the city clerk, or any other person authorized by law to take oaths, shall administer the oath, and the new officers shall be installed and shall enter upon the discharge of their duties.~~~~

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 section 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.

Section 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 13TH DAY OF JULY, 2011.

PASSED ON SECOND READING ON THE 27TH DAY OF JULY, 2011.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 27TH DAY OF JULY, 2011.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

Ordinance No. 2011-16-258

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: RONETTA TAYLOR, MMC, CITY CLERK

Moved by: Vice Mayor Campbell
Second by: Councilman Gilbert

VOTE: 7-0

Mayor Shirley Gibson	<u> X </u> (Yes)	_____ (No)
Vice Mayor Aaron Campbell, Jr.	<u> X </u> (Yes)	_____ (No)
Councilman David Williams Jr	<u> X </u> (Yes)	_____ (No)
Councilwoman Lisa Davis	<u> X </u> (Yes)	_____ (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	_____ (No)
Councilwoman Felicia Robinson	<u> X </u> (Yes)	_____ (No)
Councilman Andre' Williams	<u> X </u> (Yes)	_____ (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	July 27, 2011		Item Type:	Resolution	Ordinance	Other	
					x		
Fiscal Impact:	Yes	No	Ordinance Reading:	1st Reading		2nd Reading	
		x				x	
			Public Hearing:	Yes	No	Yes	No
						x	
Funding Source:			Advertising Requirement:	Yes		No	
				x			
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:				
	X						
Strategic Plan Related	Yes	No	Strategic Plan Priority Area:	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i>			
				Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>			
Sponsor Name	Ronetta Taylor, MMC City Clerk		Department:	Office of the City Clerk			

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE V, SECTION 2-446 OF THE CODE OF ORDINANCES, RELATING TO THE INSTALLATION OF NEWLY ELECTED OFFICIALS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

Staff Summary:

Background

The City adopted a procedure for installation of new officers. Section 2-446, Article V, of the City of Miami Gardens Code of Ordinances entitled "Installation of new officers" provides that the Council shall **meet** at 12:00 noon on the first Monday after a general election, and in the event of a runoff election is necessary, the city council shall also **meet** at 12:00 noon on the first Monday after said run-off election, for the purpose of receiving the certificate of election results from the City Clerk. Section 2-446 also provides that the Council shall accept the results thereof by resolution and shall declare the new officers to be elected, at which time the city clerk, or any other person authorized by law to take oaths, shall administer the oath and the new officers, shall be installed and shall enter upon the discharge of their duties. This section of the Code is in conflict with the City's Charter.

**ITEM I-3) ORDINANCE
SECOND READING/PUBLIC HEARING
Installation of Elected Officials**

A review of Article V. subsection (C) of the City of Miami Gardens' Charter entitled "Election Dates" provides that 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.

Furthermore, Miami-Dade County Division of Elections now provides the Certified Results of the City of Miami Gardens' elections no earlier than seven days after the General or Run-off Election is held. It should be noted that FS 102.112 provides that the deadline to submit "Official Results" is 5:00 p.m. on the 7th day following a primary, which is when the City of Miami Gardens' General Election occurs. FS 102.112 also provides that the deadline to submit "Official Results" for General Election is Noon on the 12th day following the election, which is when a run-off Election for the City of Miami Gardens would occur.

Current Situation

The attached ordinance amends Article V, Section 2-446 of the Code of Ordinances to provide that installation of newly elected officers shall take place upon receipt of Certification of Results from Miami-Dade County Division of Election, for the City of Miami Gardens' General or Run-off Election on a date and time to be determined by the City Clerk. This section is further amended to provide that the Council shall accept the results thereof by resolution and shall declare the new officers to be elected at the next regularly scheduled City Council meeting subsequent to the installation ceremony.

Proposed Action:

It is recommended that the City Council adopt the attached ordinance amending Article V, Section 2-446 of the City of Miami Gardens Code of Ordinances.

Attachment:

None.