

ORDINANCE NO. 2013-17-305

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 2-443(a) OF ARTICLE V OF THE CODE OF ORDINANCES RELATING TO QUALIFYING PERIODS; 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 Charter provides that general elections are to be held in each even numbered year on the date of the State primary election, or if none is held, in any such year, on the first Tuesday following the second Monday in September, and

WHEREAS, during the 2013 Florida Legislative Session, a new election law was adopted, and

WHEREAS, the new Legislation amended the time frame for the State's primary election from twelve (12) weeks to tens (10) weeks prior to the general election which is held in August, and

WHEREAS, the City Clerk has been notified by Miami-Dade County's Election, that the State's primary election currently scheduled for August 12, 2014, will take place on August 26, 2014, and

WHEREAS, the City Code sets forth the date and time for qualifying of candidates for the City of Miami Gardens general election, and

WHEREAS, the City Clerk is recommending an amendment to Section 2-443(a) of the City Codes of Ordinances to comport with the amendments to the

Added language is underlined. Deleted language is stricken through.

State Election Law to insure that enough time is allocated for qualifying individuals for the City of Miami Gardens elections,

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 2-443(a) of the Code of Ordinances relating to the qualifying periods is hereby amended as follows: **Sec. 2-443. Qualifying as candidate for mayor or city council member; fee; oath; single candidate considered elected.**

- (a) 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 ~~third Tuesday in May~~ tenth day before the opening of the Miami-Dade County Elections qualifying period and no later than 4:00 p.m. on the ~~fourth Tuesday in May~~ fifth day before the opening of Miami-Dade County Elections qualifying period, 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 state statutes.

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.

Added language is underlined. Deleted language is stricken through.

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 10th DAY OF JULY, 2013.

PASSED ON SECOND READING ON THE 24th DAY OF JULY, 2013.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 24th DAY OF JULY, 2013.



OLIVER GILBERT, III, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY
SPONSORED BY: RONETTA TAYLOR, MMC, CITY CLERK

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Moved by: Councilman Williams

Second by: Vice Mayor Davis

VOTE: 7-0

Mayor Oliver Gilbert, III	<u>X</u> (Yes)	_____ (No)
Vice Mayor Lisa Davis	<u>X</u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	<u>X</u> (Yes)	_____ (No)
Councilman David Williams Jr	<u>X</u> (Yes)	_____ (No)
Councilwoman Felicia Robinson	<u>X</u> (Yes)	_____ (No)
Councilman Rodney Harris	<u>X</u> (Yes)	_____ (No)
Councilman Erhabor Ighodaro, Ph.D.	<u>X</u> (Yes)	_____ (No)

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