

# TOWN OF MIAMI LAKES, FLORIDA

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## Town Council

Mayor Wayne Slaton

Vice Mayor Roberto Alonso

Councilmember Mary Collins

Councilmember Robert Meador, II

Councilmember Michael Pizzi

Councilmember Nancy Simon

Councilmember Peter Thomson

## AGENDA SPECIAL TOWN COUNCIL MEETING

June 8, 2004

TIME CERTAIN 8:00 P.M.

**Miami Lakes Middle School**

6425 Miami Lakeway North

Miami Lakes, Florida 33014

**1. CALL TO ORDER:**

**2. ROLL CALL:**

**3. ORDINANCE – FIRST READING:**

**A. CHANGING THE DATE OF THE TOWN OF MIAMI LAKES 2004  
GENERAL AND RUN-OFF ELECTIONS (*Rey*) (*Page 2*)**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA,  
CHANGING THE DATE OF THE OCTOBER 2004 MUNICIPAL TOWN  
ELECTION AND RUN-OFF ELECTION; CHANGING THE  
QUALIFYING PERIOD IF NECESSARY; CHANGING THE TERMS OF  
OFFICE NECESSITATED BY THE CHANGE OF THE 2004 ELECTION  
DATE, PROVIDING FOR SUCH CHANGES PURSUANT TO SECTIONS  
100.3605(2) AND 166.021(4), FLORIDA STATUTES; PROVIDING FOR  
EXISTING TERMS OF OFFICE; PROVIDING FOR SEVERABILITY;  
AND PROVIDING FOR AN EFFECTIVE DATE**

**4. ADJOURNMENT:**

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at [townofmiamilakes.com](http://townofmiamilakes.com) and is available at Town Hall, 6853 Main Street. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 four days prior to the meeting.

Anyone wishing to appeal any decision made by the Miami Lakes Town Council with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 12 copies.

# Town of Miami Lakes

## Council Memorandum

To: Honorable Mayor and Town Council  
From: Alex Rey, Town Manager  
Subject: 2004 Election Date Change Ordinance  
Date: June 8, 2004

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This item is being put on this agenda based upon a letter from the Miami Dade County Supervisor of Elections advising that the County is unable to accommodate the Town's October 5, 2004 Election (*See attached correspondence dated June 3, 2004.*)

Based upon the Supervisor of Elections' assertion, the Town Attorney has prepared an Ordinance for First Reading for your review and consideration.



CONSTANCE A. KAPLAN  
SUPERVISOR OF ELECTIONS  
MIAMI-DADE COUNTY, FLORIDA  
2700 N.W. 87TH AVENUE  
MIAMI, FLORIDA 33172

PHONE: (305) 499-8502  
FAX: (305) 499-8501  
EMAIL: [ckaplan@miamidade.gov](mailto:ckaplan@miamidade.gov)  
WEBSITE: <http://elections.miamidade.gov>

June 3, 2004

Ms. Beatris M. Arguelles, CMC, Town Clerk  
Town of Miami Lakes  
6853 Main Street  
Miami Lakes, Florida 33014

RE: 2004 Municipal Election Dates

Dear Ms. Arguelles,

I just wanted to follow up my oral communication to you with this letter explaining why it is not logistically possible for us to conduct your municipal elections scheduled for October 5, 2004, and October 19, 2004.

Most importantly, I must explain that for the benefit of the Town of Miami Lakes residents, I feel that it would not be fair to hold an election unless I can provide the level of service that the Town of Miami Lakes deserves. As you know, on August 31, 2004 the Miami-Dade Elections Department will hold a major Countywide election, and immediately thereafter, we will begin preparing for the November 2, 2004, General Election. This election will be one of the most important ever in Miami-Dade County, and it will require inordinate amounts of labor and resources. Every person, and every piece of equipment (including our iVotronic voting machines) will be working overtime in preparation for that election, and those preparations will begin well before October 5.

As an alternative, I would suggest that the Town of Miami Lakes change, via ordinance, the election date to either August 31, 2004, or November 2, 2004 (with a run-off, if necessary, on November 16, 2004). As a side benefit, I would point out that historically, municipalities holding elections on General Election dates experience higher turnout, and election costs for the residents of the Town of Miami Lakes will decline significantly as the Town of Miami Lakes would pay for only minimal programming costs rather than for equipment delivery, pollworker pay and overtime costs associated with administering a separate municipal election.

Ms. Beatris M. Arguelles, CMC, Town Clerk  
June 3, 2004  
Page 2

As always, please feel free to contact me if my staff may be of any assistance as you make this adjustment.

Very truly yours,



Constance A. Kaplan  
Supervisor of Elections

CAK/sk

c: Robert Ginsburg, County Attorney  
George M. Burgess, County Manager  
Murray Greenberg, First Assistant County Attorney  
Alina T. Hudak, Assistant County Manager  
Alex Munoz, Assistant County Manager

## **ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, CHANGING THE DATE OF THE OCTOBER 2004 MUNICIPAL TOWN ELECTION AND RUN-OFF ELECTION; CHANGING THE QUALIFYING PERIOD IF NECESSARY; CHANGING THE TERMS OF OFFICE NECESSITATED BY THE CHANGE OF THE 2004 ELECTION DATE, PROVIDING FOR SUCH CHANGES PURSUANT TO SECTIONS 100.3605(2) AND 166.021(4), FLORIDA STATUTES; PROVIDING FOR EXISTING TERMS OF OFFICE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with Section 5.1(c) of the Town Charter, the Town's general election shall be on the first Tuesday following the first Monday in October, which for the year 2004 falls on Tuesday, October 5, 2004; and

**WHEREAS**, Section 5.1(c) of the Town Charter provides that the runoff election if required, shall be held 14 calendar days after the Town's general election, which would fall on October 19, 2004; and

**WHEREAS**, the Miami-Dade County Supervisor of Elections (the "Supervisor") by letter dated June 3, 2004 has advised the Town Clerk that she cannot accommodate the Town's election date of October 5, 2004 because the election falls between the 2004 First Presidential Primary Election (August 31, 2004) and the General Presidential Election (November 2, 2004), that the Supervisor is statutorily required to electronically certify all of the iVotronic balloting equipment and that the timing of the Town's election in between the two elections could jeopardize her preparation for those elections; and

**WHEREAS**, the Supervisor has additionally advised the Town Clerk that she requires a minimum amount of time between the general election and the run-off election to ensure that absentee ballots are available for mailing, that early voting is established and that the iVotronic equipment is properly programmed, proofed and tested; and

**WHEREAS**, the Supervisor has additionally advised the Town Clerk that she cannot accommodate the Town if it holds its own election based upon the fact that the Supervisor controls the electronic inputting of the registration lists on the iVotronic equipment and the interfacing of such information necessary to meet the requirements of the elections law and the Miami-Dade County Attorney has confirmed this same position; and

**WHEREAS**, the Supervisor has advised that she can hold the Town's 2004 municipal election on either August 31, 2004 or November 2, 2004 with any necessary runoff held on November 16, 2004; and

**WHEREAS**, Sections 100.3605(2) and 166.021(4), Florida Statutes authorize the Town Council to change the date of its election, qualifying periods and terms of office necessitated by any such changes to the election date without the need for a referendum election; and

**WHEREAS**, the Florida Legislature, in the adoption of Section 100.3605(2), Florida Statutes, exercised the specific authority reserved to the Florida Legislature to supercede conflicting home-rule county and municipal charters, including those of Miami-Dade County and municipalities therein, as such authority is reserved in Section 6(e) of Article VIII of the Florida Constitution as reflected in Section 11(6) of footnote number 3 thereof; and

**WHEREAS**, the Miami-Dade County Attorney has concurred with and has no objection to the Town's change of election dates as provided in this ordinance without the need for referendum approval which, in the absence of Sections 100.3605(2) and 166.021(4), Florida Statutes, would otherwise be required by Section 5.03 of the Miami-Dade County Charter; and

**WHEREAS**, the Council desires to change the date of the 2004 election and any subsequently required runoff election should a runoff election be necessary.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2 Authorization.** The change of election dates made in this Ordinance are authorized by Sections 100.3605(2) and 166.021(4), Florida Statutes.

**Section 3. Change of election dates.** The Town of Miami Lakes general municipal election for the year 2004 shall be changed from Tuesday, October 5, 2004 to \_\_\_\_\_; and the run-off election, should one be required, shall be changed from October 19, 2004 to \_\_\_\_\_.

**Section 4. Existing Terms of office.** [option 1] [For the general Town election occurring on August 31, 2004, in the event that no run-off election is required, the term of office of the newly elected or reelected council members and Mayor shall commence on October 6, 2004.] [option 2] [For the general election occurring on November 2, 2004, in the event that no run-off election is required, the term of office of the newly elected or reelected council members and Mayor shall commence on November 3, 2004.] In the event a runoff election is required for any council seat or the Mayor's seat, the term of the council member or Mayor currently in office holding the particular seat shall be extended up to the date of the run-off election.

**Section 5. Qualifying Dates.** The Qualifying Dates specified in Section 3 of Ordinance No. 04-49 (the "Miami Lakes Candidate Qualifying Ordinance"), solely for the purposes of the 2004 Town Municipal Election, shall be changed to reflect that the qualifying period shall open on \_\_\_\_\_, 2004 and close on noon of \_\_\_\_\_, 2004. All other provisions of the Miami Lakes Candidate Qualifying Ordinance shall apply to the 2004 Town Municipal Election.

**Section 6. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall 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 7.** **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember \_\_\_\_\_, who moved for its adoption on first reading. This motion was seconded by Councilmember \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	_____
Councilmember Robert Meador, II	_____
Councilmember Michael Pizzi	_____
Councilmember Nancy Simon	_____
Councilmember Peter Thomson	_____
Vice Mayor Roberto Alonso	_____
Mayor Wayne Slaton	_____

PASSED AND ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

The foregoing Ordinance was offered by Councilmember \_\_\_\_\_, who moved its adoption on second reading. The motion was seconded by Councilmember \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	_____
Councilmember Robert Meador, II	_____
Councilmember Michael Pizzi	_____
Councilmember Nancy Simon	_____
Councilmember Peter Thomson	_____
Vice Mayor Roberto Alonso	_____
Mayor Wayne Slaton	_____

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Wayne Slaton  
MAYOR



ATTEST:

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Beatris M. Arguelles, CMC  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:

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Weiss, Serota, Helfman, Pastoriza, Guedes  
Cole & Boniske, P.A.  
TOWN ATTORNEY

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