

ORDINANCE NO. 04-56

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, CHANGING THE DATE OF THE 2004 TOWN RUN-OFF ELECTION; PROVIDING FOR SUCH CHANGE PURSUANT TO SECTIONS 100.3605(2) AND 166.021(4), FLORIDA STATUTES; PROVIDING FOR THE EXTENSION OF 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 run-off 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 Supervisor of Elections (the "Supervisor") has 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 advised that she can hold the Town's 2004 municipal election on October 5, 2004 with any necessary run-off held on November 2, 2004; and

WHEREAS, Sections 100.3605(2) and 166.021(4), Florida Statutes authorize the Town Council to change the date of its run-off election 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 its run-off election date 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 run-off election should a run-off 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 date made in this Ordinance is authorized by Sections 100.3605(2) and 166.021(4), Florida Statutes.

Section 3. **Change of election dates.** The Town of Miami Lakes run-off election for the year 2004, if required, shall be changed from Tuesday, October 19, 2004 to Tuesday, November 2, 2004.

Section 4. **Existing Terms of office.** For the general election occurring on October 5, 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. In the

event a run-off election is required for any council seat or the Mayor' s seat, such run-off election shall occur on November 2, 2004 and 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 and the term of office of the newly elected or reelected council members and Mayor shall commence on November 3, 2004.

Section 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

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

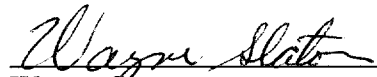
Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on first reading this 13th day of July, 2004.

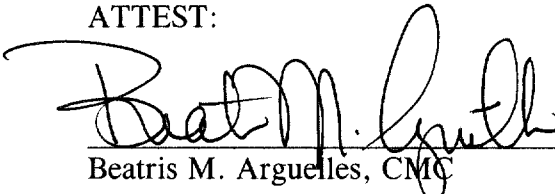
The foregoing Ordinance was offered by Councilmember Thomson, who moved its adoption on second reading. The motion was seconded by Councilmember meador, and upon being put to a vote, the vote was as follows: 3-1-3 Absent

Councilmember Mary Collins	<u>Absent</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Absent</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Absent</u>
Mayor Wayne Slaton	<u>NO</u>


PASSED AND ADOPTED on second reading this 20th day of July, 2004.


Wayne Slaton
MAYOR

ATTEST:


Beatris M. Arguelles, CMC
TOWN CLERK

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


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

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