

**ORDINANCE NO. 18 - 219**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES FLORIDA, RELATING TO ELECTIONS; AMENDING SECTION 10-21 OF THE CODE OF THE TOWN OF MIAMI LAKES TO PROVIDE NEW QUALIFYING DATES FOR TOWN ELECTIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes Town Charter, Section 2.4, Qualifications, provides that qualifying dates shall be established in such manner as may be prescribed by Ordinance; and

**WHEREAS**, Florida Statute §101.141(3) requires that special notice in a newspaper of general circulation be published twice and at least ten (10) days prior to the first day of Qualifying; and

**WHEREAS**, Section 10-21 of the Code of Ordinances of the Town of Miami Lakes is seemingly in conflict with Florida Law by prescribing the qualification period for a special election to take place the subsequent Monday after a special election is scheduled by the Town Council; and

**WHEREAS**, this Ordinance will amend Section 10-21 of the Code of Ordinances of the Town of Miami Lakes so as to avoid any potential conflict with Florida Law and provide uniformity in the Code.

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

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

**Section 2. Approval.** The Town Council hereby adopts the amendment to the Town Code as provided at Exhibit "A" and as incorporated herein.

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason 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 5. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be included in the Town Code.

**Section 6. Effective date.** This Ordinance shall become effective immediately upon adoption.

Additions to the text are shown in underlined; deletions from the text are shown in ~~strikethrough~~.

Omitted portions of this ordinance are shown as "\* \* \*".

### **FIRST READING**

The foregoing ordinance was offered by Councilmember Rodriguez who moved its adoption on first reading. The motion was seconded by Councilmember Mestre and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	recused
Vice Mayor Frank Mingo	yes
Councilmember Luis Collazo	yes
Councilmember Tim Daubert	yes
Councilmember Ceasar Mestre	yes
Councilmember Nelson Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed on first reading this 5<sup>th</sup> day of December 2017.

**THIS SPACE LEFT INTENTIONALLY BLANK**

Additions to the text are shown in underlined; deletions from the text are shown in ~~strikethrough~~.

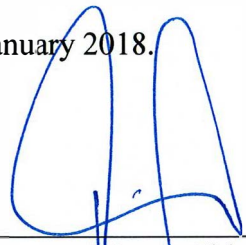
Omitted portions of this ordinance are shown as “\* \* \*”.

## SECOND READING

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

Mayor Manny Cid	yes
Vice Mayor Frank Mingo	yes
Councilmember Luis Collazo	yes
Councilmember Tim Daubert	absent
Councilmember Ceasar Mestre	yes
Councilmember Nelson Rodriguez	yes
Councilmember Marilyn Ruano	yes

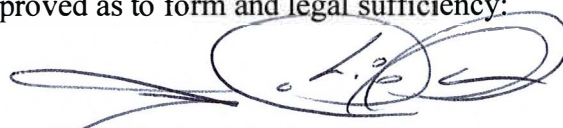
Passed and adopted on second reading this 16<sup>th</sup> day of January 2018.

  
\_\_\_\_\_  
Manny Cid  
MAYOR

Attest:

  
\_\_\_\_\_  
Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY

Additions to the text are shown in underlined; deletions from the text are shown in ~~strikethrough~~.

Omitted portions of this ordinance are shown as “\* \* \*”.

## EXHIBIT "A"

### Section 10.21

#### SPECIAL ELECTIONS

- a. In circumstances in which a vacancy on the Town Council is to be filled by special election, all candidates who meet the criteria set forth in Section 2.4 of the Town Charter seeking election to the office of Mayor or Councilmember of the Town of Miami Lakes shall qualify~~the qualifying period shall commence on the first Monday after the Town Council schedules a special election and shall consist of a period of consecutive days commencing on a Monday at noon and terminating on a Friday at noon. Notwithstanding this provision, in the event that any of the qualifying dates for a special election falls on a legal holiday or day that Town Hall is otherwise closed for reasons out of the control of Town staff, the qualifying period shall be extended for one additional business day for each day of the qualifying period that Town Hall is closed.~~ in the same manner set forth in Section 10-20 unless one of the following occurs:
  1. The time between the scheduling of the special election and the date prescribed in Section 10-20 is less than ten (10) consecutive days; or
  2. Miami-Dade County Department of Elections is unwilling or unable to adhere to the dates prescribed in Section 10-20
- b. If the time between the scheduling of the special election and the date prescribed in Section 10-20 is less than ten (10) consecutive days, then all candidates who meet the criteria set forth in Section 2.4 of the Town Charter seeking election to the office of Mayor or Councilmember of the Town of Miami Lakes shall qualify no sooner than noon of the first Monday, following the tenth (10<sup>th</sup>) consecutive day after the scheduling of the Special Election, and no later than noon on the seventh (7<sup>th</sup>) business day thereafter. In the event that Town Hall is closed for any reason on the last day of qualifying, the qualifying period shall be extended until noon of the next business day.
- c. In the event that the Miami-Dade County Elections Department expresses in writing its inability to schedule an election, the Town Council in its sole discretion may select an alternate qualifying period, so long as the period selected commences no sooner than ten (10) consecutive days after the scheduling of the Special Election.
- d. Prior to the commencement of the qualifying period, the Clerk shall publish at least twice, a notice of the Special Election, in a newspaper of general circulation.

Additions to the text are shown in underlined; deletions from the text are shown in ~~strikethrough~~.

Omitted portions of this ordinance are shown as “\* \* \*”