

CITY OF CORAL GABLES

ORDINANCE NO. 2005-06

AN ORDINANCE CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL REFERENDUM ELECTION OF CORAL GABLES, FLORIDA, ON APRIL 12, 2005, IN ACCORDANCE WITH SECTION 5.03 OF THE CODE OF MIAMI-DADE COUNTY, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF SAID CITY, AN ORDINANCE IN CONNECTION WITH THE PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF CORAL GABLES, WHEREIN THE VOTERS OF THE CITY OF CORAL GABLES SHALL BE CALLED UPON TO VOTE ON THE FOLLOWING QUESTION, TO BE KNOWN AS CHARTER AMENDMENT BALLOT QUESTION NO. 1: SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE FOR THE MAYOR TO BE ELECTED TO SERVE A FOUR (4) YEAR TERM COMMENCING THE SECOND TUESDAY IN APRIL, 2007?; INCLUDING, BUT NOT LIMITED TO, AMENDING CERTAIN SECTIONS, STATING THE FORM OF THE QUESTION TO BE VOTED UPON; PROVIDING THE FORM OF THE BALLOT FOR SAID ELECTION; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF THE VOTER REGISTRATION BOOKS AND RECORDS; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN ORDINANCE TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, NOT LESS THAN SIXTY DAYS PRIOR TO THE DATE OF SUCH SPECIAL MUNICIPAL REFERENDUM ELECTION; DIRECTING THE CITY CLERK OF THE CITY OF CORAL GABLES TO PUBLISH NOTICE OF SUCH ELECTION PURSUANT TO SECTION 100.342, FLORIDA STATUTES (2003), WHICH NOTICE SHALL INCLUDE THE FULL TEXT OF THE PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF CORAL GABLES, FLORIDA, PROVIDING AT LEAST THIRTY DAYS' NOTICE OF THE ELECTION OR REFERENDUM BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF CORAL GABLES, WITH PUBLICATION MADE AT LEAST TWO TIMES, ONCE IN THE FIFTH WEEK AND ONCE IN THE THIRD WEEK PRIOR TO THE WEEK IN WHICH THE ELECTION OR REFERENDUM IS TO BE HELD; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City of Coral Gables Charter Review Committee convened publicly, conducted a comprehensive study of the City's Charter, the findings and recommendations of the prior Charter Review Committee, and held public hearings; and

WHEREAS, the City of Coral Gables Charter Review Committee after meeting publicly, conducting a comprehensive study of issues which would require referendum approval, and holding public hearings on those issues, made the recommendations contained herein; and

WHEREAS, it is the intent and desire of the City Commission to provide an opportunity to the electorate to vote on the issue of a four year mayor's term; and

WHEREAS, in determining whether to submit the issue of a four year mayor's term to the electorate, the City Commission was mindful of the fact that the issue has been repeatedly raised and debated over the years, the research of the Charter Review Committee and the public hearings on the matter; and

WHEREAS, it is in the best interest of the citizens of the City of Coral Gables that the issue of a four year mayor's term be submitted to the electorate; and

WHEREAS, the proposed Charter amendment is set forth in its final form in this Ordinance; and

WHEREAS, the proposed amendment shall be submitted to the electorate at the Special Municipal Referendum Election to be held on April 12, 2005, pursuant to Section 5.03 of the Code of Miami-Dade County for the purpose of submitting the Charter Amendment to the electorate at said election, as called for and provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The recitals and findings contained in the Preamble to this Ordinance are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

SECTION 2. That a special municipal referendum election hereby is called and directed to be held in the regular precincts and the regular voting places as established by ordinance of the City of Coral Gables, Florida from 7:00 o'clock A.M. to 7:00 o'clock P.M. on the 12th day of April, 2005 for the purpose of submitting to the qualified electors of the City, a certain proposed amendment to the Charter of the City of Coral Gables, Florida, which Charter amendment is set forth in Section 3.

SECTION 3. The Charter of the City of Coral Gables, Florida, Chapters 13972, Special Acts, 1929 and Chapter 21161, Special Acts 1941, Laws of Florida, as amended, are proposed to be amended in the following particulars ¹:

"ARTICLE II. CITY COMMISSION AND MAYOR

¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

Sec. 9. Creation, composition, election, terms, vacancies, qualifications.

The City shall be governed by a Commission consisting of five (5) members elected from the City, at large, in groups or seats numbered One (I) through Five (V). One of the said Commissioners shall be the Mayor and shall be elected by the people from the group to be numbered One (I), and all persons desiring to qualify as a candidate for Mayor shall file in Group One (I). The Mayor shall have the powers set in the Charter of the City of Coral Gables, Dade County, Florida. All persons desiring to qualify for commissioner shall file in Groups Two (II) through Five (V). Commissioners in Group Two (II) and Three (III) shall be elected at the general election to be held the second Tuesday in April, 1985, and at each general election each four (4) years thereafter. Commissioners in Groups Four (IV) and Five (V) shall be those Commissioners whose terms presently expire in 1987, and Commissioners who elect to run in Groups Four (IV) and Five (V) shall be elected the second Tuesday in April, 1987 and each general election each four (4) years thereafter. The Mayor shall be elected at each general election at the general election beginning the second Tuesday in April 1985-2007, and each general election each four (4) years thereafter, and shall hold office for a term of two (2) four (4) years. The Mayor and Commissioners shall take office at noon on the third day after their election. The Mayor and all other members of the Commission shall be subject to recall, as provided by the Charter.”

SECTION 4. The manner and form by which the actual balloting shall be conducted shall be in accordance with the General Election laws of the State of Florida, as amended, and the Charter of the City of Coral Gables, Florida.

SECTION 5. The Miami-Dade County Election officials are requested and authorized to place the above questions on the election ballot for the election to be held on the 12th day of April, 2005.

SECTION 6. In compliance with Section 100.342, Florida Statutes (2003), the City Clerk is authorized and directed to provide at least thirty days' notice of the Special Municipal Referendum Election by publication in a newspaper of general circulation in the City of Coral Gables, with publication made at least two times, once in the fifth week and once in the third week prior to the week in which the Special Municipal Referendum Election is to be held, which notice shall be substantially in the following form:

“NOTICE OF SPECIAL MUNICIPAL REFERENDUM ELECTION
TO AMEND THE CHARTER TO BE HELD ON
TUESDAY, APRIL 12, 2005
IN THE CITY OF CORAL GABLES, FLORIDA
PURSUANT TO ORDINANCE NO. 2005-___

A Special Municipal Referendum Election will be held on Tuesday, April 12, 2005 from 7:00 A.M. until 7:00 P.M. in the City of Coral Gables, Florida, at the polling places in the several election precincts designated by the Board of County Commissioners of Miami-Dade County, Florida, as set forth herein, unless

otherwise provided by law, and submitting to the qualified electors of the City of Coral Gables, Florida the following ballot question, to be known as Charter Amendment Ballot Question No. 1:

“Shall the Charter of the City of Coral Gables be amended to provide for the Mayor to be elected to serve a four (4) year term, commencing the second Tuesday in April, 2007?”

The Charter Amendment, if adopted, establishes, commencing April 10, 2007, a Mayor’s term of four years, consistent with the terms of the City Commissioners. The term of the Mayor would coincide with two elected Commissioners, every four years. Thereafter, every two years either the office of Mayor and two Commissioners will be subject to election, or two Commissioners would be subject to election.

By order of the Commission of the City of Coral Gables, Florida

City Clerk

SECTION 7. The official ballot to be used at said Special Municipal Referendum Election shall be in full compliance with the laws of the State of Florida with respect to absentee ballots and to the use of the voting machines of the Computer Election System, and shall be in substantially the following form, to wit:

**“OFFICIAL BALLOT”
SPECIAL MUNICIPAL REFERENDUM ELECTION
TUESDAY, APRIL 12, 2005
FOR APPROVAL OR DISAPPROVAL OF
THE FOLLOWING QUESTION:**

Ballot Question No. 1
**Charter Amendment increasing Mayor’s
Term of Office to Four Years,
Effective April 10, 2007**

 YES
(For the Measure)

**“Shall the Charter of the City of Coral
Gables be amended to provide for the Mayor to
be Elected to serve a Four (4) year term,
commencing the second Tuesday in April,
2007?”**

 NO
(Against the Measure)

SECTION 8. Electors desiring to vote in approval of said Charter Amendment Ballot Question No. 1 described above, shall be instructed to vote “YES” within the ballot frame

containing the statement relating to the Question. Electors desiring to disapprove Charter Amendment Ballot Question No. 1, shall be instructed to vote "NO" within the ballot frame containing the statement relating to the Question.

SECTION 9. The City Clerk shall cause to be prepared absentee ballots containing the Question set forth in Section 7 above for the use of absentee electors entitled to cast such ballots in said Special Municipal Referendum Election.

SECTION 10. All qualified electors of said City shall be permitted to vote in said Special Municipal Referendum Election and the Supervisor of Elections of Miami-Dade County, Florida is requested, authorized, and directed to furnish, at cost and expense of the City of Coral Gables, Florida, a list of all qualified electors residing in the City of Coral Gables, Florida, as shown by the registration books and records of the Office of said Supervisor of Elections and duly certify the same for delivery to and for use by the election officials designated to serve at the respective polling places in said Special Municipal Referendum Election precincts.

SECTION 11. Walter J. Foeman, the City Clerk of the City of Coral Gables, Florida, or his duly appointed successor, is designated and appointed as the official representative of the Commission of the City of Coral Gables, Florida, in all transactions with the Supervisor of Elections of Miami-Dade County, Florida, in relation to matters pertaining to the use of the registration books and the holding of said Special Municipal Referendum Election.

SECTION 12. The City Clerk shall deliver a certified copy of this Ordinance to the Supervisor of Elections of Miami-Dade County, Florida, not less than sixty days prior to the date of the Special Municipal Referendum Election.

SECTION 13. This ordinance shall become effective ten days from the date of its adoption by the City Commission.

PASSED AND ADOPTED THIS TWENTY FIFTH DAY OF JANUARY, A.D., 2005.

(Moved: Anderson / Seconded: Cabrera)

(Yeas: Kerdyk, Withers, Anderson, Slesnick)

(Absent: Cabrera)

(Vote: 4/0)

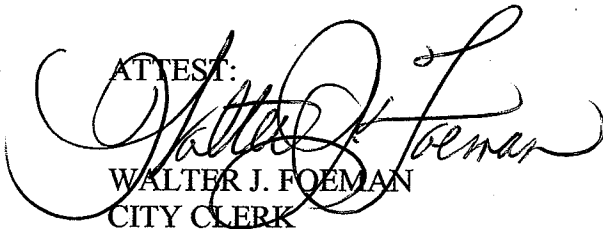
(Agenda Item E-5)

APPROVED:



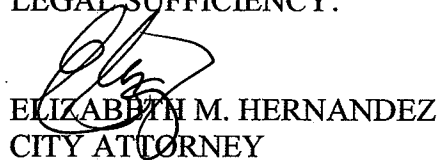
DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY