

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2023-___

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA ADJUSTING THE DATE OF THE RUN-OFF ELECTION FROM TWO WEEKS AFTER THE GENERAL ELECTION TO THREE WEEKS AFTER THE GENERAL ELECTION AND ADJUSTING ALL OTHER DATES RELATED THERETO, INCLUDING THE DATE THE MAYOR AND COMMISSIONERS SHALL TAKE OFFICE, AND AMENDING CHAPTER 18 “ELECTIONS,” SECTION 18-2 “CANVASS OF RETURNS; DUTY OF COMMISSION; DECLARATION OF RESULTS,” OF THE CITY CODE TO ADJUST THE DATE OF THE RUN-OFF ELECTION AND ALL OTHER DATES RELATED THERETO COMMENCING WITH THE GENERAL BIENNIAL ELECTION TO BE HELD ON APRIL 8, 2025; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 1.1 “Run-Off Election” of the City Charter provides:

The candidate receiving a majority of the votes in each group shall be considered elected. If a majority of the vote is not received by any one candidate of a group, a run-off between the two candidates receiving the most votes in the respective group shall be held *two weeks after the general election, on a Tuesday*. The candidate receiving the most votes in the run-off shall be considered elected. The Mayor and Commissioners *shall take office at noon on the third Friday after the general election*. No run-off election shall be required when a candidate receives a majority of the vote or if a candidate is unopposed in the run-off election. *Run-off and all other dates related thereto may be adjusted by Ordinance*. This provision shall take precedence over any confliction provision in this Charter.

(emphasis added); and

WHEREAS, Chapter 18, “Elections,” Section 18-2(a) “Canvass of returns; duty of commission; declaration of results” of the City Code provides:

The city commission shall be the judge of the election and qualification of its own members. As soon after an election as may be, the commission shall canvass the returns and declare the results prior to 12:00 noon of the third day following such general election. The candidate receiving a majority of the votes in each group shall be considered elected. In any election for Groups One through Five, if a majority of the vote is not received by any one candidate of a group, a run-off between the two candidates receiving the most votes in the respective group shall

be held *two weeks after the general election, on a Tuesday*. The candidate receiving the most votes in the run-off shall be considered elected. The mayor and commissioners *shall take office at noon on the third Friday after the general election*. No run-off election shall be required when a candidate receives a majority of the vote or if a candidate is unopposed in the run-off election. (emphasis added); and

WHEREAS, Florida Statutes § 100.3605(b) provides that “[t]he governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes;” and

WHEREAS, the City Charter was amended in 2016 following the November 8, 2016 referendum authorized by Resolution No. 2016-161 to incorporate section 1.1 providing for a run-off election; and

WHEREAS, the amendment to the City Charter had been recommended by the Charter Review Committee that was convened on May 12, 2015 and met multiple times and had extensive discussions regarding its recommendations; and

WHEREAS, the Charter Review Committee was advised during its discussions regarding the proposed run-off election that Miami-Dade County would require a minimum of three (3) weeks between the general election and a run-off election, however, upon further communications between the City and Miami-Dade County and considering that the run-off elections of other municipalities were held two weeks after the general election, Miami-Dade County agreed that a run-off election for the City could be held two weeks after the general election; and

WHEREAS, the City Commission wishes to extend the time between the general election and any run-off election to three weeks in order to expand the opportunities for electors to exercise their right to vote in a run-off election; and

WHEREAS, consistent with changing the date of the run-off to three weeks after the general election on a Tuesday, and in order to provide for the orderly transition of office resulting from such date change, the City Commission wishes to provide that the mayor and commissioners shall take office at noon on the fourth Friday following the general election.

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

SECTION 1. That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That, beginning with the General Biennial Election scheduled for April 8, 2025 and for each General Biennial Election scheduled thereafter, the run-off election provided for in Section 1-1 of the City Charter shall be held three weeks after the general election, on a

Tuesday. The Mayor and Commissioners shall take office at noon on the fourth Friday after the general election.

SECTION 3. That Chapter 18, “Elections,” Section 18-2 “Canvass of returns; duty of commission; declaration of results” shall be amended as follows:

(a) The city commission shall be the judge of the election and qualification of its own members. As soon after an election as may be, the commission shall canvass the returns and declare the results prior to 12:00 noon of the third day following such general election. The candidate receiving a majority of the votes in each group shall be considered elected. In any election for Groups One through Five, if a majority of the vote is not received by any one candidate of a group, a run-off between the two candidates receiving the most votes in the respective group shall be held ~~two~~ three weeks after the general election, on a Tuesday. The candidate receiving the most votes in the run-off shall be considered elected. The mayor and commissioners shall take office at noon on the ~~third~~ fourth Friday after the general election. No run-off election shall be required when a candidate receives a majority of the vote or if a candidate is unopposed in the run-off election.

SECTION 3. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 5. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2023.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

BILLY URQUIA
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CRISTINA M. SUÁREZ
CITY ATTORNEY