

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING SECTION 1- “ CREATION, COMPOSITION, ELECTION, TERMS, VACANCIES, QUALIFICATIONS” AND SECTION 1.1 “RUN-OFF ELECTION” OF ARTICLE 1 “CITY COMMISSION AND MAYOR” OF THE CITY CHARTER TO CHANGE THE DATE OF THE GENERAL ELECTION FROM APRIL 08, 2025 TO NOVEMBER 03, 2026 AND TO CHANGE THE DATE OF ALL SUBSEQUENT ELECTIONS; PROVIDING FOR A TWENTY (20) MONTH EXTENSION OF EXISTING TERMS OF OFFICE; MOVING THE RUN-OFF ELECTION TO FOUR (4) WEEKS AFTER THE GENERAL ELECTION AND MOVING THE SWEARING-IN DATE TO FIVE (5) WEEKS AFTER THE GENERAL ELECTION; AMENDING SECTION 3 “ELECTION TO OFFICE; COMMISSION AS JUDGE OF QUALIFICATIONS, REQUIREMENTS, BALLOTS, CANVASSING, AND QUALIFYING PERIODS” AMENDING THE QUALIFYING PERIOD; ADOPTING SUCH CHARTER AMENDMENTS PURSUANT TO SECTION 100.3605, 101.75, AND 166.021(4), FLORIDA STATUTES; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, in accordance with Section 1 of the City Charter, regular elections shall be held the second Tuesday in April of odd-numbered years; and

WHEREAS Section 1.1 of the City Charter provides that if a majority of the vote is not received by any one candidates of a group, a run-off shall be held two weeks after the general election, on a Tuesday ; and

WHEREAS, Section 100.3605(2), Florida Statutes, authorizes the City Commission to change the dates of its election via ordinance and to extend the terms of office of sitting Commission members necessitated by any such changes to the election date; and

WHEREAS, holding municipal elections in conjunction with national and state elections in even-numbered years would result in several benefits to the City including increased voter turnout, increased early voting, and lower City costs for each election; and

WHEREAS, according to an analysis by the City Clerk and City Attorney's offices during the 2023 Election Cycle the City spent approximately \$125,000 on the general election and \$125,000 on the Run-Off Election with turnout of approximately 20.92% for the General Election and 17.55% for the Run-Off Election, and

WHEREAS, in contrast, during the 2022 November general election approximately 62.96% of registered voters in the City of Coral Gables voted in the election; and

WHEREAS, the City estimates that the cost of a municipal general election coinciding with the November of even-years statewide general election would be approximately \$20,000, and the cost of a stand alone run-off election would remain approximately \$125,000; and

WHEREAS, the City currently holds a run-off election, when needed, two weeks after the general election in accordance with Section 1-1 of the City Charter; and

WHEREAS, should the City move its general election to November of even-numbered years the City would need to extend the time between the general and run-off election to account for additional time needed to certify the general election, the Thanksgiving holiday, and feedback from Miami-Dade County Supervisor of Elections; and

WHEREAS, as such, the City Commission wishes to move the run-off election to a Tuesday four weeks, rather than two weeks, after the general election to allow for sufficient turnout and time to mail absentee ballots; and

WHEREAS, if the City general election is held in November of even-numbered years the City also needs to amend the qualifying period for candidates in order to comply with deadlines from the Supervisor of Elections, and provide sufficient time to verify the qualifications of all candidates; and

WHEREAS, other municipalities have similarly amended their qualifying periods to mirror those qualifying periods for election to a county office as specified in Florida Statute 99.061(2); and

WHEREAS, Section 101.75, Florida Statutes provides that the 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, a simple and cost-effective way to transition from April of odd-numbered years to November of even-numbered years is to extend the terms of the sitting commissioners for twenty months, Group 1, Group 2, and Group 3 will have terms extended from April of 2025 until December of 2026, and subsequently, Group 4 and 5 will have their terms extended from April of 2027 until December of 2028; and

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

SECTION 1. That the foregoing “WHEREAS” clauses 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 the City of Coral Gables Charter- Section 1 “Creation, composition, election, terms, vacancies, qualifications”, Section 1.1 “Run-Off Election”, and Section 3 “Election to Office; Commission as Judge of Qualifications, Requirements, Ballots, Canvassing, and Qualifying Periods” be amended as follows¹:

Sec. 1. Creation, composition, election, terms, vacancies, qualifications.

The City shall be governed by a commission consisting of five members elected from the City, at large, in groups or seats numbered One through Five. One of the said Commissioners shall be the Mayor and shall be elected by the people from the group numbered One, and all persons desiring to qualify as a candidate for Mayor shall file in Group One. The Mayor shall have the powers set in the Charter of the City of Coral Gables, Dade County, Florida (today Miami-Dade County). All persons desiring to qualify for Commissioner shall file in Groups Two through Five. Commissioners in Groups Two and Three shall be elected at the general election to be held the second Tuesday in November, 2026 ~~April, 1985~~, and at general election every four years thereafter. Commissioners in Groups Four and Five ~~shall be those Commissioners whose terms presently expire in 1987, and Commissioners who elect to run in Groups Four and Five~~ shall be elected the second Tuesday in November, 2028 ~~April, 1987~~ and general election each four years thereafter. The Mayor shall be elected at each general election beginning the second Tuesday in November, 2026 ~~April 2011~~, and shall hold office for a term of two years and at a general election every two years thereafter. 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.

The candidate receiving the greatest number of votes in each group shall be considered elected after the canvas of the vote and the declaration of the elections' result as hereinafter provided.

Any Commissioner whose term of office does not expire at noon on the third day after the election, desiring to run for the office of Mayor shall present an irrevocable resignation of his or her office of Commissioner to the City Commission not less than 60 days prior to the date of election, and said resignation shall become effective at noon on the third day after the election. Upon receipt of resignation, the Commission shall make public announcement by resolution accepting the resignation and instructing the Clerk to accept qualified candidates to run for

^{1 1} Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

election for the unexpired term of the resigning Commissioner for the purpose of running for Mayor.

Within 30 days after a vacancy occurs on the Commission, the remaining Commissioners shall elect a Commissioner to fill the vacancy until the next general biennial election. At that time, if the term of office vacated extends beyond such election, a Commissioner shall be elected to fill the balance of the unoccupied term, except as provided for recall. Members of the Commission shall not hold any other elected office except that of Notary Public, or member of the Florida State Militia. A member of the Commission ceasing to possess any of the qualifications specified in the Charter, or if convicted of a felony while in office, shall immediately and automatically forfeit his or her office.

Sec. 1.1. Run-Off 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~~ four 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~~ fifth 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 conflicting provision in this Charter.

Sec. 3. Election to Office; Commission as Judge of Qualifications, Requirements, Ballots, Canvassing, and Qualifying Periods.

The members of the Commission shall be residents of the City and shall have the qualifications of electors therein. The Commission shall be the judge of the election and qualifications of its own members in accordance with the parameters outlined in this Charter.

- (a) *Age and Residency Requirements.* To be a candidate for Mayor or Commissioner, an individual must: be a U.S. Citizen and have resided in the City of Coral Gables for at least one year prior to the election for which he or she seeks office.
- (b) *Ballots, Canvassing.* It is the duty of the City Commission to have ballots prepared in advance of an election and to complete all prerequisites required of the Commission under this Charter or any other governing provision of Florida law. After an election, the Commission shall canvass the election returns and declare its results as soon as may be practicable.
- [(c) Reserved.]
- (d) *Candidates, Fee; Rebate of Excess Fees.* Any person who meets the qualifications for a candidate, as outlined in this Charter, may offer himself or herself as a candidate for City Commissioner by submitting a written declaration to the City Clerk and paying a \$200.00 filing fee, which shall be used to off-set the costs of the election. The name of

any person so qualified shall be placed on the official ballot. Within 30 days after the election, the City Clerk shall advise the Commission as to the costs of the election and the amount of candidate filing fees collected. If the amount of candidate filing fees collected is greater than the election's cost, the City Commission shall order that such excess be returned to the candidates in a pro rata manner.

- (e) *Qualifying Period.* To be qualified to run for Mayor or Commissioner, candidates must file their written declaration of intent with the City Clerk, ~~and~~ pay the required candidate filing fee, and submit all required qualifying documents. Candidates for Mayor or Commissioner shall qualify with the City Clerk during a qualifying period which shall coincide with the qualifying period for election to a county office as specifies in F.S. 99.061(2). Only that qualifying period specified in F.S. 99.061(2), which is any time after noon on the 71st day prior to the state's primary election, but not later than noon on the 67th day prior to the state's primary election shall be applicable. ~~between noon of the 50th day and noon of the 46th day prior to the election.~~ This period shall constitute a four-day qualifying period.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. 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 part of the City of Coral Gables Charter and that the sections of this "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the City of Coral Gables Charters' Code Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon passage.

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

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ

CITY ATTORNEY