

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-12 (As Amended)

AN ORDINANCE CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL REFERENDUM ELECTION OF CORAL GABLES, FLORIDA, ON APRIL 14, 2009, IN ACCORDANCE WITH SECTION 6.03 OF THE CODE OF MIAMI-DADE COUNTY, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF SAID CITY, NOT LESS THAN SIXTY (60) NOR MORE THAN ONE HUNDRED AND TWENTY (120) DAYS AFTER THE DRAFT IS SUBMITTED, AN ORDINANCE IN CONNECTION WITH THE PROPOSED AMENDMENTS 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 QUESTIONS, TO BE KNOWN AS BALLOT QUESTION NO. **4**: SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE FOR TERM LIMITS OF EIGHT (8) CONSECUTIVE YEARS FOR THE MAYOR AND TWELVE (12) CONSECUTIVE YEARS FOR A CITY COMMISSIONER, WITH THE INCUMBENT MAYOR IN GROUP ONE (I) AND THE INCUMBENT COMMISSIONERS IN GROUP FOUR (IV) AND GROUP FIVE (V) ALLOWED TO RUN FOR AN ADDITIONAL TERM IN THE GENERAL BIENNIAL ELECTION IN 2011?"; AND BALLOT QUESTION NO. **5**: SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE THAT THE TIME SERVED IN FULFILLING THE UNEXPIRED TERM RESULTING FROM A VACANCY ON THE CITY COMMISSION SHALL NOT BE COUNTED IN APPLYING THESE TERM LIMITS?"; 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 (60) DAYS PRIOR TO THE DATE OF SUCH SPECIAL MUNICIPAL REFERENDUM ELECTION; FURTHER DIRECTING THE CITY CLERK OF THE CITY OF CORAL GABLES TO PUBLISH NOTICE OF SUCH SPECIAL ELECTION PURSUANT TO SECTION 100.342, FLORIDA STATUTES (2008), WHICH NOTICE SHALL INCLUDE THE FULL TEXT OF THE PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF CORAL GABLES, FLORIDA, PROVIDING AT LEAST THIRTY (30) 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 FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City of Coral Gables City Commission convened publicly, and after public comment and discussion discussed the issue of term limits for elected officials; 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 term limits of eight (8) consecutive years for the Mayor and twelve (12) consecutive years for a City Commissioner; and

WHEREAS, in determining whether to submit the issue of term limits to the electorate, the City Commission was mindful of the fact that the issue has been repeatedly raised and debated over the years on a local and statewide level; and

WHEREAS, the proposed ballot questions shall not affect the terms of offices beginning before the amendment approval are not to be counted; and

WHEREAS, it is in the best interest of the citizens of the City of Coral Gables that the issue of term limits, as provided herein, be submitted to the electorate; and

WHEREAS, by law, the holding of the special municipal referendum election is to take place not less than sixty (60) nor more than one hundred twenty (120) days after the draft ordinance is submitted; 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 14, 2009, pursuant to Section 6.03 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 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 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 14th day of April, 2009 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 amendments are 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

Sec. 8. 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 the general election beginning the second Tuesday in April 2007, and each general election each four (4) years thereafter, and shall hold office for a term of 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."

Sec. 9. Term limitations;

No person shall be elected to serve as Mayor for more than eight (8) consecutive years. No person shall be elected to serve as City Commissioner for more than twelve (12) consecutive years.

The incumbent Mayor in Group One (I) and the incumbent Commissioners in Group Four (IV) and Group Five (V) may run for an additional term in the General Biennial Election of 2011.

The time served by an individual chosen, appointed or elected to fulfill an unexpired term resulting from a vacancy on the City Commission shall not be counted in applying these term limits.

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

SECTION 4. The manner and form by which the actual balloting shall be conducted shall be in 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 14th day of April, 2009.

SECTION 6. In compliance with Section 100.342, Florida Statutes (2008), 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 14, 2009
IN THE CITY OF CORAL GABLES, FLORIDA

PURSUANT TO ORDINANCE NO. 2009-12 (As Amended)

A Special Municipal Referendum Election will be held on Tuesday, April 14, 2009 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 Ballot Question No. 4:

"Shall the Charter of the City of Coral Gables be amended to provide for term limits of eight (8) consecutive years for the Mayor and twelve (12) consecutive years for a City Commissioner, with the incumbent Mayor in Group One (I) and the incumbent Commissioners in Group Four (IV) and Group Five (V) allowed to run for an additional term in the General Biennial Election in 2011?"

And

If you vote NO to Question 4, do not vote on the following question:

Ballot Question No. 5:

"Shall the Charter of the City of Coral Gables be amended to provide that the time served in fulfilling the unexpired term resulting from a vacancy on the City Commission shall not be counted in applying these term limits?"

The Charter Amendment, if adopted, establishes term limits of eight (8) years for the Mayor and twelve (12) years for City Commissioners.

After eight (8) consecutive years as Mayor, that individual shall be prohibited from appearing on the ballot for re-election to that office. After twelve (12) consecutive years as City Commissioner, that individual shall be prohibited from appearing on the ballot for re-election to that office.

By order of the City 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 14, 2009
FOR APPROVAL OR DISAPPROVAL OF
THE FOLLOWING QUESTION:

Ballot Question No. 4

Charter Amendment Limiting Political Terms of Mayor and City Commissioners

Yes
(For the Measure)

"SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE FOR TERM LIMITS OF EIGHT (8) CONSECUTIVE YEARS FOR THE MAYOR AND TWELVE (12) CONSECUTIVE YEARS FOR A CITY COMMISSIONER, WITH THE INCUMBENT MAYOR IN GROUP ONE (I) AND THE INCUMBENT COMMISSIONERS IN GROUP FOUR (IV) AND GROUP FIVE (V) ALLOWED TO RUN FOR AN ADDITIONAL TERM IN THE GENERAL BIENNIAL ELECTION IN 2011 ?"

No
(Against the Measure)

IF YOU VOTE "NO" ON QUESTION 4, DO NOT VOTE ON THE FOLLOWING QUESTION.

Ballot Question No. 5

Charter Amendment Providing for Calculation of Terms in Filling of Vacancy

Yes
(For the Measure)

"SHALL THE CHARTER OF THE CITY OF CORAL GABLES BE AMENDED TO PROVIDE THAT THE TIME SERVED IN FULFILLING THE UNEXPIRED TERM RESULTING FROM A VACANCY ON THE CITY COMMISSION SHALL NOT BE COUNTED IN APPLYING THESE TERM LIMITS?"

No
(Against the Measure)

SECTION 8. Electors desiring to vote in approval of said Charter Amendment Ballot Questions described above, shall be instructed to vote "YES" within the ballot frame containing the statement relating to the Questions. Electors desiring to vote against the Charter Amendment Ballot Questions Described above shall be instructed to vote "No" within the ballot frame containing the statement relating to the Questions.

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-SEVENTH DAY OF JANUARY, A.D.,
2009.

(Moved: Cabrera / Seconded: Kerdyk)
(Yea: Withers, Anderson, Cabrera, Kerdyk, Slesnick)
(Unanimous: 5-0 Vote)
(Agenda Item: E-7)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST

WALTER J. POEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY