

ORDINANCE 2012-02

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2
3 **AN ORDINANCE OF THE VILLAGE COMMISSION OF**
4 **THE VILLAGE OF BISCAYNE PARK, FLORIDA**
5 **RELATING TO AMENDING SECTION 5.02(C), OF THE**
6 **VILLAGE OF BISCAYNE PARK'S CHARTER;**
7 **PROVIDING REQUISITE BALLOT LANGUAGE FOR**
8 **SUBMISSION TO ELECTORS OF THE PROPOSED**
9 **AMENDMENT AS TO SCHEDULING OF ELECTIONS TO**
10 **THE VILLAGE CHARTER AND ENABLING**
11 **PROVISIONS; PROVIDING FOR COPIES OF THE**
12 **CHARTER AMENDMENT BE AVAILABLE FOR PUBLIC**
13 **INSPECTION; PROVIDING FOR THE VILLAGE CLERK**
14 **TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY**
15 **SUPERVISOR OF ELECTIONS TO PLACE THE**
16 **CHARTER AMENDMENTS ON THE BALLOT;**
17 **PROVIDING FOR SEVERABILITY AND AN EFFECTIVE**
18 **DATE.**
19

20
21 WHEREAS, the Village of Biscayne Park Charter (6/13/2006), provides at Article V, Section
22 5.02(C) that general election shall be held in odd-numbered years on the first Tuesday in December; and,
23

24 WHEREAS, the Village of Biscayne Park Charter (6/13/2006), provides at Article II, Section
25 2.04 that candidates may qualify for elections beginning on October 15 or the first business day
26 immediately thereafter and end on the last business day of October; and,
27

28 WHEREAS, Article VI, Charter Amendments, provides at Section 6.02(A)(1): "The Commission
29 may propose amendments to this Charter by ordinance and shall submit the proposed amendment to a
30 vote of the electors at the next general election held within the Village or at a special election called of
31 such purpose;" and,
32

33 WHEREAS, the Village Commission after careful consideration of this matter, deems it advisable
34 and in the best interest of the general welfare of the Village of Biscayne Park and its inhabitants for a
35 ballot question to issue relating to changing the date of Village elections as hereinafter set forth; and,
36

37 WHEREAS, based upon the foregoing, the Mayor and Village Commission would like to amend
38 section 5.02(C)() of the Charter of the Village of Biscayne Park; and,
39

40 WHEREAS, the Village Commission may, by ordinance, propose amendments to the Charter
41 subject to approval by the electorate at the next general election or at a special election called for such
42 purpose; and,
43

44 WHEREAS, the Village Commission has determined to submit certain proposed Charter
45 amendments for approval or disapproval by the electors; and,
46

47 WHEREAS, the Mayor and Village Commission desire to amend section 5.02(C)(), of the
48 Charter of the Village of Biscayne Park to provide requisite ballot language for submission to electors,

1 providing for copies of this Charter amendment be available for public inspection and providing for the
2 Village Clerk to utilize the services of Miami-Dade County Supervisor of Elections.

3
4 BE IT RESOLVED BY THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF
5 BISCAYNE PARK, FLORIDA, AS FOLLOWS:
6

7 **Section 1.** *Whereas clauses.* The above whereas clauses are incorporated by reference into this
8 Ordinance.
9

10 **Section 2.** *Proposed Revisions or Amendments to the Village Charter.* The Commission proposes
11 certain amendments to the Village Charter, and shall be voted upon by the Village electorate. Those
12 proposed amendment shall be commonly referred to by the following ballot title:
13

- 14 1. Change of election dates to coincide with General Election dates.
15

16 **Section 3.** *Form of Ballot.* The form of ballot of the Charter amendments provided for in this
17 Ordinance shall be as follows:
18

19 * * *

- 20 1. **Change of election dates to coincide with General Election dates.**
21

22 The Village's general election is held on the first Tuesday in December of odd-numbered years
23 and any run-off two weeks later. Should the Charter be amended to hold the general election in even-
24 numbered years in November, in conjunction with Miami-Dade County's elections, commencing in 2016,
25 and provide candidate qualification period in September and an eleven (11) month extension of the four
26 year term of candidates elected in 2011.
27

28 Shall the above described amendment be adopted?

29 YES []

30 NO []

31 * * *

32
33
34 **Section 4.** The Full text of the proposed amendments to the Village Charter are as follows:
35

36 * * *

37 Article V, Section 5.02 Elections

38 (C) Election dates. A general election shall be held in each ~~odd-numbered~~ even-
39 numbered year, on the first Tuesday in ~~December~~ November, commencing with the
40 general election of 2016 and every two years subsequent thereto. In the event of a
41 deadlocked vote for the third position, there shall be a run-off election as soon as possible
42 thereafter, upon coordination with the Miami-Dade County Elections Department. In the
43 event that there is a deadlock for the second position and the affected individuals are
44 unable to amicably resolve such deadlock at the first (1st) Commission meeting following
45 the general election, the Clerk shall flip a coin to determine who is to receive the two (2)

1 year term and who is to receive the four (4) year term. The coin toss shall occur after the
2 affected individuals have been duly sworn to the Commission.

3 Article II, Section 2.04 Candidates
4

5 To qualify for elections, candidates for the Commission shall file a written notice of candidacy with the
6 Clerk consistent with Article V of this Charter at such time and in such manner as prescribed by
7 ordinance; and make payment to the Clerk of any required election assessment fee. Only electors of the
8 Village how have resided continuously in the Village for at least one year preceding the date of such
9 filing shall be eligible to hold the office of Commissioner. Qualifying period shall begin on ~~October~~
10 September 15th or the first business day immediately thereafter and shall end on the last business day of
11 October September. In order to align Village elections with Countywide general elections, the terms of
12 office of two current Commissioners and two future Commissioners shall be extended approximately 11
13 months until each successor takes office. The persons elected to serve a four-year term on December 6,
14 2011, shall serve until their successors are elected on the first Tuesday of November of 2016. The
15 persons elected to serve a four-year term on December 3, 2013, shall serve until their successors are
16 elected on the first Tuesday of November of 2018; the person elected to serve a two-year term on
17 December 3, 2013, shall serve until his or her successor is elected on the first Tuesday of November of
18 2016.
19

20 * * *
21

22 The proposed amendments to the Village Charter are reflected by underlying in the text, and
23 strikethroughs reflect items to be deleted from the Charter.
24

25 **Section 5.** *Charter Amendment to be Available for Public Inspection, and for the Village Clerk to*
26 *Utilize the Services of Miami-Dade County Supervisor of Elections.* The place, information and the full
27 text of the proposed Village Charter amendments are available at the office of the Village Clerk located at
28 640 NE 114th Street, Biscayne Park, Florida 33161. Copies of this ordinance providing the Charter
29 amendments subject to this referendum approval is on file in the office of the Village Clerk and available
30 for public inspection during regular business hours. The Village Clerk is authorized to utilize the services
31 of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the
32 election.
33

34 **Section 6.** *Providing for Inclusion in the Charter.* It is the intention of the Village Council and it is
35 hereby ordained that the provisions of this ordinance shall become and made a part of the Charter of the
36 Village of Biscayne Park, Florida, as to each Charter amendment measure approved by a majority of
37 voters on such measure in such election; that the sections of this ordinance may be renumbered or
38 relettered to accomplish such intentions; and the word "resolution" shall be changed to "section" or other
39 appropriate word.
40

41 **Section 7.** *Providing for Adoption of Enabling Resolution.* The Village Council shall enable the
42 submittal of the proposed amendments to the electorate pursuant to section 6.03 of the Miami-Dade
43 County Charter.
44

45 **Section 8.** *Effective Date.* This Ordinance shall become effective upon adoption, and each of the
46 Charter amendment measures provided herein shall be effective only upon approval of a majority of

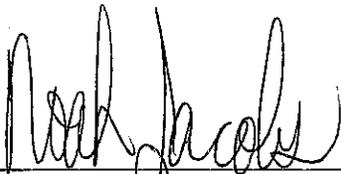
1 electors voting on the measure, effective upon certification of the election results. If conflicting
2 amendments are adopted at the same election, the one receiving the greatest number of affirmative votes
3 shall prevail to the extent of such conflict.
4

5 **Section 9.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid
6 or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the
7 remaining portions of this Ordinance.
8

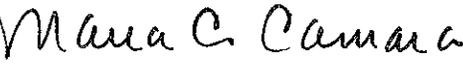
9 The foregoing Ordinance was offered by Commissioner Ross, who moved its adoption. The motion
10 was seconded by Commissioner Anderson and upon being put to a vote, the vote was as follows:
11

12 **FIRST READING: April 3, 2012**

13
14 **SECOND READING: May 1, 2012**
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22 
23
24 _____
25 Noah Jacobs, Mayor

26 Attest:

27
28 
29 _____
30 Maria C. Camara, Village Clerk

31 Approved as to form:

32
33
34 
35 _____
36 Village Attorney

The foregoing Ordinance upon being
put to a vote, the vote was as follows:

Mayor Jacobs: No
Vice Mayor Watts: Yes
Commissioner Anderson: Yes
Commissioner Cooper: No
Commissioner Ross: Yes