

ORDINANCE NO. 1084 – 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS ENACTING NEW CODE OF ORDINANCE SECTION 11-06, COLLECTION OF ELECTION NOMINATION PETITION SIGNATURES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, City Charter Section 3.04 does not contain any direction or instruction as to the proper time to begin soliciting election petition signatures; and,

WHEREAS, Florida Statute Section 99.095 does contain a provision which provides direction and instruction as to the proper time to begin soliciting election petition signatures; and,

WHEREAS, in the last City general election, both an "ethics complaint" and a "litigation" were filed challenging the City's election process and the election of Mayor in said election; and,

WHEREAS, although the ethics complaint case was closed and the litigation dismissed, the Mayor and the City Council felt that a resolution of this open issue before the next City election was both proper and appropriate; and,

WHEREAS, although the City does not believe that the provisions contained within Florida Statute Section 99.095 have been, or are currently applicable to City Elections, it would be in the best interests of the City and its citizens to enact legislation that is consistent with the statutory procedure set forth in the statute for the soliciting and collecting of election petition signatures; and;

WHEREAS, the City Council has determined that the enactment of the proposed ordinance will sufficiently supplement the election process language contained with Charter Section 3.04 without the necessity of a City-wide election, provide a procedure for the collection of election petition signatures that is consistent with state law, and be in the best interests of the City and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:

Section 1: That the Code of Ordinances is hereby amended by the addition of new Code of Ordinance Section 11-06, Collection of Election Nomination Petition Signatures, as follows:

Section 11.06. Collection of Election Nomination Petition Signatures

(A) Signatures for election nomination petitions for the positions of Mayor and City Council may not be obtained until a prospective candidate has complied with the following requirements.

(1) Open an election campaign account at a bank authorized to provide banking services in the State of Florida

(2) File the appropriate "Appointment of Campaign Treasurer

and Designation of Campaign Depository” form with the City Clerk, the City’s Supervisor of Elections.

(B) All nominating petition signatures collected and filed for verification and candidate qualification shall only be valid for the qualifying period immediately following such filings.

Section 2: Repeal of Conflicting Provisions. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: Effective Date. That this Ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING this 8th day of February, 2016, on a motion made by Vice Mayor Bain and seconded by Councilman Best.

PASSED AND ADOPTED ON SECOND READING this 22nd day of February 2016, on a motion made by Councilman Best and seconded by Councilman Petralanda.

Vice Mayor Bain	<u>YES</u>
Councilman Best	<u>YES</u>
Councilwoman Buckner	<u>YES</u>
Councilman Petralanda	<u>YES</u>
Mayor Garcia	<u>YES</u>

M. Garcia, Mayor



ATTEST:

Erika Gonzalez-Santamaria, MMC, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Jan K. Seiden, City Attorney

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.