



To: Honorable Mayor and Village Council Date: January 24, 2014

From: Meighan Alexander, Village Clerk Re: Revision to Section 10-11
relating to Composition of
Canvassing Board – Second
Reading

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; REVISING SECTION 10-11, CODE OF ORDINANCES OF THE VILLAGE OF PALMETTO BAY, FLORIDA TO MODIFY THE COMPOSITION OF THE VILLAGE OF PALMETTO BAY CANVASSING BOARD; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS:

This matter was considered by the Village Council and passed on first reading unanimously at the January 6, 2014 Council Meeting. As discussed, the current composition of the Village's Canvassing Board is insupportable due to the difficulty in being able to obtain commitment from certain individuals who meet the qualifications defined by Code.

Following discussion and suggestions by the Council and staff, I have worked with the Village Attorney and have provided the attached Ordinance for consideration. The revision relates to Section 10-11 of the Code, solely subsection b, wherein the composition of the Canvassing Board would be modified, as follows:

1. a member of the Miami-Dade County judiciary;
2. the Village Clerk; and
3. an elected or appointed official from Miami-Dade County.

Although staff had suggested and the Council discussed having a representative from Miami-Dade County Elections, the Elections Department informed me that they no longer participate in municipal canvassing boards; instead, they designate an elected official to act on their behalf. Therefore, we have modified the Ordinance to consider having the third member of the Canvassing Board be an elected or appointed official.

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FISCAL IMPACT: None.

RECOMMENDATION: Approval.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; REVISING SECTION 10-11, CODE OF ORDINANCES OF THE VILLAGE OF PALMETTO BAY, FLORIDA TO MODIFY THE COMPOSITION OF THE VILLAGE OF PALMETTO BAY CANVASSING BOARD; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Charter of the Village of Palmetto Bay provides the date of election, terms of office and general information concerning the conduct of Village elections; and

WHEREAS, in 2004 the Village Council adopted Ordinance 2004-02, which established a specific process for conducting elections and a Village Canvassing Board (the "Canvassing Board"); and

WHEREAS, the Mayor and Council desire to modify the composition of the Canvassing Board in order to allow for appropriate selection of individuals.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Code Amendment. Section 10-11 of the Code of Ordinances of the Village of Palmetto Bay, Florida, is hereby amended to read as follows:

CHAPTER 10 ELECTIONS

Sec. 10-11. Canvassing of election returns; canvassing board; certificates of election.

- (a) All municipal elections shall be canvassed by the appropriate canvassing board. Any election held in conjunction with a county, state or federal election or any mail-ballot election shall be canvassed by the Miami-Dade County canvassing board. Any special election of the village, or any election not otherwise held in conjunction with a county, state or federal election, shall be canvassed by the village canvassing board. The canvassing of

election results shall be conducted under the applicable provisions of the Florida Statutes.

- (b) The village canvassing board shall be a panel composed of three individuals: a member of the Miami-Dade County judiciary, ~~the Miami-Dade County Clerk, or his or her Deputy Clerk,~~ and a member of the Clergy who either ~~resides in the Village or represents a church within the Village~~ the Village Clerk, and an elected or appointed official from another municipality within Miami-Dade County. ~~If any of these individuals are unable to serve, then the Village Clerk is instructed to fill the vacancy with an elected or appointed official from another municipality within Miami-Dade County.~~
- (c) The village clerk shall present a certification of election results to the village council at the first meeting of the village council following the election.

Section 3. Conflicting Provisions. The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This ordinance shall take effect immediately upon enactment.

PASSED and ENACTED this _____ day of February, 2014.

First Reading: January 6, 2014

Second Reading: _____

Attest: _____
Meighan Alexander
Village Clerk

Shelley Stanczyk
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

John R. Herin, Jr.
Interim Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Patrick Fiore _____
- Council Member Tim Schaffer _____
- Council Member Joan Lindsay _____
- Vice-Mayor John DuBois _____
- Mayor Shelley Stanczyk _____