

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, SETTING THE QUALIFYING DATES FOR THE NOVEMBER 6, 2012 GENERAL ELECTION AS PROVIDED FOR UNDER CHAPTER 100, SECTION 100.3605(2) OF THE FLORIDA STATUTES; PROVIDING DIRECTIONS TO THE CLERK; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. (INTRODUCED BY CITY MANAGER DENNIS KELLY AND COMMISSIONER EDDIE LIM)

WHEREAS, Section 5.05(A) of the City Charter provides that candidates for the office of Mayor or Commissioner shall qualify with the City Clerk no sooner than seventy-five (75) days prior to the election date and no later than forty-five (45) days prior to the date of the General Election; and

WHEREAS, the qualifying dates for the November 6, 2012 General Election are currently scheduled for August 23, 2012 through September 22, 2012, pursuant to City Charter requirements; and

WHEREAS, Florida Statutes 101.62(4)(a), provides that absentee ballots must be mailed to overseas voters forty-five (45) days prior to the General Election, and the new qualifying period would provide the Elections Department sufficient time to prepare, print, and mail absentee and write-in ballots to overseas voters by the statutory deadlines; and

WHEREAS, the Miami-Dade Elections Department has imposed an August 17, 2012 deadline for submittal of all qualifying documents for the November 6, 2012 General Election; and

WHEREAS, Chapter 100, Section 100.3605(2) of the Florida Statutes authorizes municipalities to change their qualifying dates by the adoption of an Ordinance; and

WHEREAS, revising the City's election qualifying dates is necessary to meet the deadlines for ballot preparation imposed by the Elections Department and will benefit the City in providing a more efficient election; and

WHEREAS, the City Commission desires to change the City's dates for candidate qualifying pursuant to the request made by the County's Elections Department.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and confirmed as being true; and the same are hereby made a specific part of this Ordinance.

Section 2. Qualifying Dates Set. The qualifying dates for the 2012 General Municipal Election shall be from 8:00 a.m. on July 10, 2012 to 5:00 p.m. on August 10, 2012.

Section 3. Repeal. That all ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, 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 sections, sentences, clauses, and phrases of this Ordinance, and they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Direction to City Clerk. The City Clerk is hereby directed to submit a copy of this Ordinance to the Miami-Dade County Elections Department immediately after adoption and to transmit all appropriate qualification documentation received within the qualification period herein established to the Miami-Dade County Elections Department by August 17, 2012.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

The motion to approve the foregoing Ordinance on first reading was made by Vice Mayor Eddie Lim, seconded by Mayor Connie Leon-Kreps.

THE VOTES WERE AS FOLLOW:

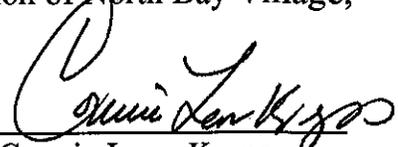
Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Stuart Blumberg	<u>Absent</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Paul Vogel	<u>Absent</u>

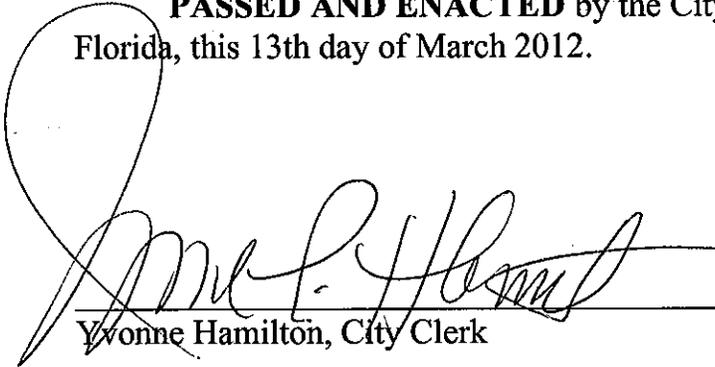
APPROVED ON FIRST READING during a regular session of the City Commission of North Bay Village this 14th day of February 2012.

FINAL VOTE ON ADOPTION:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Eddie Lim	<u>Yes</u>
Commissioner Stuart Blumberg	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Paul Vogel	<u>Absent</u>

PASSED AND ENACTED by the City Commission of North Bay Village, Florida, this 13th day of March 2012.



Connie Leon-Kreps
Mayor

Yvonne Hamilton, City Clerk

**APPROVED AS TO FORM FOR THE USE OF
THE CITY OF NORTH BAY VILLAGE ONLY:**



City Attorney
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

City of North Bay Village Ordinance-Change of Qualifying Dates for the November 6, 2012 General Election.