

City Commission

Enid Weisman, Mayor
Denise Landman, Vice Mayor
Rachel S. Friedland, Commissioner
Billy Joel, Commissioner
Dr. Linda Marks, Commissioner
Marc Narotsky, Commissioner
Robert Shelley, Commissioner



City Manager

Ronald J. Wasson

City Clerk

Ellisa L. Horvath, MMC

City Attorney

Weiss Serota Helfman
Cole & Bierman

**CITY COMMISSION
SPECIAL MEETING AGENDA
SEPTEMBER 22, 2022
9:00 a.m.**

**Aventura Government Center
19200 West Country Club Drive
Aventura, FL 33180**

- 1. CALL TO ORDER/ROLL CALL**
- 2. ORDINANCE – SECOND READING/PUBLIC HEARING:**

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING ARTICLE II “CITY COMMISSION AND MAYOR” OF CHAPTER 26 “ELECTIONS” OF THE CITY CODE BY AMENDING SECTION 26-32 “COMMENCEMENT OF TERM OF ELECTED OFFICIALS” TO REVISE DATE OF COMMENCEMENT OF THE TERM OF OFFICE FOR REGULAR TERMS OF THE MAYOR AND COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 3. ADJOURNMENT**

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, (305) 466-8901 or cityclerk@cityofaventura.com, not later than two days prior to such proceedings. One or more members of the City of Aventura Advisory Boards may participate in the meeting. Anyone wishing to appeal any decision made by the Aventura City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items are available online at cityofaventura.com for viewing and printing, or may be requested through the Office of the City Clerk at (305) 466-8901 or cityclerk@cityofaventura.com.

CITY OF AVENTURA

OFFICE OF THE CITY ATTORNEY

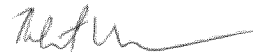
MEMORANDUM

TO: City Commission

FROM: Ronald J Wasson, City Manager



BY: Robert Meyers, Office of the City Attorney



DATE: September 9, 2022

SUBJECT: An Ordinance Amending the City Code to Revise the Commencement of the Regular Terms of Elected Officials

**September 13, 2022 1st Reading City Commission Meeting Agenda Item 7B
September 22, 2022 2nd Reading City Commission Special Meeting Agenda Item 2**

RECOMMENDATION

It is recommended that the City Commission approve an ordinance to change the commencement date for the regular terms of office for the Mayor and Commissioners.

BACKGROUND

Section 101.75, Florida Statutes, expressly enables municipal term of office dates to be changed by ordinance. Currently, City Code Section 26-32 sets the commencement of the new term for members of the City Commission for the third day after the first Tuesday following the first Monday in November for regular term elections. The City has historically scheduled a standalone induction ceremony for the incoming Commission within two days of the regular election, in order to enable the Mayor and Commissioners to take office on the third day subsequent to the November election. However, due to the short window of three days under the current law, revising the commencement of the regular mayoral and commission terms of office to take effect eight (8) days after the election will afford greater flexibility in scheduling the swearing-in ceremony to the benefit of the members-elect, their families and the general public.

Fiscal Impact

This item will have no impact on the City's budget.

CITY OF AVENTURA ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING ARTICLE II “CITY COMMISSION AND MAYOR” OF CHAPTER 26 “ELECTIONS” OF THE CITY CODE BY AMENDING SECTION 26-32 “COMMENCEMENT OF TERM OF ELECTED OFFICIALS” TO REVISE DATE OF COMMENCEMENT OF THE TERM OF OFFICE FOR REGULAR TERMS OF THE MAYOR AND COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 101.75, Florida Statutes, expressly enables municipal term of office dates to be changed by ordinance; and

WHEREAS, the City desires to change the date of commencement of the term of office for regular terms of the Mayor and Commissioners; and

WHEREAS, the City Commission deems it to be in the best interest of the City to adopt this Ordinance amending Section 26-32 to revise the date of commencement of the term of office for regular terms of the Mayor and Commissioners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS¹:

Section 1. **Recitals Incorporated.** That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. **City Code Amended.** That Chapter 26 “Elections” of the City Code is hereby amended by revising Section 26-32 “Commencement of term of elected officials” to read as follows:

CHAPTER 26 – ELECTIONS

Section 26-32. **Commencement of term of elected officials.**

- (a) The next regular term of office for Commission seats 1, 3, and 5, which expire on November 8, 2012, shall commence on November 9, 2012 following the regular election.
- (b) The next regular term of office for Commission seats 2, 4, and 6, and for Mayor, which expire on November 4, 2010, shall commence on November 5, 2010

¹ Additions to existing City Code text are indicated by underline; deletions from existing City Code text are indicated by ~~strikethrough~~.

following the regular election.

- (c) Except as provided in subsection (a) and (b) above, the term of office for the regular terms of the Mayor and Commissioners shall commence upon the third eighth (8) day after the first Tuesday following the first Monday in November subsequent to the occurrence of the election to fill the next regular term of office for the respective Mayoral or Commission seat.

Section 3. Severability. 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 but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. That it is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Vice Mayor Landman, who moved its adoption on first reading. This motion was seconded by Commissioner Joel and upon being put to a vote, the vote was as follows:

Commissioner Rachel S. Friedland	<u>Absent</u>
Commissioner Billy Joel	<u>Yes</u>
Commissioner Dr. Linda Marks	<u>Yes</u>
Commissioner Marc Narotsky	<u>Yes</u>
Commissioner Robert Shelley	<u>Absent</u>
Vice Mayor Denise Landman	<u>Yes</u>
Mayor Enid Weisman	<u>Yes</u>

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on second reading. This motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Commissioner Billy Joel	_____
Commissioner Rachel S. Friedland	_____
Commissioner Dr. Linda Marks	_____
Commissioner Marc Narotsky	_____
Commissioner Robert Shelley	_____
Vice Mayor Denise Landman	_____
Mayor Enid Weisman	_____

PASSED on first reading this 13th day of September, 2022.

PASSED AND ADOPTED on second reading this 22nd day of September, 2022.

ENID WEISMAN, MAYOR

ATTEST:

ELLISA L. HORVATH, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY