

**ORDINANCE NO. 4176**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 5 ENTITLED "ELECTIONS", ARTICLE I, "IN GENERAL", SECTION 5-11 ENTITLED "CANVASSING; CERTIFICATION OF ELECTION" OF THE CITY'S CODE OF ORDINANCES TO PROVIDE FOR THE CITY COUNCIL TO SELECT A MEMBER OF THE COUNCIL OR ANY OTHER INDIVIDUAL FOR THE MUNICIPAL ELECTION'S CANVASSING BOARD; AUTHORIZING RENUMERATION OF SAID CHAPTER, IF NECESSARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, following the last municipal election, the City Council of the City of Riviera Beach requested changes to Chapter 5, Article I, Section 5-11 of the Code of Ordinances, to include language to make the Chapter clearer and easier to understand; and

**WHEREAS**, staff conducted a review of the composition of canvassing boards in surrounding municipalities and found that the proposed language of this Ordinance was consistent with the best practices of other local municipalities; and

**WHEREAS**, the proposed language of this Ordinance will remove the City Clerk's ability to appoint a City Council member to the canvassing board and provide the City Council with the ability to appoint a member to the canvassing board; and

**WHEREAS**, the City Council finds that enactments of this Ordinance amending Chapter 5, Article I, Section 5-11 of the Code of Ordinances, entitled "Elections" promotes the health, safety, and welfare of the general public.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1:** The foregoing recitals are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

**SECTION 2:** Chapter 5, "Elections", Article I, "In General", of the City's Code of Ordinances is hereby amended to read as follows (additions are underlined and deletions appear in ~~strikethrough~~ format):

\* \* \*

Sec. 5-11. - Canvassing; certification of election.

~~(a) — The city clerk, the deputy city clerk and one councilperson who is not up for reelection shall constitute the canvassing board. The councilperson requested to serve on the canvassing board shall be designated by the city clerk.~~

~~(b) — The city clerk shall give to each person who shall be elected to office a certificate of his/her election, administer the oath of office for the elected position and arrange an orientation for any newly elected official. The city clerk shall present a certification of election results to the city council at the first regular meeting of the council following the election.~~

**a) Canvassing Board Composition And Responsibilities**

The Canvassing Board shall consist of the city clerk or designee, the deputy city clerk, an individual selected by the City Council or designee, and an alternate member. The City Council shall select these individuals no later than the first (1<sup>st</sup>) Wednesday in October prior to an election year. Any selected individual, including a councilmember, shall not be a candidate in the election being canvassed. No Canvassing Board member, to include the alternate member, shall be involved with or be an active participant in the campaign or candidacy of any candidate in the election being canvassed. In the event a Canvassing Board member, to include the alternate member, is unable to serve, the City Council shall appoint an additional member to the Board.

The Canvassing Board shall conduct themselves and carry out responsibilities in accordance with applicable Florida Election laws, the City Charter and Code of Ordinances.

**b) Administration Of Oath/Acceptance Of Certified Results**

The City Clerk shall, at the first regular meeting of the City Council following the election, present a certification of election results, in the form of a resolution, to the City Council and give to each person elected to office a certificate of his/her election and administer the oath of office for the elected position.

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

**SECTION 4. CODIFICATION.** That it is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and are made a part of the Code of Ordinances for the City of Riviera Beach; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, when necessary.

**SECTION 5. REPEAL OF LAWS IN CONFLICT.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6. EFFECTIVE DATE.** That this Ordinance shall be effective immediately upon adoption on second reading.

**PASSED and APPROVED** on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED and ADOPTED** on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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APPROVED:

\_\_\_\_\_  
RONNIE L. FELDER  
MAYOR

\_\_\_\_\_  
SHIRLEY D. LANIER  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
KASHAMBA MILLER-ANDERSON  
CHAIR PRO TEM

\_\_\_\_\_  
CLAUDENE L. ANTHONY,  
CERTIFIED MUNICIPAL CLERK  
CITY CLERK

\_\_\_\_\_  
TRADRICK MCCOY  
COUNCILPERSON

\_\_\_\_\_  
JULIA A. BOTEL, Ed.D.  
COUNCILPERSON

\_\_\_\_\_  
DOUGLAS A. LAWSON  
COUNCILPERSON

Reviewed as to Legal Sufficiency

\_\_\_\_\_  
DAWN S. WYNN, CITY ATTORNEY

DATE: \_\_\_\_\_

**1<sup>ST</sup> READING**

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

T. MCCOY \_\_\_\_\_

K. MILLER-ANDERSON \_\_\_\_\_

S. LANIER \_\_\_\_\_

J. BOTEL \_\_\_\_\_

D. LAWSON \_\_\_\_\_

**2<sup>ND</sup> & FINAL READING**

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

T. MCCOY \_\_\_\_\_

K. MILLER-ANDERSON \_\_\_\_\_

S. LANIER \_\_\_\_\_

J. BOTEL \_\_\_\_\_

D. LAWSON \_\_\_\_\_