

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" (A) OF THE CITY'S CODE OF ORDINANCES; BY REVISING THE SELECTION PROCESS AND COMPOSITION OF THE CITY'S CANVASSING BOARD FOR MUNICIPAL ELECTIONS; 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 (a) 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 enactment of this Ordinance amending Chapter 5, Article I, Section 5-11 (a) 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.~~

(a) 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 (1st) 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.

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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DRAFT

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: _____

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

