



Office of the Mayor and Town Council

Sue Ellen Loyzelle  
Council Member – Seat 2

## MEMORANDUM

**To:** Honorable Mayor and Town Council

**From:** Sue Ellen Loyzelle, Council Member Seat 2

**Date:** September 21, 2016

**Re:** Ordinance Amending Chapter 10 of the Town Code entitled “Elections”  
**2<sup>nd</sup> Reading** (Additions to existing code text are shown by underline)

### REQUEST

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 10 OF THE TOWN CODE OF ORDINANCES ENTITLED “ELECTIONS” AND CREATING SECTION 10-2 ENTITLED “CAMPAIGN FINANCE REPORTS”; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

### BACKGROUND AND ANALYSIS

The goal of the proposed Ordinance is to implement technology that will allow candidates for Town offices to file their campaign finance reports electronically. This is consistent with the current requirements and standard practices of Miami-Dade County (County Ordinance No. 00-72) and the State of Florida (Florida Statute 106.0705). Furthermore, the proposed electronic filing Ordinance is consistent with the Town’s adopted 2015-19 Strategic Master Plan Goals; to focus on process improvement as well as enhanced fiscal transparency.

### SUMMARY OF PROPOSED ORDINANCE (First Reading)

The proposed Ordinance Amendment will create Section 10-2: “Campaign Finance Reports”:

#### **Chapter 10 Section 10-2 (a). Electronic Reporting.**

Candidates for the Office of Mayor, Vice Mayor or Town Council shall file their Campaign Treasurer’s Reports electronically with the Office of the Town Clerk. The Town Clerk shall determine the required format for the Campaign Treasurer’s Reports and shall provide copies upon request. For purposes of this Article, “Campaign Treasurer’s Reports” shall mean the reports required of the campaign treasurers of candidates pursuant to Section 106.07, Florida Statutes, as amended.





**Chapter 10 Section 10-2 (b). Electronic Posting.**

Campaign Treasurer's Reports submitted by candidates for the Office of Mayor, Vice Mayor or Town Council shall be posted on the Town's website by the Town Clerk within one (1) business day from the report due date. The Town reserves the right, prior to posting, to review all filings and redact any material that would violate any copyright, trademark, patent or other proprietary rights of others, or any language, pictures or symbols that would be considered pornography, obscenity, nudity, libelous or in any way violates any federal, state or local law.

**Chapter 10 Section 10-2 (c). Penalties.**

In addition to any other penalties which may be applicable, any individual who violates this section shall be subject to a fine up to fifty dollars (\$50.00) per day for the first three (3) days late and, thereafter, five hundred dollars (\$500.00) per day for each day late, not to exceed twenty-five (25) percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. If it is determined by a court which has jurisdiction over an alleged violation of the ordinance from which this section derives that unusual circumstances caused the Campaign Treasurer's Report to be filed late, no fine shall be imposed by the court. As used herein, "unusual circumstances" shall mean uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act according to the filing requirements. Unusual circumstances must occur within a time period that would clearly prevent the person legally responsible for filing the report from doing so in a timely manner.

**Chapter 10 Section 10-2 (d). Informational Materials.**

The Town Clerk shall provide informational materials to candidates regarding the Town's electronic filing requirements herein.

**RECOMMENDATION**

It is recommended that the Town Council pass the attached Ordinance on first reading which, will establish the criteria for candidates to submit their campaign finance reports electronically to the Town Clerk's Office.

**ATTACHMENTS**

- Attachment "A" – Advertisement (Miami Herald Neighbors – Sept. 8, 2016)

