

PROPOSED AMENDMENTS TO CITY CHARTER SECTION 2.07:
“VACANCIES IN CITY COMMISSION”
--SPONSORED BY COMMISSIONER MICKY STEINBERG FOR PLACEMENT ON
CITY’S NOVEMBER 5, 2019 SPECIAL ELECTION BALLOT:

- **PROPOSED BALLOT QUESTION:**

City Charter Section 2.07:
Amending Procedures for Filling of Vacancies in City Commission

Shall City Charter Section 2.07 which establishes procedures for filling vacancies in the City Commission be amended to create specific procedures for filling vacancies due to resignation of a Commission member, and to clarify that if the Commission decides not to fill any vacancy by appointment then a City election shall be scheduled to elect a person to fill the vacancy, with election-related provisions to be established in the Resolution scheduling said election?

- **PROPOSED AMENDMENTS TO CITY CHARTER:**

City of Miami Beach Charter, Section 2.07: “Vacancies in eCity eCommission.”

Any vacancy occurring in the City Commission shall be filled as follows:

a) Vacancy for reasons other than resignation: The City Commission shall, within 30 days after the vacancy occurs, decide whether to fill said vacancy by City election or by the Commission appointment: should the Commission choose to appoint, said action shall be taken by vote of the majority of the remaining members of said City Commission within said 30 day period, with the appointee serving the remainder of the unexpired term until the next succeeding gGeneral City eElection and with any further remainder of said unexpired term to be filled by a Commissioner member elected at said gGeneral eElection; if the remaining members of the City Commission shall fail or refuse choose instead to fill such vacancy within 30 days by election, after it occurs and if no general City election will be held within 90 days after the expiration of said 30 days, then a sSpecial eElection shall be called and to be held within 90 days after expiration of the subject 30 day period to elect a Commissioner member to fill such vacancy for the remainder of the unexpired term.

b) Vacancy due to resignation: Resignations from office shall be filed with the City Clerk and shall be irrevocable upon such filing, thus creating a vacancy in office. The Commission shall, within 30 days from submittal of resignation to City Clerk, decide whether to fill said vacancy by City election or by Commission appointment: should the Commission choose to appoint, said action shall be taken by vote of the majority of the remaining members of the Commission within said 30 day period, with the appointee serving the remainder of the unexpired term from the date the resigning official would take office, if elected (assuming the resignation was filed pursuant to Florida Statute section 99.012) or from the latter of the subject resignation’s effective date or date of appointment (assuming the resignation was not filed pursuant to Florida Statute section 99.012) until the next succeeding General City Election and with any further remainder of the unexpired term to be filled by a Commission member elected at said General Election; if the remaining members of the City Commission shall choose instead to fill such vacancy by election, then a Special Election shall be called to be held within 120 days after expiration of the subject 30 day period to elect a Commission member to fill such vacancy for the remainder of the unexpired term but if a City or County-wide election is otherwise scheduled to be held during the intervening period from the resignation’s filing date with the City Clerk up to and including the resignation’s effective date, the Special Election to fill the vacancy for the unexpired term as provided above, may occur at any such City or County-wide election. Any person who has been elected to fill a vacancy due to

resignation filed pursuant to Florida Statute section 99.012 shall be installed and take office following the date the resigning official would take office, if elected; any person who has been elected to fill a vacancy due to resignation not filed pursuant to Florida Statute section 99.012 shall be installed and take office following the effective date set forth in said resignation.

c) Resolution calling Special Election: Provisions related to a Special Election called pursuant to this section, including the qualifying period and Runoff Election (if required), shall be established in the City Resolution calling the Special Election.