

TO: Mayor Dan Gelber
Members of the City Commission
Jimmy L. Morales, City Manager

FROM: Raul J. Aguila, City Attorney



DATE: July 17, 2019

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 5, 2019 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A QUESTION ASKING WHETHER, EFFECTIVE WITH THE CITY'S NOVEMBER 2021 GENERAL ELECTION, CITY CHARTER SECTIONS 2.01 AND 2.02 SHOULD BE AMENDED TO: INCREASE MAYOR'S TERM FROM TWO TO FOUR YEARS; CHANGE MAYOR'S TERM LIMIT FROM THREE TWO-YEAR TERMS TO TWO FOUR-YEAR TERMS; RETAIN CHARTER'S RETROACTIVE MEASUREMENT AND CALCULATION PROVISIONS; AND PROHIBIT PERSONS FROM SERVING AS MAYOR FOR MORE THAN EIGHT YEARS (PERIOD INCLUDING YEARS PREVIOUSLY SERVED AS MAYOR), EXCEPT TO COMPLETE A TERM, ONE-HALF OF WHICH HAS BEEN SERVED.

Pursuant to the request of City Commissioner John Elizabeth Alemán, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 5, 2019 for the purpose of submitting to the City's voters the following question:

Effective with City's November 2021 General Election, shall Charter Sections 2.01 and 2.02 be amended to:

- **Increase Mayor's term from two to four years;**
- **Change Mayor's term limit from three two-year terms to two four-year terms;**
- **Retain Charter's retroactive measurement and calculation provisions;**
- **Prohibit persons from serving as Mayor for more than eight years (period including years previously served as Mayor), except to complete a term, one-half of which has been served?**

This proposal seeks to amend the City's Charter by increasing the Mayor's term of Office from two years to four years and by changing the term limit for Mayor from three two-year terms to two four-year terms, thus increasing the maximum amount of time a person can serve as Mayor from 6 years to 8 years (subject to restrictions stated therein, including retroactive measurement of total number of years served, ensuring that no person shall serve for more than 8 years as Mayor,

except to complete a term one-half of which has been served by the time such 8 years has been met). If adopted by the City's voters, this proposed change in Mayor's term/term limits will thus conform to the City Charter's existing term/term limit provisions presently applicable to City Commissioners.

In order to allow for the implementation and orderly transition of this Charter change, this measure further specifies that 1) persons who have served as Mayor prior to November 2021 may serve as Mayor thereafter for a combined maximum of eight years, such period including numbers of years served as Mayor prior to November 2021; and 2) any such person serving as Mayor who shall have served one-half of his/her term upon serving eight years as Mayor shall be entitled to complete that subject term (and, in the event such one-half of term has not been served, any remaining portion of said unexpired term shall be filled in accordance with Charter section 2.07).

Finally, it should be noted that today is the last regularly-scheduled meeting of the City Commission at which a Resolution may be adopted placing a ballot question on the City's November 5, 2019 ballot.¹

¹ NOTE: Should the City Commission wish, after today's meeting, to place a ballot measure on the November 5, 2019 ballot, such action could be taken no later than September 6, 2019 at a Special Commission meeting (such deadline established by County Charter and County Elections Department).