

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
City Manager Alina T. Hudak

FROM: Rafael A. Paz, City Attorney



DATE: July 20, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 2.07(a), WHICH CURRENTLY PROVIDES THAT IN THE EVENT OF A VACANCY ON THE CITY COMMISSION BY REASON OTHER THAN RESIGNATION, CITY COMMISSION MUST FILL SUCH VACANCY BY EITHER APPOINTMENT OR BY ELECTION, SHOULD BE AMENDED TO INSTEAD PROVIDE FOR A CITYWIDE ELECTION AS THE SOLE METHOD FOR FILLING SUCH VACANCIES, WITH ELECTION TO BE HELD WITHIN 90 DAYS AFTER AN INITIAL 30-DAY PERIOD FOR CALLING THE ELECTION.

Pursuant to the request of City Commissioner Kristen Rosen Gonzalez, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 8, 2022 for the purpose of submitting to the City's voters the following question:

**Charter Section 2.07(a): Require Election
to Fill City Commission Vacancies (Other than Due to Resignation)**

Currently, City Charter Section 2.07(a) provides that in the event of a vacancy on the City Commission by reason other than resignation, City Commission must fill such vacancy by either appointment or by an election.

Shall the Charter be amended to provide instead for a Citywide Election as the sole method for filling such vacancies, with election to be held within 90 days after an initial 30-day period for calling the election?

The Miami-Dade County Elections Department has informed the City Clerk that the City's Resolution calling a November 8, 2022 Special Election must be provided to the County Elections Department by July 29, 2022. Accordingly, it should be noted that although today's Commission meeting 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 8, 2022 Special Election ballot, the Commission may place this matter on its July 25, 2022 special-set Commission meeting agenda for its consideration of approval for ballot placement on the November 8, 2022 ballot.

PROPOSED AMENDED CITY CHARTER TEXT

Sec. 2.07. Vacancies in City Commission.

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 Commission appointment. Should the Commission choose to appoint, said action shall be taken by vote of the majority of the remaining members of the City Commission within 30 days after the expiration of the above subject initial 30-day period, with the appointee serving the remainder of the unexpired term until the next succeeding General City Election and with any further remainder of said unexpired term to be filled by a Commission member elected at said General Election. If the members of the City Commission shall choose instead to fill such vacancy by election, then call a Special Election to fill the vacancy, shall be called said election to be held within 90 days after the expiration of the subject 30-day period, to elect a Commission member to fill such vacancy for the remainder of the unexpired term.~~

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FISCAL IMPACT STATEMENT

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$28,559.85 (Cost Estimate for One Page Ballot) and \$56,217.70 (Cost Estimate in the Scenario Multiple Questions Triggers an Additional Page) to conduct the November 8, 2022 Special Election, which includes the costs associated with 14 days of Early Voting. (See Department of Election Estimates.) Additionally, the City will incur approximately \$42,000 in legally mandated advertisements, required by the Florida Statutes and the City Code, to notice this Special Election.

Amount(s)/Account(s):

\$28,559.85 - Estimate 1-page ballot (Scenario 1)

\$56,217.70 - Estimate 2-page ballot (Scenario 2)

\$42,000.00 - Estimate of Legally Mandated Advertisements for Special Election
(Charter Amendments/Ballot Questions)

Maximum Estimated Amount: \$98,217.70

Account: 011-9322-000312-90-400-592-00-00-00

RAP/ag

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Dr., #200
Miami Beach, FL 33139

Estimate N°: MBEACH(2)-PB-11082022
Estimate Date: June 21, 2022

Registered Voters:	50,287	Early Voting Days:	
Precincts:	29	Early Voting Sites:	
Polling Places:	24		
Permanent Absentee Ballots:	14,792		

Personnel	\$	-
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>		
Polling Places		-
<i>Security, Polling Place Rentals</i>		
Supplies and Services		-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>		
Trucks and Vehicles		-
<i>Truck Rentals, GSA Vehicles</i>		
Printing and Advertising		25,143.50
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>		
Postage		-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>		
Ballot Creation		820.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>		
Administrative Overhead		2,596.35
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>		
	*TOTAL	\$ 28,559.85

* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Raimundo Delgado
Manager, Budget and Finance
Miami-Dade Elections Department
2700 NW 87 Avenue
Miami, Florida 33172

Office: 305-499-8424 E-mail: raimundo.delgado@miamidade.gov

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022 w/ additional page

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Dr., #200
Miami Beach, FL 33139

Estimate N°: MB-(2)-PB-110822
Estimate Date: June 17, 2022

Registered Voters:	50,287	Early Voting Days:	
Precincts:	29	Early Voting Sites:	
Polling Places:	24		
Permanent Absentee Ballots:	14,792		

Personnel	\$	-
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>		
Polling Places		-
<i>Security, Polling Place Rentals</i>		
Supplies and Services		-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>		
Trucks and Vehicles		-
<i>Truck Rentals, GSA Vehicles</i>		
Printing and Advertising		50,287.00
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>		
Postage		-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>		
Ballot Creation		820.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>		
Administrative Overhead		5,110.70
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>		
	*TOTAL	<u>\$ 56,217.70</u>

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