

RESOLUTION NO. _____

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) REGARDING VACANCIES ON CITY COMMISSION NOT DUE TO RESIGNATION SHOULD BE AMENDED TO REQUIRE, INCLUDING FOR EXISTING VACANCIES, AN ELECTION IF COMMISSION IS UNABLE TO DECIDE WHETHER TO FILL VACANCIES BY APPOINTMENT OR ELECTION, OR HAS DECIDED TO APPOINT TO FILL A VACANCY AND FAILS TO MAKE AN APPOINTMENT, WITH SUCH ELECTION TO BE HELD AT THE NEXT AVAILABLE CITY GENERAL ELECTION, UNLESS MAJORITY OF REMAINING COMMISSION MEMBERS CALL AN ELECTION ON EARLIER AVAILABLE ELECTION DATE.

BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 8, 2022, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials.¹

SECTION 4.

Notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 8th DAY OF NOVEMBER, 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

¹ Pursuant to City Code section 38-3(b): "The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

**Amend Charter Section 2.07(a) Regarding Election
to Fill City Commission Vacancies (Not Due to Resignation)**

Shall Charter Section 2.07(a), regarding vacancies on City Commission (not due to resignation), be amended to require, including for existing vacancies:

- an election if Commission fails to decide whether to fill vacancies by appointment or election, or has decided to appoint to fill a vacancy and fails to make an appointment, with
- such election held at next available City General Election, unless majority of remaining Commission members call an election on earlier available election date?

Yes _____
No _____

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 8, 2022 hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

**Amend Charter Section 2.07(a) Regarding Election
to Fill City Commission Vacancies (Not Due to Resignation)**

Shall Charter Section 2.07(a), regarding vacancies on City Commission (not due to resignation), be amended to require, including for existing vacancies:

- an election if Commission fails to decide whether to fill vacancies by appointment or election, or has decided to appoint to fill a vacancy and fails to make an appointment, with
- such election held at next available City General Election, unless majority of remaining Commission members call an election on earlier available election date?

Yes _____
No _____

SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 8.

Registration of persons desiring to vote in the Special and Run-Off Elections shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this November 8, 2022 Special Election until 5:00 p.m. on Tuesday, October 11, 2022. All persons eligible to vote at the Elections must be registered before the times and dates set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone:(305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 10.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

SECTION 11.

That if the Charter Amendment provided for in Sections 5 and 6 above shall be approved by a majority of the qualified electors of the City voting on the subject Charter Amendment, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

SECTION 12.

Upon the Charter Amendment's approval by a majority of the qualified electors of the City voting on such measure in the election and the City Commission's acceptance of certification of final election returns, the City Clerk is hereby directed to have the subject Charter amendment incorporated into the City Charter, file such Amendment with the Clerk of the Circuit Court and file the revised Charter with the Department of State.

SECTION 13.

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or the Charter Amendment set forth herein is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said Resolution, ballot measure or Charter Amendment.

SECTION 14.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2022.

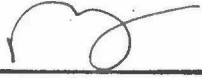
ATTEST:

DAN GELBER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

(Requested by Commissioner David Richardson)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *PAR* 7-14-22
Date

**NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION:
CITY CHARTER SECTION 2.07(a)--
BALLOT QUESTION AND PROPOSED AMENDED CITY CHARTER TEXT**

I. BALLOT QUESTION:

**Amend Charter Section 2.07(a) Regarding Election
to Fill City Commission Vacancies (Not Due to Resignation)**

Shall Charter Section 2.07(a), regarding vacancies on City Commission (not due to resignation), be amended to require, including for existing vacancies:

- an election if Commission fails to decide whether to fill vacancies by appointment or election, or has decided to appoint to fill a vacancy and fails to make an appointment, with
- such election held at next available City General Election, unless majority of remaining Commission members call an election on earlier available election date?

Yes _____

No _____

II. PROPOSED AMENDED CITY CHARTER TEXT:

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 a Special Election shall be called 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. If the City Commission fails to decide on any vacancy, including any vacancy existing as of November 8, 2022, whether to fill the vacancy by appointment or election, or has decided to fill the vacancy by appointment but fails to make such appointment, the vacancy shall be filled thereafter at the next available General City Election, unless a majority of the remaining members of the Commission choose to call the election to be held at an earlier available City Special Election or County wide Election, with the person elected to fill such vacancy for the remainder of the unexpired term.

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