

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION ON AUGUST 28, 2018, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A BALLOT QUESTION ASKING WHETHER CITY CHARTER SECTION 2.02 SHOULD BE AMENDED TO PROVIDE THAT THE ANNUAL COMPENSATION FOR THE OFFICE OF COMMISSIONER AND OFFICE OF MAYOR MAY BE INDEXED ANNUALLY BY THE CITY COMMISSION FOR INFLATION, FOLLOWING A NOTICED PUBLIC HEARING, USING THE CONSUMER PRICE INDEX, ISSUED BY THE U.S. DEPARTMENT OF LABOR, UP TO 3% PER YEAR.

BE IT 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, August 28, 2018, 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 Special Election hereby called, with acceptance of the certification of the results of the 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 voting precincts in the City of this 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

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 Statutes § 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."

SECTION 4.

Not fewer than thirty days' 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 AUGUST 28, 2018, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

Amend City Charter to annually index compensation for Mayor and Commissioners for inflation

City Charter Section 2.02 sets the annual compensation for Office of Commissioner at \$6,000.00, and for Office of Mayor at \$10,000.00. Shall Charter be amended to provide that City Commission may, by majority vote of the City Commission, following a noticed public hearing, annually index the compensation for the Office of Commissioner and of Mayor for inflation, using the Consumer Price Index, issued by U.S. Department of Labor, up to 3% per year?

_____ YES

_____ NO

The Notice shall further set forth pertinent information regarding eligibility of electors to participate in this Election.

SECTION 6.

That the official ballot to be used in the Special Election to be held on August 28, 2018, hereby called, shall be in substantially the following form, to wit:

OFFICIAL BALLOT

Amend City Charter to annually index compensation for Mayor and Commissioners for inflation

City Charter Section 2.02 sets the annual compensation for Office of Commissioner at \$6,000.00, and for Office of Mayor at \$10,000.00. Shall Charter be amended to provide that City Commission may, by majority vote of the City Commission, following a noticed public hearing, annually index the compensation for the Office of Commissioner and of Mayor for inflation, using the Consumer Price Index, issued by U.S. Department of Labor, up to 3% per year?

_____ 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 Election 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 Special Election until 5:00 p.m. on July 30, 2018. All persons eligible to vote in this Special Election must be registered before the time and date 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 NW 87 Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot in this 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.

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.

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

SECTION 12.

This Resolution shall be effective immediately upon its passage.

PASSED and **ADOPTED** this _____ day of _____, 2018.

ATTEST:

Dan Gelber
Mayor

Rafael E. Granado
City Clerk

(Sponsored by Commissioner Michael Góngora)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

De Q. L. 5/29/18
City Attorney Date
NK

**BALLOT QUESTION AND PROPOSED CITY CHARTER AMENDMENT
AUGUST 28, 2018 SPECIAL ELECTION**

I. BALLOT QUESTION:

**Amend City Charter to annually index compensation
for Mayor and Commissioners for inflation**

City Charter Section 2.02 sets the annual compensation for Office of Commissioner at \$6,000.00, and for Office of Mayor at \$10,000.00. Shall Charter be amended to provide that City Commission may, by majority vote of the City Commission, following a noticed public hearing, annually index the compensation for the Office of Commissioner and of Mayor for inflation, using the Consumer Price Index, issued by U.S. Department of Labor, up to 3% per year?

_____ YES

_____ NO

II. PROPOSED AMENDMENT TO CITY CHARTER

ARTICLE II. - CITY COMMISSION

Sec. 2.02. - Term, term limits and compensation.

The term of office of the Mayor shall be two (2) years. The term of office of the City Commissioners shall be four (4) years.

The lifetime term limit for Miami Beach Commissioners shall be two (2) four-year terms and the lifetime term limit for Miami Beach Mayor shall be three (3) two-year terms respectively, measured retroactively from their first elections, said terms not including time served as a member of the City of Miami Beach Commission as a result of having filled a vacancy in the Commission pursuant to Section 2.07 of the City of Miami Beach Charter so long as such time served in filling a vacancy does not exceed 50 percent of that subject term. Service by a Commission member in excess of 50 percent of any term of office shall be considered a full term for purposes of the term limit provisions in this section.

The annual compensation for the Office of Commissioner shall be six thousand dollars (\$6,000.00) and the compensation for the Office of Mayor shall be ten thousand dollars (\$10,000.00); However, the annual compensation for the Office of Commissioner and for the Office of Mayor may, by resolution adopted by a majority vote of the City Commission, following a duly noticed public hearing, be indexed annually for inflation using the Consumer Price Index for all Urban Consumers ("CPI-U") for the Miami-Ft. Lauderdale-West Palm Beach, Florida Metropolitan Statistical Area ("MSA") (or any successor index that includes Miami Beach), issued by the U.S. Department of Labor's Bureau of Labor Statistics. Notwithstanding the preceding, no annual index shall exceed three percent (3%). The determination to index (or not index) the annual compensation for the Office of Commissioner and for the Office of Mayor shall be considered annually during the City Commission's review and approval of the City's annual operating budget. any Any additional increase in salary for Mayor and/or Commissioner, other than as provided in this section, shall require approval of a majority of the electorate voting at a City election.