

## COMMISSION MEMORANDUM

**TO:** Mayor Dan Gelber and Members of the City Commission

**CC:** Alina T. Hudak, City Manager

**FROM:** Rafael A. Paz, City Attorney  
Rafael E. Granado, City Clerk



**DATE:** February 9, 2022

**SUBJECT:** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 38 ENTITLED "ELECTIONS", SECTION 38-3 THEREOF ENTITLED "RESOLUTION BY CITY COMMISSION CALLING ELECTION AND NOTICING THEREOF" BY CLARIFYING DETAILS OF RESOLUTIONS CALLING SPECIAL ELECTIONS ON PROPOSED BALLOT MEASURES, AND AMENDING CODE SECTION 38-4 ENTITLED "ACCEPTANCE OF ELECTION RETURNS; INSTALLATION OF NEW OFFICERS" BY EXPRESSLY PROVIDING THAT DATE OF CITY COMMISSION'S ACCEPTANCE OF ELECTION RETURNS APPLICABLE TO CITY GENERAL AND SPECIAL ELECTIONS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

---

In addition to those provisions of the City Charter relating to City elections<sup>1</sup>, Chapter 38 of the City Code deals with the related process of conducting City elections. As part of the City Attorney and City Clerk's periodic review of the City Code, Chapter 38 has been reviewed and analyzed, resulting in the attached Ordinance, sponsored by Commissioner Alex Fernandez, containing the following proposed housekeeping amendments:

- Amending City Code section 38-3 regarding the City Commission's scheduling of elections and method of amending the Charter via its adoption of a City Resolution calling such election, by clarifying the detail of said Resolutions' content applicable to City special elections on proposed ballot measures.
- Amending City Code section 38-4 to expressly provide that the date on which the City Commission accepts final election results (the first business day immediately following the county elections supervisor's issuance of final election results) applies to both the City's general election as well as to City special elections.

### **FISCAL IMPACT ANALYSIS**

The proposed Ordinance will have no fiscal or long-term economic impact on the City.

RAP/ag

---

<sup>1</sup> See, Miami Beach Charter, Articles VI "Elections" and VII "Initiative and Referendum."