

RESOLUTION NO. 2024-33171

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER THE CITY CHARTER SHOULD BE AMENDED TO MOVE CITY'S RUNOFF ELECTION DATE FROM 2 WEEKS AFTER CITY'S GENERAL ELECTION TO SECOND TUESDAY IN DECEMBER IMMEDIATELY FOLLOWING CITY'S GENERAL ELECTION, ESTABLISH INSTALLATION/ COMMENCEMENT OF TERMS DATE AS MONDAY IMMEDIATELY FOLLOWING DATE OF RUNOFF ELECTION, AND IN ORDER TO CONFORM WITH AND ENSURE AN ORDERLY TRANSITION TO THE ABOVE CHARTER AMENDMENTS, PROVIDE THAT EXISTING COMMISSION MEMBERS' TERMS EXPIRING NOVEMBER 2025 AND NOVEMBER 2027 SHALL BE RESPECTIVELY EXTENDED TO THOSE YEARS' DECEMBER INSTALLATION DATE.

NOW, THEREFORE, 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 5, 2024, 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

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."

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 5th DAY OF NOVEMBER, 2024, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

Election of City Commission: Moving City's Runoff Election Date, Installation/Term Commencement, Conforming Office Terms

Shall Charter be amended to provide, commencing City's November 2025 general election:

- City's runoff election date shall be second Tuesday in December immediately following City's general election instead of 2 weeks after said general election;
- installation/commencement of Commission members' terms shall occur on the Monday immediately following runoff election date;
- to conform with above, existing Commission members' terms expiring November 2025 and November 2027 shall be respectively extended to those years' December installation date?

Yes _____

No _____

Said Notice shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 5, 2024, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Election of City Commission: Moving City’s Runoff Election Date, Installation/Term Commencement, Conforming Office Terms

Shall Charter be amended to provide, commencing City’s November 2025 general election:

- City’s runoff election date shall be second Tuesday in December immediately following City’s general election instead of 2 weeks after said general election;
- installation/commencement of Commission members’ terms shall occur on the Monday immediately following runoff election date;
- to conform with above, existing Commission members’ terms expiring November 2025 and November 2027 shall be respectively extended to those years’ December installation 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 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 October 7, 2024. All persons eligible to vote at this Special Election must be registered by the 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 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.

In the event that some, but not all, of the Charter amendments on the City's subject November 5, 2024 Special Election ballot are approved by the electors, conforming amendments shall be deemed to be adopted, and the City Attorney is authorized to reflect and implement such revisions to the Charter, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

SECTION 14.

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or Charter Amendment set forth in Exhibit A and incorporated 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 this Resolution, ballot measure or Charter Amendment.

SECTION 15.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 24 day of July, 2024.

ATTEST:

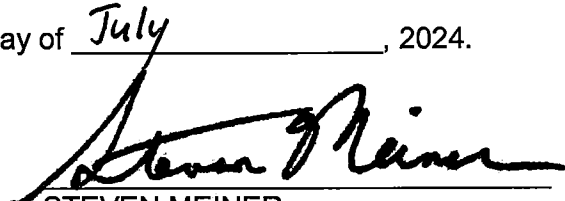


JUL 25 2024

RAFAEL E. GRANADO
CITY CLERK

NK

(Sponsored by the Mayor and City Commission)



STEVEN MEINER
MAYOR

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION





City Attorney *NK* 7/19/24
Date

EXHIBIT "A"

**CITY CHARTER AMENDMENT RE:
ELECTION OF CITY COMMISSION: MOVING CITY'S RUNOFF ELECTION DATE,
INSTALLATION/TERM COMMENCEMENT, CONFORMING OFFICE TERMS**

**BALLOT QUESTION AND PROPOSED AMENDED CITY CHARTER TEXT
NOVEMBER 5, 2024 SPECIAL ELECTION**

Ballot Question:

Election of City Commission: Moving City's Runoff Election Date, Installation/Term Commencement, Conforming Office Terms

Shall Charter be amended to provide, commencing City's November 2025 general election:

- City's runoff election date shall be second Tuesday in December immediately following City's general election instead of 2 weeks after said general election;
- installation/commencement of Commission members' terms shall occur on the Monday immediately following runoff election date;
- to conform with above, existing Commission members' terms expiring November 2025 and November 2027 shall be respectively extended to those years' December installation date?

Proposed Amended Charter Text:

Section 2.01. Number and selection.

The City Commission shall consist of six (6) City Commissioners and a Mayor who shall be elected at large. Each City Commissioner shall be a qualified elector of the City. City Commissioners shall be elected for groups numbered and designated I—VI. No candidates for the office of Commissioner shall be permitted to qualify for more than one (1) group, or for the office of Mayor.

Commencing with the City's general election in 2025, the following provisions shall apply:

Commissioners in groups numbered I, II and III shall be elected at the general election to be held on the first Tuesday in November, ~~1997~~ 2025, and at each general election each four (4) years thereafter. Commissioners in groups numbered IV, V, and VI shall be elected at the general election to be held on the first Tuesday in November, ~~1995~~ 2027 and at each general election each four (4) years thereafter. The Mayor shall be elected at the general election to be held on the first Tuesday in November, ~~1995~~ 2025 and at each general election each two (2) years thereafter.

A candidate must receive a majority of the votes cast to be deemed elected. If no candidate receives a majority of the votes cast, there will be a runoff election between the two candidates for Mayor and/or in each Commissioner group receiving the largest number of votes; should a tie

result, the outcome shall be determined by lot. This runoff election shall occur ~~two weeks from the date of general election~~ on the second Tuesday in December immediately following the date of the general election.

The installation of the Mayor and Commissioners and commencement of their terms shall occur on the Monday immediately following the date of the runoff election. The terms of existing² Commission members expiring November 2025 and November 2027 shall be respectively extended to those years' December installation date.

In the event that no candidate has qualified in any Commissioner group, or for Mayor, a vacancy shall be deemed to have occurred, and shall be filled as provided by the Charter of the City of Miami Beach for the filling of a vacancy.

Sec. 2.04. Election of Vice-Mayor and meetings.

The City Commission shall, at its first meeting after ~~each general election (or at its first meeting after the runoff election, if a runoff election is held),~~ new Commission members are installed and assume office following each biennial election cycle, initially elect from its membership a Vice-Mayor who, during the absence or disability of the Mayor, shall perform the duties of Mayor. In the absence or disability of both the Mayor and Vice-Mayor, the said duty shall be performed by another member appointed by the Commission.

* * *

² The term "existing Commission members" shall mean incumbent Commission members as of the date of the City's November 5, 2024 Special Election in which City voters were presented with this Charter amendment.