



MEMORANDUM

Agenda Item 15(B)3

TO: Honorable Chairwoman Rebeca Sosa, and
Members, Board of County Commissioners

DATE: January 23, 2013

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Resolution No. 2012-28097
A Resolution of the Mayor and
City Commission of the City of
Miami Beach, Florida, adopting
Official Certificate of the
Miami-Dade Canvassing
Board for the final results of
the November 6, 2012,
Special Election for the City
of Miami Beach, and
declaring the final results
thereof.

Christopher Agrippa, Division Chief
Clerk of the Board Division

Attached for your information is a copy of Resolution No. 2012-28097 of the Mayor and City Commission of the City of Miami Beach, Florida, adopting the Official Certificate of the Miami-Dade Canvassing Board for the final results of the November 6, 2012, Special Election for the City of Miami Beach, and declaring the final results thereof.

CA/fcd
Attachment

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

CITY CLERK'S OFFICE

Rafael E. Granado, City Clerk

Tel: 305-673-7411 , Fax: 305-673-7254

CLERK OF THE BOARD

2013 JAN -3 AM 11:11

Email: CityClerk@miamibeachfl.gov

CLERK OF THE BOARD
MIAMI-DADE COUNTY, FLA.
#1

December 20, 2012

Sent Certified U.S. Mail

7005 1820 0000 1186 1376

Honorable Harvey Ruvin
Clerk of the Courts
Miami-Dade County Courthouse
73 West Flagler Street, Suite # 242
Miami, Florida 33130

Honorable Mr. Ruvin:

On November 6, 2012, the electors of the City of Miami Beach approved the following four (4) amendments to the Miami Beach City Charter:

Pursuant to Resolution 2012-27962

Establishing City Clerk As A Charter Officer

Shall the Charter be amended to establish the city clerk as a Charter Officer responsible for performing designated duties, whose compensation shall be established by ordinance, and whereby:

- The clerk shall be appointed and removed by, and accountable to, the City Commission instead of the City Manager; and
- Power to supervise and control the Clerk's Office, and to appoint and remove unclassified personnel therein, shall be transferred from the City Manager to the City Clerk?

Pursuant to Resolution 2012-27963

Voter approval required to reduce historic preservation board powers and duties or historic preservation standards

Shall Charter Section 1.06 be amended to require that any change to Chapter 118, Article II, Division 4 ("historic preservation board"), or to Chapter 118, Article X, Divisions 1-4 ("historic preservation"), of the City Code, which reduces the powers and duties of the board, or creates less stringent historic preservation standards or regulations, shall, before becoming effective, be approved by a majority of voters in a citywide election?

Pursuant to Resolution 2012-27964

Change of filing period for qualifying petitions

Shall Charter Section 6.03 be amended to change the time that a candidate qualifying via petition for City elected office must file said petition, from no later than the second day of the four-day qualifying period, to no later than noon of the 14th day prior to the first day of such qualifying period?

**Pursuant to Resolution 2012-27965
Limited waiver of City qualifying fee**

Shall Charter Section 6.03 be amended to provide that if County Elections Department hasn't issued its certificate verifying the required number of valid signatures on a timely-filed qualifying petition by 5:00 p.m. on the second day of City's qualifying period, City's 7½% qualifying fee shall be waived if the subject candidate otherwise qualifies pursuant to Charter Section 6:03?

Attached are the official results of said Special Election, and the text of the amendments. Said amendments will be incorporated into the City Charter. Pursuant to Miami-Dade County Code Section 5.03(b), copies of the Charter amendments are being filed herewith.

Should you have any questions, please contact me at 305.673.7411 or via e-mail at rafaelgranado@miamibeachfl.gov.

Respectfully,



Rafael E. Granado,
City Clerk

Attachments:

Official Results of the November 6, 2012 Miami Beach Special Election

c Kathie G. Brooks, Interim City Manager
Jose Smith, City Attorney
Deborah Turner, First Assistant City Attorney
Jean Olin, Esq.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE OFFICIAL CERTIFICATE OF THE MIAMI-DADE CANVASSING BOARD FOR THE FINAL RESULTS OF THE NOVEMBER 6, 2012 SPECIAL ELECTION FOR THE CITY OF MIAMI BEACH, AND DECLARING THE FINAL RESULTS THEREOF.

WHEREAS, the Official Certificate of the final results¹ of the City of Miami Beach Special Election have been received from the Miami-Dade County Supervisor of Elections and are attached hereto as Composite Exhibit "A" and are incorporated herein by reference; and

WHEREAS, said Official Certificate reflects that:

Question "A" as set forth below was approved by the electorate of the City of Miami Beach²;

Question "B" as set forth below was approved by the electorate of the City of Miami Beach;

Question "C" as set forth below was approved by the electorate of the City of Miami Beach;

Question "D" as set forth below was approved by the electorate of the City of Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that having had canvassed the final returns of the November 6, 2012 Special Election of the City of Miami Beach, the City hereby adopts the Official Certificate of the Miami-Dade County Canvassing Board for said Special Election and it is hereby ordered that the Official Certificate and this Resolution be

¹The City Commission's November 14, 2012 acceptance of the unofficial election results is hereby reaffirmed.

² The four ballot questions have been lettered "A" "B" "C" and "D" for ease of reference herein and were not so lettered on the ballot.

recorded in the minutes of the City Commission meeting as a permanent record of the final results of said Special Election; and be it further resolved that, as a result of the City of Miami Beach November 6, 2012 Special Election, the votes upon the questions presented reflect the following final results:

Question "A":

ESTABLISHING CITY CLERK AS A CHARTER OFFICER

SHALL THE CHARTER BE AMENDED TO ESTABLISH THE CITY CLERK AS A CHARTER OFFICER RESPONSIBLE FOR PERFORMING DESIGNATED DUTIES, WHOSE COMPENSATION SHALL BE ESTABLISHED BY ORDINANCE, AND WHEREBY:

- **THE CLERK SHALL BE APPOINTED AND REMOVED BY, AND ACCOUNTABLE TO, THE CITY COMMISSION INSTEAD OF THE CITY MANAGER; AND**
- **POWER TO SUPERVISE AND CONTROL THE CLERK'S OFFICE, AND TO APPOINT AND REMOVE UNCLASSIFIED PERSONNEL THEREIN, SHALL BE TRANSFERRED FROM THE CITY MANAGER TO THE CITY CLERK?**

13,897	YES
9,714	NO

Question "B":

VOTER APPROVAL REQUIRED TO REDUCE HISTORIC PRESERVATION BOARD POWERS AND DUTIES OR HISTORIC PRESERVATION STANDARDS.

SHALL CHARTER SECTION 1.06 BE AMENDED TO REQUIRE THAT ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 ("HISTORIC PRESERVATION BOARD") OR TO CHAPTER 118, ARTICLE X, DIVISIONS 1-4 ("HISTORIC PRESERVATION"), OF THE CITY CODE, WHICH REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, SHALL, BEFORE BECOMING EFFECTIVE, BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

14,125	YES
8,922	NO

Question "C":

CHANGE OF FILING PERIOD FOR QUALIFYING PETITIONS

SHALL CHARTER SECTION 6.03 BE AMENDED TO CHANGE THE TIME THAT A CANDIDATE QUALIFYING VIA PETITION FOR CITY ELECTED OFFICE MUST FILE SAID PETITION, FROM NO LATER THAN THE SECOND DAY OF THE FOUR-DAY QUALIFYING PERIOD, TO NO LATER THAN NOON OF THE 14TH DAY PRIOR TO THE FIRST DAY OF SUCH QUALIFYING PERIOD?

12,490	YES
9,045	NO

QUESTION "D":

LIMITED WAIVER OF CITY QUALIFYING FEE

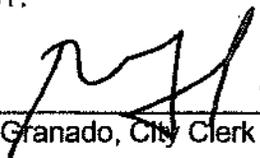
SHALL CHARTER SECTION 6.03 BE AMENDED TO PROVIDE THAT IF COUNTY ELECTIONS DEPARTMENT HASN'T ISSUED ITS CERTIFICATE VERIFYING THE REQUIRED NUMBER OF VALID SIGNATURES ON A TIMELY-FILED QUALIFYING PETITION BY 5:00 P.M. ON THE SECOND DAY OF CITY'S QUALIFYING PERIOD, CITY'S 7 1/2% QUALIFYING FEE SHALL BE WAIVED IF THE SUBJECT CANDIDATE OTHERWISE QUALIFIES PURSUANT TO CHARTER SECTION 6.03?

12,168	YES
9,162	NO

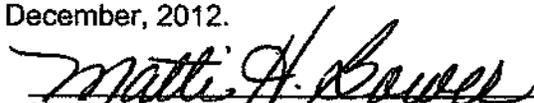
BE IT FURTHER RESOLVED AND DETERMINED that Question "A" was approved, Question "B" was approved, Question "C" was approved, and Question "D" was approved.

PASSED AND ADOPTED this 24th day of December, 2012.

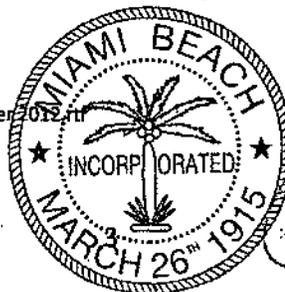
ATTEST:



Rafael Granado, City Clerk

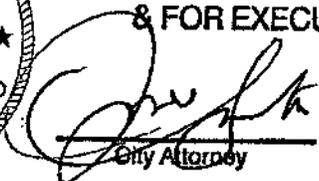


Matti Herrera Bower
Mayor



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

F:\ATTO\TURN\RESOS\Accepting Election Results November 2012.rtf



City Attorney

12-5-12

MIAMI BEACH

OFFICE OF THE CITY MANAGER

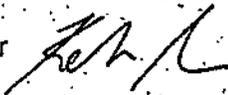
NO. 298-2012

LETTER TO COMMISSION

2012 NOV 26 AM 11:02
CITY CLERK'S OFFICE

RECEIVED

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager 

DATE: November 19, 2012

SUBJECT: OFFICIAL CERTIFICATE OF CANVASSING BOARD FOR THE NOVEMBER 6, 2012 SPECIAL ELECTION FOR THE CITY OF MIAMI BEACH

This LTC is to transmit the Official Certificate of County Canvassing Board for the November 6, 2012 Miami Beach Special Election. (Please note that the State has changed the format of the certifications, so all nonpartisan races and questions appear on the same certification.) The results for Miami Beach are listed on Page 10, and show:

Question 1:

Establishing City Clerk as a Charter Officer

The total number of votes cast was 23,611, of which number:

Yes for approval received: 13,897 votes

No for rejection received: 9,714 votes

Question 2:

Voter Approval Required to Reduce Historic Preservation Board Powers and Duties or Historic Preservation Standards

The total number of votes cast was 23,047, of which number:

Yes for approval received: 14,125 votes

No for rejection received: 8,922 votes

Question 3:

Change Of Filing Period For Qualifying Petitions

The total number of votes cast was 21,535, of which number:

Yes for approval received: 12,490 votes

No for rejection received: 9,045 votes

Question 4:

Limited Waiver Of City Qualifying Fee

The total number of votes cast was 21,330, of which number:

Yes for approval received: 12,168 votes

No for rejection received: 9,162 votes

If you have any questions regarding this information, please contact this office at anytime.

KGB/REG 

Attachment: Miami-Dade County Elections Official Results

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Composite Exhibit "A"

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

We, the undersigned, SHELLEY J. KRAVITZ, County Judge, Chairperson, PENELOPE TOWNSLEY, Supervisor of Elections, Member, ANDREW S. HAGUE, County Judge, Substitute Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Sixteenth day of November, 2012 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the General Election held on the Sixth day of November, 2012 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For President of the United States, the whole number of votes cast was 878,314 of which number

Mitt Romney and Paul Ryan (REP)	received	332,981 votes
Barack Obama and Joe Biden (DEM)	received	541,440 votes
Thomas Robert Stevens and Aiden Link (OBJ)	received	272 votes
Gary Johnson and James P. Gray (LBT)	received	2,276 votes
Virgil H. Goode, Jr. and James N. Clymer (CPF)	received	80 votes
Jill Stein and Cheri Honkala (GRE)	received	608 votes
Andre Barnett and Kenneth Cross (REF)	received	67 votes
Stewart Alexander and Alex Mendoza (SOC)	received	87 votes
Peta Lindsay and Yari Osorio (PSL)	received	44 votes
Roseanne Barr and Cindy Sheehan (PFP)	received	245 votes
Tom Hoefling and Jonathan D. Ellis (AIP)	received	61 votes
Ross C. "Rocky" Anderson and Luis J. Rodriguez (JPF)	received	136 votes
David C. Byrne and Taralyn Treat Harris (WRI)	received	0 votes
Andrew Charles Coniglio and John William Walsh (WRI)	received	0 votes
Richard Duncan and Ricky Johnson (WRI)	received	3 votes
Stephen G. Durham and Christina Lopez (WRI)	received	0 votes
Erin Kent Magee and William Thomas Harney (WRI)	received	0 votes
Jill Reed and Tom Cary (WRI)	received	14 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For United States Senator, the whole number of votes cast was 827,969
of which number

Connie Mack (REP)	received	292,757 votes
Bill Nelson (DEM)	received	523,461 votes
Bill Gaylor (NPA)	received	5,560 votes
Chris Borgia (NPA)	received	6,180 votes
Piotr Blass (WRI)	received	2 votes
Naomi Craine (WRI)	received	2 votes
Lionel Long (WRI)	received	0 votes
Robert Monroe (WRI)	received	7 votes
Lawrence Sidney Scott (WRI)	received	0 votes

For Representative in Congress, District 23, the whole number of votes
cast was 59,043 of which number

Karen Harrington (REP)	received	20,984 votes
Debbie Wasserman Schultz (DEM)	received	37,162 votes
Ilya Katz (NPA)	received	897 votes

For Representative in Congress, District 25, the whole number of votes
cast was 115,266 of which number

Mario Diaz-Balart (REP)	received	88,982 votes
VoteForEddie.Com (NPA)	received	10,671 votes
Stanley Blumenthal (NPA)	received	15,613 votes

For Representative in Congress, District 26, the whole number of votes
cast was 215,961 of which number

David Rivera (REP)	received	93,059 votes
Joe Garcia (DEM)	received	116,014 votes
Jose Peixoto (NPA)	received	1,705 votes
Angel Fernandez (NPA)	received	5,183 votes

For Representative in Congress, District 27, the whole number of votes
cast was 230,171 of which number

Ileana Ros-Lehtinen (REP)	received	138,488 votes
Manny Yevancey (DEM)	received	85,020 votes
Thomas Joe Cruz-Wiggins (NPA)	received	6,663 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For State Attorney, 11th Judicial Circuit, the whole number of votes cast was 683,392 of which number

Katherine Fernandez Rundle (DEM)	received	683,276 votes
Omar Malone (WRI)	received	65 votes
Michele Samaroo (WRI)	received	51 votes

For State Senator, District 35, the whole number of votes cast was 167,038 of which number

John Daniel Couriel (REP)	received	63,929 votes
Gwen Margolis (DEM)	received	103,109 votes

For State Senator, District 39, the whole number of votes cast was 93,479 of which number

Scott Hopes (REP)	received	15,519 votes
Dwight Bullard (DEM)	received	77,960 votes

For State Representative, District 102, the whole number of votes cast was 30,250 of which number

Sharon Pritchett (DEM)	received	30,250 votes
Alejandro Manuel Walters (WRI)	received	0 votes

For State Representative, District 103, the whole number of votes cast was 24,686 of which number

Manny Diaz, Jr. (REP)	received	24,678 votes
Josue Vazquez (WRI)	received	8 votes

For State Representative, District 105, the whole number of votes cast was 16,068 of which number

Carlos Trujillo (REP)	received	16,047 votes
Raul Rene Robayna (WRI)	received	21 votes

For State Representative, District 107, the whole number of votes cast was 46,720 of which number

Barbara Watson (DEM)	received	46,720 votes
Janice Denise Rhymes (WRI)	received	0 votes
Vickie Renee Williams (WRI)	received	0 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For State Representative, District 110, the whole number of votes cast was 29,069 of which number

Jose Oliva (REP)	received	29,055 votes
Angel E. Morera (WRI)	received	14 votes

For State Representative, District 111, the whole number of votes cast was 26,041 of which number

Eddy Gonzalez (REP)	received	26,034 votes
Grettel Limia (WRI)	received	3 votes
Lizette B. Rodriguez (WRI)	received	4 votes

For State Representative, District 112, the whole number of votes cast was 52,248 of which number

Alex Diaz de la Portilla (REP)	received	24,195 votes
Jose Javier Rodriguez (DEM)	received	28,053 votes

For State Representative, District 114, the whole number of votes cast was 60,281 of which number

Erik Fresen (REP)	received	30,842 votes
Ross Hancock (DEM)	received	29,439 votes

For State Representative, District 115, the whole number of votes cast was 62,284 of which number

Michael Bileca (REP)	received	32,782 votes
Jeffrey (Doc) Solomon (DEM)	received	29,502 votes

For State Representative, District 116, the whole number of votes cast was 41,352 of which number

Jose Felix Diaz (REP)	received	41,341 votes
Javier Daire (WRI)	received	3 votes
Maria Elisa Mena (WRI)	received	8 votes

For State Representative, District 117, the whole number of votes cast was 36,332 of which number

Kionne L. McGhee (DEM)	received	36,332 votes
Xzavia S. Vaz (WRI)	received	0 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For State Representative, District 118, the whole number of votes cast was 35,759 of which number

Frank Artiles (REP)	received	35,733 votes
Ramon Julio Garganta (WRI)	received	26 votes

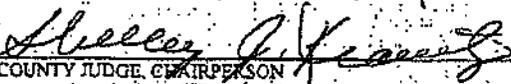
For State Representative, District 119, the whole number of votes cast was 34,094 of which number

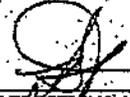
Jeanette M. Nunez (REP)	received	34,077 votes
Beatrice Oria (WRI)	received	17 votes

For State Representative, District 120, the whole number of votes cast was 22,054 of which number

Holly Merrill Raschein (REP)	received	9,832 votes
Ian Whitney (DEM)	received	12,222 votes

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.


COUNTY JUDGE, CHAIRPERSON


SUPERVISOR OF ELECTIONS, MEMBER


COUNTY JUDGE, SUBSTITUTE MEMBER

*** Official ***
**CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY**

We, the undersigned, SHELLEY J. KRAVITZ, County Judge, Chairperson, PENELOPE TOWNSLEY, Supervisor of Elections, Member, ANDREW S. HAGUE, County Judge, Substitute Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Sixteenth day of November, 2012 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the **Nonpartisan Election** held on the Sixth day of November, 2012 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

Retention of Justice R. Fred Lewis of the Supreme Court

Yes 523,664 votes

No 189,779 votes

Retention of Justice Barbara J. Pariente of the Supreme Court

Yes 527,881 votes

No 183,197 votes

Retention of Justice Peggy A. Quince of the Supreme Court

Yes 520,935 votes

No 185,951 votes

Retention of Judge Angel A. Cortiñas of the Third District Court of Appeal

Yes 531,714 votes

No 154,418 votes

Retention of Judge Kevin Emas of the Third District Court of Appeal

Yes 506,408 votes

No 167,227 votes

Retention of Judge Ivan F. Fernandez of the Third District Court of Appeal

Yes 527,380 votes

No 152,776 votes

Retention of Judge Leslie B. Rothenberg of the Third District Court of Appeal

Yes 513,659 votes

No 162,609 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

Retention of Judge Richard J. Suarez of the Third District Court of Appeal

Yes 522,176 votes
No 151,805 votes

For County Court Judge, Group 24, the whole number of votes cast was 557,181 of which number

Greer Elaine Wallace received 257,305 votes
Andrea R. Wolfson received 299,876 votes

For County Commissioner, District 3, the whole number of votes cast was 51,437 of which number

Audrey M. Edmonson received 32,003 votes
Keon Hardemon received 19,434 votes

For County Commissioner, District 5, the whole number of votes cast was 41,721 of which number

Bruno A. Barreiro received 21,681 votes
Luis Garcia received 20,040 votes

For County Commissioner, District 11, the whole number of votes cast was 53,102 of which number

Manny Machado received 24,182 votes
Juan C. Zapata received 28,920 votes

For AVENTURA: COMMISSIONER - SEAT 1, the whole number of votes cast was 8,829 of which number

Teri Holzberg received 6,713 votes
Sergio Vuguin received 2,116 votes

For AVENTURA: COMMISSIONER - SEAT 3, the whole number of votes cast was 8,861 of which number

Rosa Naccarato received 2,792 votes
Howard Weinberg received 6,069 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For AVENTURA: COMMISSIONER - SEAT 5, the whole number of votes cast was 8,869 of which number

Enbar Cohen	received	5,516 votes
Ian Llobregat	received	658 votes
Gary L. Pyott	received	2,695 votes

For CUTLER BAY: VICE MAYOR, the whole number of votes cast was 11,797 of which number

Ernest N Sochin	received	8,278 votes
Ed Wolmers	received	3,519 votes

For DORAL: MAYOR CITY, the whole number of votes cast was 11,213 of which number

Frank Bolanos	received	3,330 votes
Luigi Boria	received	4,626 votes
Pete Cabrera	received	3,257 votes

For DORAL: COUNCILMEMBER - SEAT 1, the whole number of votes cast was 10,138 of which number

Elena Ortega-Tauler	received	3,896 votes
Carlos Ruiz	received	1,305 votes
Sandra Ruiz	received	4,937 votes

For DORAL: COUNCILMEMBER - SEAT 2, the whole number of votes cast was 9,465 of which number

Bettina Rodriguez Aguilera	received	4,786 votes
Clemente Vera	received	4,679 votes

For DORAL: COUNCILMEMBER - SEAT 3, the whole number of votes cast was 10,184 of which number

Christi Fraga	received	4,599 votes
Bibiana Salmon	received	2,245 votes
Robert Van Name	received	3,340 votes

For EL PORTAL: MAYOR, the whole number of votes cast was 1,072 of which number

Daisy M. Black	received	573 votes
Joyce A. Davis	received	190 votes
Teresa Sanchez	received	309 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For KEY BISCAIYNE: VILLAGE COUNCIL, the whole number of votes cast was 10,138 of which number

Theodore J. Holloway	received	1,692 votes
Michael E. Kelly	received	2,262 votes
Patrick C. Kelly	received	1,428 votes
Ed London	received	2,099 votes
Ed Meyer	received	566 votes
Carlos J. Santamaria	received	722 votes
Charles Viscito	received	1,369 votes

For MEDLEY: MAYOR, the whole number of votes cast was 436 of which number

Roberto Martell	received	384 votes
Gerardo Silva, Jr.	received	52 votes

For MEDLEY: COUNCIL MEMBER 1, the whole number of votes cast was 676 of which number

Griselia DiGiacomo	received	224 votes
Susana Guasch	received	214 votes
Elisabeth Silva	received	42 votes
Eric M. Smith	received	52 votes
Mary Tanner	received	144 votes

For MEDLEY: COUNCIL MEMBER 2, the whole number of votes cast was 424 of which number

Edgar Ayala	received	113 votes
Carlos A. Benedetto	received	17 votes
Dale Blank	received	94 votes
Margarita De Jesus	received	35 votes
Oiga G. Quin	received	66 votes
Fidel B. Ugarte	received	99 votes

For MIAMI GARDENS: RES. AREA COUNC. MEM. SEAT 3, the whole number of votes cast was 9,956 of which number

Rodney Harris	received	5,299 votes
Ulysses "Buck" Harvard	received	4,657 votes

For MIAMI LAKES: MAYOR, the whole number of votes cast was 12,338 of which number

Michael Pizzi	received	8,431 votes
Wayne Slaton	received	3,907 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For MIAMI LAKES: RES. COUNC. MEM. SEAT 1, the whole number of votes cast was 10,909 of which number

Dave "Doc" Bennett	received	4,371 votes
Nelson Rodriguez	received	6,538 votes

For MIAMI LAKES: RES. COUNC. MEM. SEAT 3, the whole number of votes cast was 11,191 of which number

Anthony "Tony" Lama	received	6,234 votes
Richard Pulido	received	4,957 votes

For MIAMI LAKES: RES. COUNC. MEM. SEAT 5, the whole number of votes cast was 11,005 of which number

Manny Cid	received	5,720 votes
Mary Collins	received	5,285 votes

For NORTH BAY VILLAGE: TREASURE ISL. COMMISS., the whole number of votes cast was 1,486 of which number

Stuart Blumberg	received	542 votes
Wendy Duvall	received	944 votes

For NORTH BAY VILLAGE: AT - LARGE COMMISSIONER, the whole number of votes cast was 1,404 of which number

Mario Garcia	received	723 votes
Jorge Gonzalez	received	681 votes

For OPA LOCKA: COMMISSIONERS, the whole number of votes cast was 6,286 of which number

Andre Faustin	received	248 votes
Deborah Sheffield Irby	received	821 votes
Joseph L. Kelley	received	1,426 votes
Gail E. Miller	received	613 votes
Terence K. Pinder	received	1,004 votes
John Riley	received	375 votes
Luis B Santiago	received	1,051 votes
Rose Tydus	received	748 votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

For PALMETTO BAY: VICE - MAYOR, the whole number of votes cast was 10,508 of which number

Karyn Cunningham	received	3,200 votes
John Edward DuBois	received	3,679 votes
Brian W. Pariser	received	3,629 votes

For PALMETTO BAY: COUNCIL MEMBER - SEAT 2, the whole number of votes cast was 9,978 of which number

Jim Araiza	received	3,620 votes
Tim Schaffer	received	3,677 votes
Howard J. Tendrich	received	2,681 votes

For PINECREST: COUNCILMEMBER - SEAT 1, the whole number of votes cast was 7,720 of which number

Germaine Katherine Butler	received	877 votes
Bob Ross	received	4,281 votes
Jennifer Wollmann	received	2,562 votes

For PINECREST: COUNCILMEMBER - SEAT 3, the whole number of votes cast was 7,233 of which number

Robert A. "Bob" Hingston	received	3,548 votes
James E. McDonald	received	3,685 votes

For SUNNY ISLES BEACH: RES. AREA COMM. - SEAT 3, the whole number of votes cast was 4,211 of which number

Harvey Busch	received	1,831 votes
George "Bud" Scholl	received	2,380 votes

For Caribe Palm Community Development District, Seat 3, the whole number of votes cast was 166 of which number

Natalie Cedeno	received	82 votes
Ana Hernandez	received	84 votes

For South Dade Venture Community Development District, Seat 1, the whole number of votes cast was 1,427 of which number

Curtis Cooper	received	756 votes
Maycol Enriquez	received	671 votes

*** Official ***
**CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY**

For South Dade Venture Community Development District, Seat 4, the whole number of votes cast was 1,362 of which number

Sonia Castro	received	765 votes
Maykel Jimenez	received	597 votes

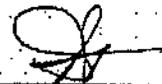
For South Dade Venture Community Development District, Seat 5, the whole number of votes cast was 1,368 of which number

Regina A Echols	received	645 votes
Maikel "Mike" Lopez	received	723 votes

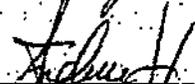
We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



COUNTY JUDGE, CHAIRPERSON



SUPERVISOR OF ELECTIONS, MEMBER



COUNTY JUDGE, SUBSTITUTE MEMBER

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

YES	1,056	votes
NO	2,770	votes

MIAMI BEACH: CLERK AS CHARTER OFFICE

YES	13,897	votes
NO	9,714	votes

MIAMI BEACH: REDUCTION OF HPB POWER

YES	14,125	votes
NO	8,922	votes

MIAMI BEACH: FILING PERIOD QUAL. PETITIONS

YES	12,490	votes
NO	9,045	votes

MIAMI BEACH: LIMITED WAIVER OF QUAL. FEE

YES	12,168	votes
NO	9,162	votes

NORTH BAY VILLAGE: CHANGING VILLAGE NAME

YES	1,232	votes
NO	679	votes

NORTH BAY VILLAGE: CORP. LIMITS OF THE CITY

YES	1,157	votes
NO	630	votes

NORTH BAY VILLAGE: APPT AND REM CITY CLERK

YES	1,156	votes
NO	510	votes

NORTH BAY VILLAGE: LIMIT. ACQ. OF REAL PROP

YES	1,065	votes
NO	594	votes

NORTH BAY VILLAGE: MAYOR & COMM COMPENS

YES	1,166	votes
NO	568	votes

NORTH BAY VILLAGE: 2 YR COMPEN. PROHIB.

YES	1,134	votes
NO	595	votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

NORTH BAY VILLAGE: CITY MGR OUTSIDE EMPLOY.

YES	1,247	votes
NO	453	votes

NORTH BAY VILLAGE: EXP ANTI NEPOTISM POLICY

YES	1,235	votes
NO	504	votes

NORTH BAY VILLAGE: VAC., INTER. VICE MAYOR

YES	1,343	votes
NO	371	votes

NORTH BAY VILLAGE: FILLING COMM. VACANCY

YES	1,248	votes
NO	416	votes

NORTH BAY VILLAGE: EMERGENCY ORDINANCES

YES	1,181	votes
NO	516	votes

NORTH BAY VILLAGE: ORDINANCES & RESOLUTIONS

YES	1,202	votes
NO	485	votes

NORTH BAY VILLAGE: RESIDENCY REQUIREMENTS

YES	1,444	votes
NO	343	votes

NORTH BAY VILLAGE: NOMINATION FOR OFFICE

YES	1,130	votes
NO	561	votes

NORTH BAY VILLAGE: INCREASE OF FILING FEES

YES	937	votes
NO	782	votes

NORTH BAY VILLAGE: EMP. POLITICAL ACTIVITY

YES	1,094	votes
NO	604	votes

NORTH BAY VILLAGE: FINAL BUDGET MEETING

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

YES	785	votes
NO	870	votes

NORTH BAY VILLAGE: BONDS OF OFRS AND EMP.

YES	1,305	votes
NO	345	votes

NORTH BAY VILLAGE: OATH OF EMPLOYMENT

YES	1,475	votes
NO	231	votes

NORTH BAY VILLAGE: ZONING REGS, MAPS, CMP

YES	1,271	votes
NO	372	votes

NORTH BAY VILLAGE: CHARTER VIOLATIONS

YES	1,420	votes
NO	233	votes

OPA - LOCKA: UPDATED CHRTR AVAIL CLERKS OFF.

YES	2,565	votes
NO	1,451	votes

PALMETTO BAY: NEIGHBORHOOD PROTECTION

YES	7,092	votes
NO	3,681	votes

PALMETTO BAY: NONPARTISAN ELECTIONS-DEFINED

YES	6,208	votes
NO	3,770	votes

PALMETTO BAY: NONPARTISAN ELECTIONS - ENFORC.

YES	6,039	votes
NO	3,380	votes

PALMETTO BAY: CHANGING TERM LIMITS

YES	5,122	votes
NO	5,041	votes

PALMETTO BAY: INTERACT. WITH ADMINISTRATION

YES	4,598	votes
NO	4,918	votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

PALMETTO BAY: DEPARTMENT HEAD SELECTION

YES	6,544	votes
NO	3,432	votes

PALMETTO BAY: TWO YEAR PROHIBITION

YES	6,319	votes
NO	3,746	votes

PALMETTO BAY: REQ. CANDIDATES RUN INDEPEND.

YES	6,907	votes
NO	3,154	votes

PALMETTO BAY: FILLING OF VACANCIES

YES	4,413	votes
NO	5,445	votes

PALMETTO BAY: ANNEXATION PROCESS

YES	6,893	votes
NO	2,853	votes

PALMETTO BAY: CHARTER REVISION COMMISSION

YES	5,469	votes
NO	4,142	votes

PALMETTO BAY: TECHNICAL & STYLISTIC AMNDMTS

YES	6,645	votes
NO	2,896	votes

PINECREST: COMMENCEMENT OF TERMS

YES	6,757	votes
NO	1,854	votes

PINECREST: BUDGET REPORT

YES	6,717	votes
NO	1,998	votes

PINECREST: LEASES

YES	5,253	votes
NO	3,193	votes

SURFSIDE: PREAMBLE & CITIZEN BILL OF RIGHTS

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
MIAMI-DADE COUNTY

YES	1,496	votes
NO	505	votes

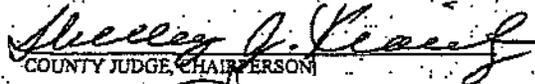
SURFSIDE: MANDATORY CHARTER REVIEW

YES	1,333	votes
NO	629	votes

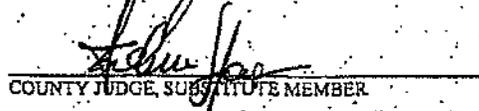
SURFSIDE: GEN. POWERS; RESTRICTION ON DEV.

YES	1,363	votes
NO	528	votes

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.


COUNTY JUDGE, CHAIRPERSON


SUPERVISOR OF ELECTIONS, MEMBER


COUNTY JUDGE, SUBSTITUTE MEMBER



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER
MEMBERS OF THE CITY COMMISSION
INTERIM CITY MANAGER KATHIE BROOKS**

**FROM: JOSE SMITH
CITY ATTORNEY**

DATE: DECEMBER 14, 2012

**SUBJECT: RESOLUTION ACCEPTING FINAL RESULTS OF THE NOVEMBER 6, 2012
SPECIAL ELECTION**

Attached hereto is a Resolution adopting the Official Certificate of the Miami-Dade County Canvassing Board for the November 6, 2012 Special Election for the City of Miami Beach, and declaring the final election results. The Miami-Dade County Supervisor of Election's certification of the final results is attached to the Resolution and upon the City Commission's acceptance thereof by passage of this Resolution, all City Commission election activities related to the City's November 6, 2012 Special Election shall be concluded.

JS/DT/mmd

Agenda Item R7F
Date 12-12-12

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 6, 2012 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER MIAMI BEACH CITY CHARTER ARTICLES II AND IV SHOULD BE AMENDED TO ESTABLISH THE CITY CLERK AS A CHARTER OFFICER RESPONSIBLE FOR PERFORMING DESIGNATED DUTIES, WHOSE COMPENSATION SHALL BE ESTABLISHED BY ORDINANCE, AND WHEREBY THE CLERK SHALL BE APPOINTED AND REMOVED BY, AND ACCOUNTABLE TO, THE CITY COMMISSION INSTEAD OF THE CITY MANAGER; AND THE POWER TO SUPERVISE AND CONTROL THE CLERK'S OFFICE, AND TO APPOINT AND REMOVE UNCLASSIFIED PERSONNEL THEREIN, SHALL BE TRANSFERRED FROM THE CITY MANAGER TO THE CITY CLERK.

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 6, 2012, 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 in which the official registration books show that the said electors reside.

SECTION 4.

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. 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 Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of §50.031 and §100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 6.

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 6th DAY OF NOVEMBER, 2012, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

ESTABLISHING CITY CLERK AS A CHARTER OFFICER

SHALL THE CHARTER BE AMENDED TO ESTABLISH THE CITY CLERK AS A CHARTER OFFICER RESPONSIBLE FOR PERFORMING DESIGNATED DUTIES, WHOSE COMPENSATION SHALL BE ESTABLISHED BY ORDINANCE, AND WHEREBY:

- THE CLERK SHALL BE APPOINTED AND REMOVED BY, AND ACCOUNTABLE TO, THE CITY COMMISSION INSTEAD OF THE CITY MANAGER; AND
- POWER TO SUPERVISE AND CONTROL THE CLERK'S OFFICE, AND TO APPOINT AND REMOVE UNCLASSIFIED PERSONNEL THEREIN, SHALL BE TRANSFERRED FROM THE CITY MANAGER TO THE CITY CLERK?

_____ YES
_____ NO

SECTION 7.

That the official ballot to be used in the Special Election to be held on November 6, 2012, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

ESTABLISHING CITY CLERK AS A CHARTER OFFICER

SHALL THE CHARTER BE AMENDED TO ESTABLISH THE CITY CLERK AS A CHARTER OFFICER RESPONSIBLE FOR PERFORMING DESIGNATED DUTIES, WHOSE COMPENSATION SHALL BE ESTABLISHED BY ORDINANCE, AND WHEREBY:

- THE CLERK SHALL BE APPOINTED AND REMOVED BY, AND ACCOUNTABLE TO, THE CITY COMMISSION INSTEAD OF THE CITY MANAGER; AND
- POWER TO SUPERVISE AND CONTROL THE CLERK'S OFFICE, AND TO APPOINT AND REMOVE UNCLASSIFIED PERSONNEL THEREIN, SHALL BE TRANSFERRED FROM THE CITY MANAGER TO THE CITY CLERK?

SECTION 8.

That the absentee voters participating 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 absentee voting.

SECTION 9.

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 10.

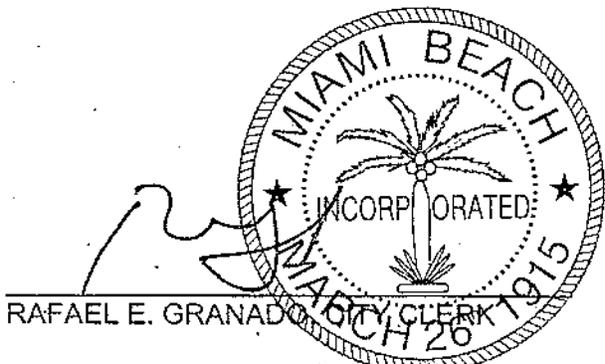
If any section, sentence, clause or phrase of the proposed ballot measure is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 11.

This Resolution shall be effective upon its passage.

PASSED and ADOPTED this 18th day of July, 2012.

ATTEST:



[Signature]
RAFAEL E. GRANADO, CITY CLERK
(Requested by Commissioner Deede Weithorn)

[Signature]
Jorge R. Exposito
Vice-Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature] 7/11/12
City Attorney Date

**PROPOSED BALLOT TITLE AND BALLOT SUMMARY
NOVEMBER 6, 2012 SPECIAL ELECTION**

I. PROPOSED BALLOT TITLE AND BALLOT SUMMARY:

ESTABLISHING CITY CLERK AS A CHARTER OFFICER

SHALL THE CHARTER BE AMENDED TO ESTABLISH THE CITY CLERK AS A CHARTER OFFICER RESPONSIBLE FOR PERFORMING DESIGNATED DUTIES, WHOSE COMPENSATION SHALL BE ESTABLISHED BY ORDINANCE, AND WHEREBY:

- THE CLERK SHALL BE APPOINTED AND REMOVED BY, AND ACCOUNTABLE TO, THE CITY COMMISSION INSTEAD OF THE CITY MANAGER; AND
- POWER TO SUPERVISE AND CONTROL THE CLERK'S OFFICE, AND TO APPOINT AND REMOVE UNCLASSIFIED PERSONNEL THEREIN, SHALL BE TRANSFERRED FROM THE CITY MANAGER TO THE CITY CLERK?

II. PROPOSED CHARTER TEXT:

ARTICLE II. CITY COMMISSION

* * *

Sec. 2.03. Powers of the city commission.

All powers of the City shall be vested in the City Commission except those powers specifically given to the Mayor, the City Manager, ~~and to the City Attorney, and the City Clerk,~~ as provided in this Charter and except those powers specifically reserved in this Charter to the electors of the City. Moreover, the City Commission shall have all powers and privileges not inconsistent herewith, granted to the City Commission of cities and towns by the general laws of the State of Florida, and shall have power to do and perform all things necessary for the government of the City not inconsistent with the constitution of the State of Florida, the Constitution and laws of the United States, and the terms and provisions of this Charter.

The City Commission shall appoint a City Manager ~~and~~, a City Attorney, and a City Clerk; the City Commission shall have the power to remove the City Manager, ~~and/or City Attorney, and/or City Clerk~~ at any time by a majority vote of the Commission, or, in the event of an employment agreement between the parties removal shall occur pursuant to the terms of said agreement.

The Commission may also investigate the official acts and conduct of any City official, and by similar investigations may secure information upon any matter. In conducting such investigations, the Commission may require the attendance of witnesses and the production of books, papers and other evidence.

The independent City Auditor shall be appointed by the City Commission; both appointment

and removal of the independent City Auditor shall be made by the City Commission. Duties, method of selection and method of compensation of the independent City Auditor shall be established by ordinance.

* * *

ARTICLE IV. CITY MANAGER, CITY CLERK AND ADMINISTRATIVE ORGANIZATION

* * *

Sec. 4.02. City manager—Functions and powers.

The City Manager shall be the chief executive officer and head of the administrative branch of the City government. Except as specifically provided otherwise in this Charter, the City Manager shall be responsible to the City Commission for the proper administration of all affairs of the City. The functions and powers of this office shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) To appoint all directors of the several departments now existing, or to be created, with the consent of the City Commission, and to remove the same at will, except for the Legal Department and the City Clerk's Office.
- (c) To appoint and remove, at will, the division heads of departments or divisions now existing or to be created by law or ordinance, except for the Legal Department and the City Clerk's Office.
- (d) To appoint and remove at will, all other officers or employees in the unclassified service of the City, except the Mayor and City Commissioners, or those individuals appointed by the Commission, the employees in the Mayor's Office who are in the unclassified service for whom the Mayor shall be the appointing authority, and the unclassified personnel in the Legal Department who shall be appointed and removed by the City Attorney, and the unclassified personnel in the City Clerk's Office who shall be appointed and removed by the City Clerk.
- (e) To attend all meetings of the City Commission, with the right to take part in the discussion, but having no vote.
- (f) To recommend to the City Commission for adoption, such measures as he/she may deem necessary or expedient.
- (g) To keep the City Commission fully advised as to the financial condition and needs of the City.
- (h) To have (general and special supervision and control), subject to the control by the City Commission, of the several departments now existing, except for the Legal Department and the City Clerk's Office, or hereafter to be created, and the City Manager shall be the purchasing agent of the City, with authority to delegate such duty.
- (i) To negotiate all contracts and agreements in which the City is a party subject to the approval of the City Commission.

- (j) The City Manager shall account to the City Commission for the conduct and acts of the several departments now existing, or hereafter to be created, and he/she shall have supervision and control of the heads of the said departments, and such heads as appointed by the City Manager shall be accountable to the City Manager for the conduct and acts of their departments, except for the Legal Department and the City Clerk's Office.
- (k) To perform such other duties as may be prescribed by the City Commission by ordinance or resolution and which are not in conflict with the duties of the City Clerk.

Sec. 4.03. City Clerk; appointment and compensation.

The City Clerk shall be appointed by the City Commission and shall be the Department head of the City Clerk's Office. The City Clerk's compensation shall be fixed by the City Commission by ordinance.

Sec. 4.04. City Clerk; duties and authority.

The City Clerk shall have the following duties and authority:

- (a) To give notice of, attend, and keep minutes of all City Commission meetings.
- (b) To serve as the City of Miami Beach's official Records Custodian.
- (c) To maintain records of the City Commission, City Boards, and City Committees.
- (d) To perform all duties and functions relative to municipal elections in accordance with applicable state, county, and city law.
- (e) To appoint all personnel in the City Clerk's Office and to appoint and remove, at will, all unclassified personnel in the City Clerk's Office. To have supervision and control of the City Clerk's Office subject to the control of the City Commission and consistent with the provisions of the City Code and City Charter.
- (f) To perform such other duties as the City Commission may prescribe from time to time which are not in conflict with the duties of the City Manager.
- (g) To maintain the seal of the City of Miami Beach and attest the signatures of the Mayor and City Manager, as the case may be, on all documents if needed.
- (h) To otherwise account to the City Commission for the conduct and acts of the City Clerk's Office.
- (i) To perform such other professional duties as may be required of him/her by ordinance or resolution of the Commission or by this Charter.



MIAMI BEACH

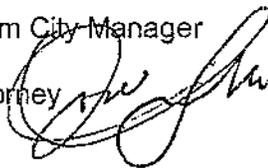
JOSE SMITH, CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower
Members of the City Commission

CC: Kathie Brooks, Interim City Manager

FROM: Jose Smith, City Attorney 

DATE: July 18, 2012

SUBJECT: Resolution Regarding Ballot Question Establishing the City Clerk as a Charter Officer

Pursuant to the direction of the City Commission at the June 6, 2012 City Commission meeting, the attached Resolution has been drafted for the City Commission's consideration.

The Resolution sets forth a ballot question for the City's November 6, 2012 Special Election amending the City Charter to establish the City Clerk as a Charter Officer appointed and removed by, and accountable to, the City Commission instead of the City Manager. The proposed Charter Amendment would also transfer from the City Manager to the City Clerk the power to supervise and control the Clerk's Office and to appoint and remove unclassified personnel therein.

JS/DT/mem

Agenda Item R7D
Date 7-18-12

A RESOLUTION CALLING FOR A NOVEMBER 6, 2012 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER THE MIAMI BEACH CITY CHARTER SECTION 1.06 SHOULD BE CREATED TO REQUIRE THAT ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 OF THE CITY CODE ("HISTORIC PRESERVATION BOARD"), OR TO CHAPTER 118, ARTICLE X, DIVISIONS 1-4 ("HISTORIC PRESERVATION"), THAT REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, SHALL, BEFORE BECOMING EFFECTIVE, BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

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 6, 2012, 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 in which the official registration books show that the said electors reside.

SECTION 4.

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. 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 Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of §50.031 and §100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 6.

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 6TH DAY OF NOVEMBER, 2012, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

VOTER APPROVAL REQUIRED TO REDUCE HISTORIC PRESERVATION BOARD POWERS AND DUTIES OR HISTORIC PRESERVATION STANDARDS.

SHALL CHARTER SECTION 1.06 BE AMENDED TO REQUIRE THAT ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 ("HISTORIC PRESERVATION BOARD") OR TO CHAPTER 118, ARTICLE X, DIVISIONS 1-4 ("HISTORIC PRESERVATION") OF THE CITY CODE, WHICH REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, SHALL, BEFORE BECOMING EFFECTIVE, BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

_____ YES

_____ NO

SECTION 7.

That the official ballot to be used in the Special Election to be held on November 6, 2012, hereby called, shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"

VOTER APPROVAL REQUIRED TO REDUCE HISTORIC PRESERVATION BOARD POWERS AND DUTIES OR HISTORIC PRESERVATION STANDARDS.

SHALL CHARTER SECTION 1.06 BE AMENDED TO REQUIRE THAT ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 ("HISTORIC PRESERVATION BOARD"), OR TO CHAPTER 118, ARTICLE X, DIVISIONS 1-4 ("HISTORIC PRESERVATION"), OF THE CITY CODE, WHICH REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, SHALL, BEFORE BECOMING EFFECTIVE, BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

_____ YES
_____ NO

SECTION 8.

That the absentee voters participating 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 absentee voting.

SECTION 9.

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 10.

If any section, sentence, clause or phrase of the proposed ballot measure 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 ballot measure.

SECTION 11.

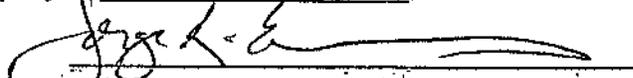
This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 18th day of July, 2012.

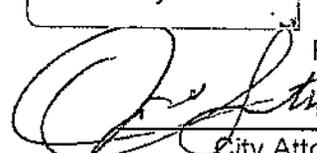
ATTEST:



RAFAEL GRANADO, CITY CLERK



Jorge R. Exposito
Vice-Mayor



City Attorney

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION
7/11/12
Date



**PROPOSED BALLOT TITLE AND BALLOT SUMMARY
NOVEMBER 6, 2012 SPECIAL ELECTION**

I. PROPOSED BALLOT TITLE AND BALLOT SUMMARY:

**VOTER APPROVAL REQUIRED TO REDUCE HISTORIC
PRESERVATION BOARD POWERS AND DUTIES OR HISTORIC
PRESERVATION STANDARDS.**

SHALL CHARTER SECTION 1.06 BE AMENDED TO REQUIRE THAT, ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 ("HISTORIC PRESERVATION BOARD"), OR TO CHAPTER 118, ARTICLE X, DIVISIONS 1-4 ("HISTORIC PRESERVATION"), OF THE CODE, WHICH REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, SHALL, BEFORE BECOMING EFFECTIVE, BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

_____ YES
_____ NO

II. PROPOSED CHARTER TEXT:

Sec. 1.06. Public vote required prior to enacting reduced powers and duties for Historic Preservation Board, or less stringent historic preservation standards or regulations.

Any change to City Code Chapter 118, Article II, Division 4, "Historic Preservation Board," or City Code Chapter 118, Article X, Divisions 1-4, "Historic Preservation," which, whether through amendment, exemption, repeal, or otherwise, reduces the powers and duties of the City's Historic Preservation Board, or creates less stringent historic preservation standards or regulations, shall, before becoming effective be approved by a majority of the voters in a Citywide referendum.

Condensed Title:

A Resolution calling for a November 6, 2012 special election, for the purpose of submitting to the electorate of the City of Miami Beach, Florida a question asking whether the Miami Beach City Charter section 1.06 should be created to require that any change to Chapter 118, Article II, Division 4 of the City Code ("Historic Preservation Board"), or to Chapter 118, Article X, Divisions 1-4 ("Historic Preservation"), that reduces the powers and duties of the board, or creates less stringent Historic Preservation standards or regulations, shall, before becoming effective, be approved by a majority of voters in a Citywide election?

A Resolution calling for a November 6, 2012 special election, for the purpose of submitting to the electorate of the City of Miami Beach, Florida a question asking whether Miami Beach City Charter section 1.03 should be amended to require that any change to the city's land development regulations that allows increased maximum building heights in local historic districts shall, before becoming effective, be approved by a majority of voters in a Citywide election?

Key Intended Outcome Supported:

Maintain strong Development Management Policies

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Issue:

Whether to Adopt the Resolutions?

Item Summary/Recommendation:

The proposed Charter amendments will require that any ordinance amendment to the LDR's that either reduce the powers and duties of the Historic Preservation Board or that create less stringent historic preservation standards or regulations or that increase the maximum building height in local historic districts must first be approved by a majority of votes in a Citywide election.

ADOPT THE RESOLUTIONS.

Advisory Board Recommendation:

Joint Neighborhoods / Community Affairs & Land Use and Development Committees

Financial Information:

Source of Funds:		Amount	Account
	1		
	2		
	3		
OBPI	Total		

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Jorge Gomez, ext. 6150

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	JGG 	KGB 

T:\AGENDA\2012\7-18-12\Height and HP Ballot Questions Summary.docx





MIAMI BEACH

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: July 18, 2012

SUBJECT: A RESOLUTION CALLING FOR A NOVEMBER 6, 2012 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER THE MIAMI BEACH CITY CHARTER SECTION 1.06 SHOULD BE CREATED TO REQUIRE THAT ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 OF THE CITY CODE ("HISTORIC PRESERVATION BOARD"), OR TO CHAPTER 118, ARTICLE X, DIVISIONS 1-4 ("HISTORIC PRESERVATION"), THAT REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, SHALL, BEFORE BECOMING EFFECTIVE, BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

A RESOLUTION CALLING FOR A NOVEMBER 6, 2012 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER MIAMI BEACH CITY CHARTER SECTION 1.03 SHOULD BE AMENDED TO REQUIRE THAT ANY CHANGE TO THE CITY'S LAND DEVELOPMENT REGULATIONS THAT ALLOWS INCREASED MAXIMUM BUILDING HEIGHTS IN LOCAL HISTORIC DISTRICTS SHALL, BEFORE BECOMING EFFECTIVE, BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

ADMINISTRATION RECOMMENDATION

Adopt the resolutions and refer the attached ordinance to the Planning Board with a review by the Historic Preservation Board prior to City Commission First Reading.

BACKGROUND

The proposed amendment was originally referred to a joint meeting of the Neighborhoods/Community Affairs and Land Use Committees by the City Commission on June 1, 2011, at the request of Mayor Bower. The Joint Committee met on July 7, 2011 and considered two specific charter amendments requiring voter approval before allowing increased building heights or enacting less stringent standards for historic preservation. After discussing the issues, the Joint Committee passed a motion, by acclamation, moving the item to the full Commission without a recommendation.

On July 13, 2011, the City Commission discussed the ballot questions relating to the two charter amendments and voted to defer the matter to the June 2012 Commission Meeting. Furthermore, Mayor Bower requested that the Land Use and Development Committee and the Neighborhood/Community Affairs Committee discuss the proposed charter amendments no later than May 2012 in order for the item to be ready for presentation at the June 2012 Commission meeting.

At the December 14, 2011 City Commission meeting, Mayor Bower referred to the Land Use and Development Committee and Neighborhoods/Community Affairs Committee the two proposed charter amendments that would strengthen the existing protections for Historic Preservation in Miami Beach. At the same meeting, Commissioner Wolfson also referred to the Land Use and Development Committee a proposal to put the Historic Preservation Board enabling language in the charter to protect the composition and existence of our city's preservation mechanism.

At the March 27, 2012 Neighborhood/Community Affairs Committee (NCAC) meeting, the Committee moved to recommend the charter amendment dealing with the City's Historic Preservation process to the full City Commission for its consideration and vote on whether to place it on the August ballot. The motion also included that the charter amendment dealing with heights return to Committee for further discussion in April. The Committee also requested that an ordinance amendment be prepared that would deal with the Board member categories stipulating which ones the Commission would determine would be required to formally constitute the Board and changes thereto would trigger the Charter provision of referendum.

At the March 28, 2012 Land Use and Development Committee (LUDC) meeting, the Committee also moved to recommend the charter amendment dealing with Historic Preservation to the full City Commission and return to Committee in April; with further discussion on the charter amendment dealing with heights.

Both Committees requested that the charter amendment dealing with heights be presented as a series of alternatives for consideration by the LUDC and NCAC and if possible, conduct it as a joint meeting of both Committees.

At a joint meeting of the Neighborhood/Community Affairs and Land Use and Development Committees on April 24, 2012, the Committees recommended the subject ballot question dealing with heights for consideration by the City Commission.

At the June 13, 2012 Land Use and Development Committee meeting, the item was not reached. At the May 9, 2012 City Commission meeting, a discussion regarding a possible charter amendment restricting the manner in which changes to current Land Use Regulations can be made was referred to the Land Use and Development Committee.

ANALYSIS

The first proposed charter amendment, drafted in consultation with the City Attorney's Office addresses both the requests made by Mayor Bower and Commissioner Wolfson to protect the City's Historic Preservation processes.

1. Historic Preservation Regulations

CHARTER AMENDMENT REQUIRING VOTER APPROVAL BEFORE ENACTING LESS STRINGENT STANDARDS FOR HISTORIC PRESERVATION.

SHALL THE CHARTER BE AMENDED TO REQUIRE THAT, AFTER NOVEMBER 7, 2012, BEFORE BECOMING EFFECTIVE, ANY CHANGE TO CHAPTER 118, ARTICLE II, DIVISION 4 OF THE CITY CODE ("HISTORIC PRESERVATION BOARD"), OR TO CHAPTER 118, ARTICLE X, DIVISIONS 1-4, OF THE CODE ("HISTORIC PRESERVATION"), WHICH REDUCES THE POWERS AND DUTIES OF THE BOARD, OR CREATES LESS STRINGENT HISTORIC PRESERVATION STANDARDS OR REGULATIONS, FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

As discussed in Committee, this Charter amendment, not unlike the Charter provision that deals with the ethics ordinance, will require that any future amendment to the Land Development regulations that diminishes the powers and duties of the Historic Preservation Board or creates a less stringent historic preservation standard or regulation must be approved by referendum before it can become effective.

These standards and regulations are contained in Chapter 118, Article X, Divisions 1 through 4 and include the intent and purpose of the Board, the Board's review of projects, the regulations pertaining to the issuance of Certificate of Appropriateness for demolition and the Board's process for designation among others. This Charter amendment does not include Division 5 of Article X that deals with the Single Family Ad Valorem Tax Exemption provision of the Code. This Charter provision also applies to Chapter 118, Article II, Division 4 which include the HPB's authority, powers and duties, membership, etc. With respect to the Board membership, both the NCAC and LUDC discussed the composition of the Board and if changing the membership of the Board would be considered a less stringent modification. After much discussion, Mayor Bower requested that an ordinance amendment be prepared that would define which of the 6 membership categories, if amended, would trigger the referendum. The draft Ordinance is attached and the Administration is seeking policy direction on which of the categories should be designated as "charter" members.

The second proposed charter amendment, prepared after the original referral on June 1, was refined by the Mayor's Office in consultation with the City Attorney's Office to focus on the issue of increases to the height regulations.

2. Height Restrictions

CHARTER AMENDMENT REQUIRING VOTER APPROVAL BEFORE ALLOWING INCREASED BUILDING HEIGHTS, EXCEPT FOR CITY PROPERTY.

SHALL THE CHARTER BE AMENDED SO THAT, BEFORE BECOMING EFFECTIVE, ANY CHANGE TO THE CITY'S LAND DEVELOPMENT REGULATIONS THAT ALLOWS INCREASED MAXIMUM BUILDING HEIGHTS IN LOCAL HISTORIC DISTRICTS SHALL FIRST BE APPROVED BY A MAJORITY OF VOTERS IN A CITYWIDE ELECTION?

After discussion by both the LUDC and NCAC, this proposed Charter amendment was modified to deal with increases in height regulations within the City's local historic districts. This amendment would require a referendum for any proposed ordinance that would increase the maximum building height regulations for those districts within a local historic district. As discussed in Committee this would not apply to amendments that deal with the various height exemptions for those structures that may exceed the maximum building heights like chimneys, wind turbines, rooftop mechanical rooms, etc. This proposed Charter amendment would also not apply to other height modifications that do not change a district's maximum building heights.

CONCLUSION

The Administration recommends adoption of the resolutions and requests that the City Commission refer the draft ordinance amendment dealing with the Historic Preservation Board member categories and amendments thereto that trigger the referendum, to the Planning board for their required review. The Administration would also recommend that such proposed ordinance be also reviewed by the Historic Preservation Board for their comments.

The deadline for placing ballot questions on the November 6, 2012, general election is July 24, 2012.


KGB/JCG

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RESOLUTION NO.

2012-27964

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CITY OF MIAMI BEACH RESOLUTION NO. 2012-27933, AND SUBSTITUTING THIS RESOLUTION THEREFOR CALLING FOR A NOVEMBER 6, 2012 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER MIAMI BEACH CITY CHARTER SECTION 6.03 SHOULD BE AMENDED TO CHANGE THE TIME THAT A CANDIDATE QUALIFYING VIA PETITION FOR CITY ELECTED OFFICE MUST FILE SAID PETITION, FROM NO LATER THAN THE SECOND DAY OF THE FOUR-DAY QUALIFYING PERIOD, TO NO LATER THAN NOON OF THE 14TH DAY PRIOR TO THE FIRST DAY OF SUCH QUALIFYING PERIOD?

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 6, 2012, 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 in which the official registration books show that the said electors reside.

SECTION 4.

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. 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 Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of §50.031 and §100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 6.

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 6th DAY OF NOVEMBER, 2012, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

CHANGE OF FILING PERIOD FOR QUALIFYING PETITIONS

SHALL CHARTER SECTION 6.03 BE AMENDED TO CHANGE THE TIME THAT A CANDIDATE QUALIFYING VIA PETITION FOR CITY ELECTED OFFICE MUST FILE SAID PETITION, FROM NO LATER THAN THE SECOND DAY OF THE FOUR-DAY QUALIFYING PERIOD, TO NO LATER THAN NOON OF THE 14TH DAY PRIOR TO THE FIRST DAY OF SUCH QUALIFYING PERIOD?

_____ YES

_____ NO

SECTION 7.

That the official ballot to be used in the Special Election to be held on November 6, 2012, hereby called, shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"

CHANGE OF FILING PERIOD FOR QUALIFYING PETITIONS

SHALL CHARTER SECTION 6.03 BE AMENDED TO CHANGE THE TIME THAT A CANDIDATE QUALIFYING VIA PETITION FOR CITY ELECTED OFFICE MUST FILE SAID PETITION, FROM NO LATER THAN THE SECOND DAY OF THE FOUR-DAY QUALIFYING PERIOD, TO NO LATER THAN NOON OF THE 14TH DAY PRIOR TO THE FIRST DAY OF SUCH QUALIFYING PERIOD?

_____ YES
_____ NO

SECTION 8.

That the absentee voters participating 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 absentee voting.

SECTION 9.

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 10.

If any section, sentence, clause or phrase of the proposed ballot measure 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 ballot measure.

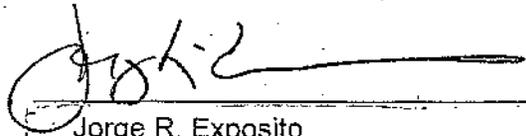
SECTION 11.

A. This Resolution shall stand as the operative City legislation scheduling the question set forth hereinabove for placement on the November 6, 2012 City of Miami Beach Special Election ballot, and shall be effective immediately upon its passage.

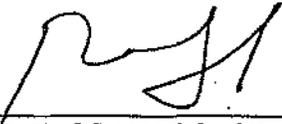
B. City of Miami Beach Resolution No. 2012-27933, adopted by the City Commission on June 6, 2012 for the purpose of scheduling the November 6, 2012 Special Election, is hereby amended and the terms and provisions in this Resolution are substituted therefor.

PASSED and ADOPTED this 18th day of July, 2012.

ATTEST:



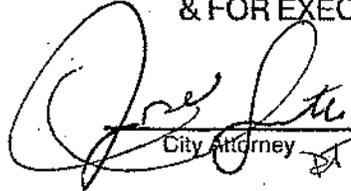
Jorge R. Exposito
Vice-Mayor



RAFAEL E. GRANADO, CITY CLERK

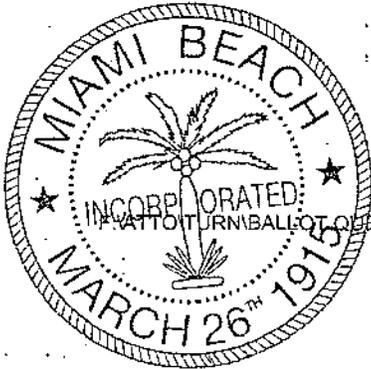
(Requested by Commissioner Jonah Wolfson)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

7/9/12
Date



\\ATTO\TURN\BALLOT QUESTIONS\Change of Filing Period for Qualifying Petitions.doc

**PROPOSED BALLOT TITLE AND BALLOT SUMMARY
NOVEMBER 6, 2012 SPECIAL ELECTION**

I. PROPOSED BALLOT TITLE AND BALLOT SUMMARY:

CHANGE OF FILING PERIOD FOR QUALIFYING PETITIONS

SHALL CHARTER SECTION 6.03 BE AMENDED TO CHANGE THE TIME THAT A CANDIDATE QUALIFYING VIA PETITION FOR CITY ELECTED OFFICE MUST FILE SAID PETITION, FROM NO LATER THAN THE SECOND DAY OF THE FOUR-DAY QUALIFYING PERIOD, TO NO LATER THAN NOON OF THE 14TH DAY PRIOR TO THE FIRST DAY OF SUCH QUALIFYING PERIOD?

II. PROPOSED CHARTER TEXT:

Charter Sec. 6.03. - Qualifying.

The City Commission shall cause to be placed on the ballot to be used in the general election the name of any qualified elector of the City residing within the City at least one year prior qualifying and who, within the four (4) consecutive days immediately following the first Monday of September prior to said general election, shall have paid to the City Clerk of the City of Miami Beach the sum equal to seven and one-half percent (7 ½%) of the annual salary of the office to which he/she seeks election as a qualifying fee and shall have been photographed and fingerprinted by the identification bureau of the Police Department of the City, unless such person shall file with the City Clerk no later than the second day for noon of the 14th day prior to the first day of qualifying as a candidate for such office, a petition approving his candidacy signed by sufficient qualified and registered voters to constitute not less than two percent (2%) of this number of such voters as the same shall be on the date sixty (60) days prior to the first day of qualifying as a candidate for office, and shall have taken, signed and subscribed to an oath or affirmation in writing in which he/she shall state (1) the title of the office for which he/she is a candidate; (2) that he/she is a qualified elector of the City of Miami Beach, Florida and has resided in the City at least one year prior to qualifying ~~via petition~~; (3) his/her legal residence, by street and number; (4) that he/she is qualified under the ordinances (including Miami Beach City Code Chapter 38 governing "Elections") and Charter of the City of Miami Beach, Florida, to hold the office for which he/she is a candidate.

*

*

*



MIAMI BEACH

JOSE SMITH, CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower
Members of the City Commission

CC: Kathie Brooks, Interim City Manager

FROM: Jose Smith, City Attorney

DATE: July 18, 2012

SUBJECT: Resolutions Regarding Ballot Questions Concerning Change in Filing Period for Qualifying Petitions and Waiver of the City's Qualified Fee for Qualified Petitions

Attached are two Resolutions amending Resolutions No 2012-27933 and 2012-27934 passed and adopted at the June 6, 2012 City Commission meeting.

The attached Resolutions amend and are to be substituted for the previously adopted Resolutions to make certain formatting changes and clarify the questions presented.

JS/DT/mem

F:\ATTO\SMIJ\COMMISSION MEMOS\Resolutions regarding ballot questions amending city charter provisions re change in filing period and waiver of qualifying fee.docx

Agenda Item R7F
Date 7-18-12

RESOLUTION NO. 2012-27965

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CITY OF MIAMI BEACH RESOLUTION NO. 2012-27934, AND SUBSTITUTING THIS RESOLUTION THEREFOR, CALLING FOR A NOVEMBER 6, 2012 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER MIAMI BEACH CITY CHARTER SECTION 6.03 SHOULD BE AMENDED TO PROVIDE THAT IF THE COUNTY ELECTIONS DEPARTMENT HAS NOT ISSUED ITS CERTIFICATE VERIFYING THE REQUIRED NUMBER OF VALID SIGNATURES ON A TIMELY-FILED QUALIFYING PETITION BY 5:00 P.M. ON THE SECOND DAY OF THE CITY'S QUALIFYING PERIOD, THE CITY'S 7½% QUALIFYING FEE SHALL BE WAIVED IF THE SUBJECT CANDIDATE OTHERWISE QUALIFIES PURSUANT TO CHARTER SECTION 6.03?

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 6, 2012, 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 in which the official registration books show that the said electors reside.

SECTION 4.

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. 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 Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of §50.031 and §100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 6.

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 6th DAY OF NOVEMBER, 2012, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

LIMITED WAIVER OF CITY QUALIFYING FEE

SHALL CHARTER SECTION 6.03 BE AMENDED TO PROVIDE THAT IF COUNTY ELECTIONS DEPARTMENT HASN'T ISSUED ITS CERTIFICATE VERIFYING THE REQUIRED NUMBER OF VALID SIGNATURES ON A TIMELY-FILED QUALIFYING PETITION BY 5:00 P.M. ON THE SECOND DAY OF CITY'S QUALIFYING PERIOD, CITY'S 7½% QUALIFYING FEE SHALL BE WAIVED IF THE SUBJECT CANDIDATE

OTHERWISE QUALIFIES PURSUANT TO CHARTER SECTION 6.03?

_____ YES
_____ NO

SECTION 7.

That the official ballot to be used in the Special Election to be held on November 6, 2012, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

LIMITED WAIVER OF CITY QUALIFYING FEE

SHALL CHARTER SECTION 6.03 BE AMENDED TO PROVIDE THAT IF COUNTY ELECTIONS DEPARTMENT HASN'T ISSUED ITS CERTIFICATE VERIFYING THE REQUIRED NUMBER OF VALID SIGNATURES ON A TIMELY-FILED QUALIFYING PETITION BY 5:00 P.M. ON THE SECOND DAY OF CITY'S QUALIFYING PERIOD, CITY'S 7½% QUALIFYING FEE SHALL BE WAIVED IF THE SUBJECT CANDIDATE OTHERWISE QUALIFIES PURSUANT TO CHARTER SECTION 6.03?

_____ YES
_____ NO

SECTION 8.

That the absentee voters participating 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 absentee voting.

SECTION 9.

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 10.

If any section, sentence, clause or phrase of the proposed ballot measure 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 ballot measure.

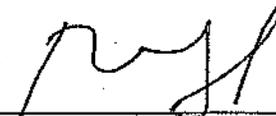
SECTION 11.

A. This Resolution shall stand as the operative City legislation scheduling the question set forth hereinabove for placement on the November 6, 2012 City of Miami Beach Special Election ballot, and shall be effective immediately upon its passage.

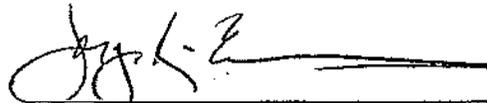
B. City of Miami Beach Resolution No. 2012-27934, adopted by the City Commission on June 6, 2012 for the purpose of scheduling the November 6, 2012 Special Election, is hereby amended and the terms and provisions of this Resolution are substituted therefor.

PASSED and ADOPTED this 18 day of JULY, 2012.

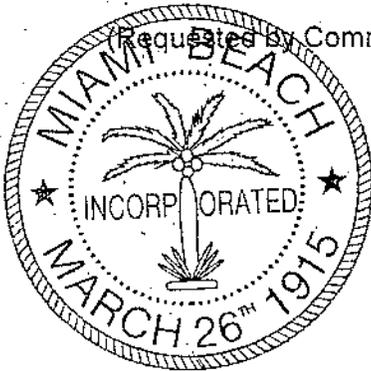
ATTEST:



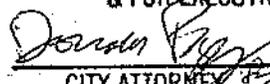
RAFAEL E. GRANADO, CITY CLERK



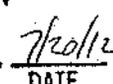
Jorge R. Exposito
Vice-Mayor



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



CITY ATTORNEY



DATE

**PROPOSED BALLOT TITLE AND BALLOT SUMMARY
NOVEMBER 6, 2012 SPECIAL ELECTION**

I. PROPOSED BALLOT TITLE AND BALLOT SUMMARY:

LIMITED WAIVER OF CITY QUALIFYING FEE

SHALL CHARTER SECTION 6.03 BE AMENDED TO PROVIDE THAT IF COUNTY ELECTIONS DEPARTMENT HASN'T ISSUED ITS CERTIFICATE VERIFYING THE REQUIRED NUMBER OF VALID SIGNATURES ON A TIMELY-FILED QUALIFYING PETITION BY 5:00 P.M. ON THE SECOND DAY OF CITY'S QUALIFYING PERIOD, CITY'S 7½% QUALIFYING FEE SHALL BE WAIVED IF THE SUBJECT CANDIDATE OTHERWISE QUALIFIES PURSUANT TO CHARTER SECTION 6.03?

II. PROPOSED CHARTER TEXT:

Charter Sec. 6.03. - Qualifying.

The City Commission shall cause to be placed on the ballot to be used in the general election the name of any qualified elector of the City residing within the City at least one year prior qualifying and who, within the four (4) consecutive days immediately following the first Monday of September prior to said general election, shall have paid to the City Clerk of the City of Miami Beach the sum equal to seven and one-half percent (7 ½%) of the annual salary of the office to which he/she seeks election as a qualifying fee and shall have been photographed and fingerprinted by the identification bureau of the Police Department of the City, unless such person shall file with the City Clerk no later than the second day for qualifying as a candidate for such office, a petition approving his candidacy signed by sufficient qualified and registered voters to constitute not less than two percent (2%) of this number of such voters as the same shall be on the date sixty (60) days prior to the first day of qualifying as a candidate for office; in the event the Miami-Dade County Elections Department has not issued its certificate verifying the required number of valid signatures on the subject qualifying petition by 5:00 p.m. on the second day of the City's four-day qualifying period, the City's 7½% qualifying fee shall be waived by the City in the event the subject candidate should otherwise qualify for office pursuant to this Charter section. All candidates qualifying for office and shall have taken, signed and subscribed to an oath or affirmation in writing in which he/she shall state (1) the title of the office for which he/she is a candidate; (2) that he/she is a qualified elector of the City of Miami Beach, Florida and has resided in the City at least one year prior to qualifying ~~via petition~~; (3) his/her legal residence, by street and number; (4) that he/she is qualified under the ordinances (including Miami Beach City Code Chapter 38 governing "Elections") and Charter of the City of Miami Beach, Florida, to hold the office for which he/she is a candidate.