MIAMIBEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
November 7, 2007

Mayor David Dermer
Vice-Mayor Jerry Libbin
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Michael Góngora
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

*Visit us at **www.miamibeachfl.gov** for agendas and video "streaming" of City Commission Meetings.*

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Call to Order - 11:00 a.m.

REGULAR AGENDA

Legislation concerning results from the City of Miami Beach's November 6, 2007 General and Special Elections.

The actual Election Resolutions to be considered for passage by the City of Miami Beach Commission on November 7, 2007 will be publicly available by 11:00 a.m. on that date.

Note: Either R7B (No Run-off Election needed) or R7C (Run-off Election needed) to be adopted.

R5 - Ordinances

R5A An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Florida, By Amending Article V Therein, Entitled "Finance"; By Creating A New Section 2-278, Entitled "Procedures Governing The Issuance Of Bonds,"; Providing For Repealer; Severability; Codification; And An Effective Date. **11:00 a.m. Second Reading Public Hearing**
(Requested by Mayor David Dermer/Finance Department)
(First Reading on October 17, 2007)

R7 - Resolutions

R7A A Resolution Adopting The Certificate Of The Results Of The November 6, 2007 Special Election For The City Of Miami Beach, And Declaring Results Thereof.
(City Attorney's Office)

R7B1 A Resolution Adopting The Certificate Of The Results Of The November 6, 2007 General Election For The City Of Miami Beach, And Declaring Candidate Elected.
(City Attorney's Office)

R7B2 A Resolution Electing Commissioner Jerry Libbin As Vice-Mayor For A Term Commencing On November 7, 2007 And Terminating On February 29, 2008, Or On Such Date When A New Vice-Mayor Is Thereafter Elected..
(City Clerk's Office)

R7C City Of Miami Beach General Election Results And Calling Run-Off Election.

1. A Resolution Adopting The Certificate Of The Results Of The November 6, 2007 General Election For the City Of Miami Beach.

2. A Resolution Calling For A Run-Off Election To Be Held On November 20, 2007 In The City Of Miami Beach For The Purpose Of Electing A Mayor And City Commissioner In Group VI; Providing For Conduct Of Same By The Miami-Dade County Elections Division; Providing That Voting Precincts Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Elections; Providing For The Form Of Ballot; Providing For Absentee Balloting And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami-Dade County.

3. Designation Of The City Of Miami Beach Canvassing Board For November 20, 2007 Run-Off Election.

(City Attorney's Office)

End of Regular Agenda

Condensed Title:

An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Florida, Entitled "Finance" By Amending Article V Thereof, Entitled "Bonds;" By Creating A New Section 2-278, Entitled "Procedures Governing The Issuance Of Bonds"; Providing For Repealer; Severability; Codification; And An Effective Date.

Key Intended Outcome Supported:

To make the city more business friendly. Improve the City's overall financial health and maintain overall bond rating. Ensure expenditure trends are sustainable over the long term.

Supporting Data (Surveys, Environmental Scan, etc.): Bond ratings have improved for S&P from A1 in FY 2000/01 to AA- in FY 2006/07and Moody's from A in FY 2000/01 to AA3 in FY2006/07.

Issue:

Shall the City Commission approve new procedures governing the issuance of bonds?

Item Summary/Recommendation:

SECOND READING PUBLIC HEARING

The Ordinance, prepared at the request of Mayor Dermer, establishes procedures to be followed by the Mayor and City Commission, prior to the adoption of a final resolution approving the issuance of City bonds.

These requirements are necessary to ensure that there has been a thorough fiscal analysis and review completed, to fully inform both the Mayor and City Commission and the public of the financial and economic impact resulting from the issuance of the proposed bonds.

The Administration recommends adopting the ordinance.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

	Amount	Account	Approved
1			
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Patricia Walker, Chief Financial Officer

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	PDW	JMG

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MIAMIBEACH

AGENDA ITEM R5A
DATE 11-7-07

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: November 7, 2007

SECOND READING PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "SPECIAL ASSESSMENTS," BY AMENDING ARTICLE V THEREIN, ENTITLED "FINANCE;" BY CREATING A NEW SECTION 2-278, ENTITLED "PROCEDURES GOVERNING THE ISSUANCE OF BONDS,"; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

KEY INTENDED OUTCOMES SUPPORTED

Improve the City's overall financial health and maintain overall bond rating.
Ensure expenditure trends are sustainable over the long term.

ANALYSIS

The Ordinance, prepared at the request of Mayor Dermer, amends Chapter 2 of the City Code and creates a new Section 2-278 and establishes procedures to be followed by the Mayor and City Commission, prior to the adoption of a final resolution approving the issuance of City bonds.

These requirements are necessary to ensure that there has been a thorough fiscal analysis and review completed, to fully inform both the Mayor and City Commission and the public of the financial and economic impact resulting from the issuance of the proposed bonds. Specifically, the fiscal analysis shall include the estimated cost of the project or projects that will be funded from the proposed bonds along with the estimated annual cost of maintaining, repairing and operating each project. Additionally, any revenues that may be generated from the project should be estimated and considered in the analysis.

Following completion of the analysis, the proposed issuance of bonds must be presented to the City's Finance and Citywide Projects Committee for their review and the ordinance must be approved by a majority vote of the Committee.

The Ordinance further requires that the City Commission hold two public hearings each advertised not later than fifteen (15) days prior to the hearing, in order to obtain citizen input on the proposed bond issuance.

In the case of General Obligation Bonds or other bonds that are subject to referendum approval pursuant to Florida law, the fiscal analysis and approval of the bond issuance by the City's Finance and Citywide Projects Committee must occur prior to the adoption of the resolution calling for the referendum (i.e. the ballot question).

In the event of a public emergency, the provisions of the Ordinance may be waived by 5/7ths vote of the City Commission and it will not apply to refunding or refinancing of outstanding bonds or other obligations.

FISCAL IMPACT

The economic impact for this ordinance will vary based on the number of projects to be funded with the proposed bonds and the complexity of the determination of the revenues to be generated, if any, along with the operating and maintenance costs of such projects.

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the ordinance.

JMG/PDW
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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING ARTICLE V THEREIN, ENTITLED "FINANCE;" BY CREATING A NEW SECTION 2-278, ENTITLED "PROCEDURES GOVERNING THE ISSUANCE OF BONDS,"; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 2 of the City Code is hereby amended, creating a new Section 2-278, entitled "Procedures governing the issuance of bonds," as follows:

Section 2-278. Procedures Governing the Issuance of Bonds.

(a) Prior to the adoption by the City Commission of the final resolution approving the issuance of any bonds by the City, the following requirements shall be complied with:

1. In order for the City Commission and the public to be fully informed on all matters relating to the proposed issuance of bonds, the City Manager shall prepare, or cause to be prepared, a fiscal analysis of the economic impact of the proposed bond issuance using the following criteria:

    (a) The estimated cost of the project or projects on account of which such bonds are to be issued;
    (b) The estimated annual revenues, if any, to be generated by such project or projects; and
    (c) The estimated annual cost of maintaining, repairing and operating such project or projects.

2. Upon completion of the fiscal analysis in subsection (a)1, the proposed issuance of bonds shall be first considered and reviewed by the City's Finance and Citywide Projects Committee.

3. The City Commission shall hold two (2) public hearings, each advertised not less than fifteen (15) days prior to the hearing, in order to obtain citizen input into the proposed bond issuance.

(b) In the event the particular issuance of bonds is one that is subject to referendum

approval, pursuant to Florida law, then the conditions in subsections (1) and (2) of section (a) above shall be complied with prior to adoption by the City Commission of the resolution calling for the referendum pertaining to the issuance of the proposed bonds.

(c) To meet a public emergency affecting life, health, property or public safety, the City Commission may, by 5/7ths vote of the members of the City Commission waive the requirements of this section; provided, however, that such waiver shall not be deemed to be a waiver of any other legal requirements under local, State, and federal law for the issuance of the proposed bonds.

(d) The provisions of this section shall not apply to the issuance of any bonds to refund or refinance outstanding bonds or other obligations.

SECTION 2. REPEALER.

That all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the_____ day of _____ , 2007.

PASSED and ADOPTED this ____ day of _____, 2007.

ATTEST:

_____
MAYOR

_____
CITY CLERK

F:\atto\AGUR\RESOS-ORD\Bonds - Procedures governing the issuance - Ord (2nd Reading - Final 10-22-07)

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 10/22/07 Date

MIAMIBEACH

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that a second reading and public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, November 7, 2007, at 11:00 a.m.**, to Consider Adopting An Ordinance Amending Chapter 94 Of The Code Of The City Of Miami Beach, Florida, Entitled "Special Assessments," By Amending Article III Thereof, Entitled "Bonds"By Creating A New Section 94-96, Entitled "Procedures Governing The Issuance Of Bonds".

However, in the event a run-off election is held, the second reading and public hearing on this Ordinance shall not be held on November 7, 2007, but shall instead be held on **Wednesday, November 21, 2007 at 11:00 a.m.**

Inquiries may be directed to Finance Department at (305) 673-7466.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive. 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604 2489 (voice) (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #460

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: (305) 673-7470
Facsimile: (305) 673-7002

COMMISSION MEMORANDUM

DATE: NOVEMBER 7, 2007

TO: **MAYOR DAVID DERMER**
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE GONZALEZ

FROM: **JOSE SMITH**
CITY ATTORNEY

SUBJECT: **CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 6, 2007 SPECIAL ELECTION AND DECLARING THE ELECTION RESULT**

Attached hereto is a Resolution[1] adopting the Certificate of the Results of the November 6, 2007 Special Election for the City of Miami Beach, and declaring the election result. The passage of this Resolution effectively concludes acceptance of election returns for the City of Miami Beach's November 6, 2007 Special Election.

JO/sc

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[1] Upon receipt and finalization of the Certification of Election Results, same shall be attached to the Resolution.

Agenda Item R7A
Date 11-7-07

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 6, 2007 SPECIAL ELECTION FOR THE CITY OF MIAMI BEACH, AND DECLARING RESULTS THEREOF.

WHEREAS, the Certification of the results of the City of Miami Beach Special Election has been received and is attached hereto as Composite Exhibit "A" and is incorporated herein; and

WHEREAS, said Certification reflects that the following ballot question was _____ by the electorate of the City of Miami Beach:

PUBLIC VOTE REQUIRED PRIOR TO ENACTING LESS STRINGENT STANDARDS TO CITY'S CODE OF CONDUCT

CITY CODE CHAPTER 2, ARTICLE VII, ESTABLISHES A CODE OF ETHICAL CONDUCT APPLICABLE TO CITY OFFICERS, EMPLOYEES, AND AGENCY MEMBERS, LOBBYISTS AND CITY VENDORS/BIDDERS, AND FURTHER ESTABLISHES CAMPAIGN FINANCE LAWS; SHALL THE CHARTER BE AMENDED TO REQUIRE A MAJORITY VOTE OF THE CITY ELECTORS BEFORE ENACTING ANY CHANGE TO THIS CODE OF CONDUCT, WHICH CHANGE (THROUGH EXEMPTION, REPEAL OR OTHERWISE) CREATES LESS STRINGENT STANDARDS OF CONDUCT?

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that having canvassed the returns of the November 6, 2007 Special Election of the City of Miami Beach, it hereby adopts the certificate as to the results of said Special Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said Election; and be it further resolved that as a result of the City of Miami Beach November 6, 2007 Special Election, the following question was _____:

PUBLIC VOTE REQUIRED PRIOR TO ENACTING LESS STRINGENT STANDARDS TO CITY'S CODE OF CONDUCT

CITY CODE CHAPTER 2, ARTICLE VII, ESTABLISHES A CODE OF ETHICAL CONDUCT APPLICABLE TO CITY OFFICERS, EMPLOYEES, AND AGENCY MEMBERS, LOBBYISTS AND CITY VENDORS/BIDDERS, AND FURTHER ESTABLISHES CAMPAIGN FINANCE LAWS; SHALL THE CHARTER BE AMENDED TO REQUIRE A MAJORITY VOTE OF THE CITY ELECTORS BEFORE ENACTING ANY CHANGE TO THIS CODE OF CONDUCT, WHICH CHANGE (THROUGH EXEMPTION, REPEAL OR OTHERWISE) CREATES LESS STRINGENT STANDARDS OF CONDUCT?

PASSED and **ADOPTED** this 7th day of November, 2007.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

CITY ATTORNEY

10/29/07
DATE

JO/sc

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: (305) 673-7470
Facsimile: (305) 673-7002

COMMISSION MEMORANDUM

DATE: NOVEMBER 7, 2007

TO: **MAYOR DAVID DERMER**
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE GONZALEZ

FROM: **JOSE SMITH**
CITY ATTORNEY

SUBJECT: **CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 6, 2007 CITY OF MIAMI BEACH GENERAL ELECTION AND DECLARING CANDIDATES ELECTED**

Attached hereto is a Resolution[1] adopting the Certificate of the Results of the November 6, 2007 Miami Beach General Election for the City of Miami Beach, and declaring candidates elected. The passage of this Resolution effectively concludes acceptance of election returns for the City of Miami Beach's November 6, 2007 General Election.

JO/sc

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[1] Upon receipt and finalization of the Certification of Election Results, same shall be attached to the Resolution.

Agenda Item R7B1
Date 11-7-07

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 6, 2007 GENERAL ELECTION FOR THE CITY OF MIAMI BEACH, AND DECLARING CANDIDATES ELECTED.

WHEREAS, via City of Miami Beach Resolution 2007-26612, the Miami-Dade County Canvassing Board was appointed and authorized to act as the Canvassing Board for the City of Miami Beach's General and Special Elections; and

WHEREAS, the results of the November 6, 2007 General Election have been certified by the Miami-Dade County Canvassing Board; and

WHEREAS, the candidates for Mayor and City Commissioner Groups IV, V and VI of the City of Miami Beach in the November 6, 2007 General Election have received the number of votes cast as reflected more specifically within the Certification of Election attached hereto as Composite "A" and incorporated herein.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that having canvassed the returns of the November 6, 2007 General Election of the City of Miami Beach, it hereby adopts the certificate as to the results of said General Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said election; and be it further resolved that as a result of the City of Miami Beach November 6, 2007 General Election the following candidates for Mayor and City Commissioner Groups IV, V and VI are hereby declared **elected**:

for Mayor: _____

for City Commissioner Group IV: _____

for City Commissioner Group V: _____

for City Commissioner Group VI: _____

PASSED and **ADOPTED** this 7th day of November, 2007.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 10/29/07
Date

JO\sc

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Condensed Title:

A Resolution Electing Commissioner Jerry Libbin As Vice-Mayor For A Term Commencing On November 7, 2007 And Terminating On February 29, 2007.

Key Intended Outcome Supported:

Increase community satisfaction with City services.

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

Issue:

Shall the City Commission Elect Commissioner Jerry Libbin as Vice-Mayor?

Item Summary/Recommendation:

Pursuant to Section 2.04 of the Miami Beach City Charter: "The City Commission shall, at its first meeting after each general election, which shall be within three (3) days after the general election (or within thirty (30) days after the run-off election, if a run-off election is held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor, shall perform the duties of Mayor."

The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number. The next Vice-Mayor is Jerry Libbin in Group I. The term for the next Vice-Mayor is November 7, 2007 through February 29, 2008.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:

	Amount	Account	Approved
1			
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Robert E. Parcher, City Clerk

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM R7B2
DATE 11-7-07

MIAMIBEACH

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

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: November 7, 2007

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER JERRY LIBBIN AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 7, 2007 AND TERMINATING ON FEBRUARY 29, 2008, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.**

ANALYSIS

Pursuant to Section 2.04 of the Miami Beach City Charter: "The City Commission shall, at its first meeting after each general election, which shall be within three (3) days after the general election (or within thirty (30) days after the run-off election, if a run-off election is held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor, shall perform the duties of Mayor."

The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number. The next Vice-Mayor is Jerry Libbin in Group I. The term for the next Vice-Mayor is November 7, 2007 through February 29, 2008.

JMG/REP

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER JERRY LIBBIN AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 7, 2007 AND TERMINATING ON FEBRUARY 29, 2008, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.

WHEREAS, the City Commission shall, at its first meeting after each general election, which shall be within three (3) days after the general election (or within thirty (30) days after the run-off election, if a run-off election is held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor, shall perform the duties of Mayor"; and

WHEREAS, the City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months; and

WHEREAS, the next Vice-Mayor is Jerry Libbin in Group I.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that Commissioner Jerry Libbin is hereby elected as Vice-Mayor of the City of Miami Beach, Florida, for a term commencing on November 7, 2007 and terminating on February 29, 2008.

PASSED and ADOPTED THIS _____ day of _____.

ATTEST:

_____ City Clerk

_____ Mayor David Dermer

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 10/24/07 Date

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: (305) 673-7470
Facsimile: (305) 673-7002

COMMISSION MEMORANDUM

DATE: NOVEMBER 7, 2007

TO: **MAYOR DAVID DERMER**
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE GONZALEZ

FROM: **JOSE SMITH**
CITY ATTORNEY

SUBJECT: **CITY OF MIAMI BEACH GENERAL ELECTION RESULTS AND CALLING RUN-OFF ELECTION**

The attached Resolutions formally adopt the certificate of results of the City of Miami Beach November 6, 2007 General Election, and call for the City of Miami Beach November 20, 2007 Run-Off Election, made necessary as a result of no candidate for Mayor and Commission Group VI from the General Election having received a majority of votes cast. Accordingly, and pursuant to Miami Beach City Charter Section 2.01, a Run-Off Election shall be called for November 20, 2007 between the two candidates for Mayor and Commission Group VI receiving the highest number of votes in the General Election.

JO/sc

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Agenda Item R7C
Date 11-7-07

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 6, 2007 GENERAL ELECTION FOR THE CITY OF MIAMI BEACH.

WHEREAS, via City of Miami Beach Resolution 2007-26612, the Miami-Dade County Canvassing Board was appointed and authorized to act as the Canvassing Board for the City of Miami Beach's November 6, 2007 General and Special Elections; and

WHEREAS, the results of the November 6, 2007 General Election have been certified by the Miami-Dade County Canvassing Board; and

WHEREAS, the candidates for Mayor and City Commissioner Groups IV, V, and VI of the City of Miami Beach have received the number of votes cast as reflected more specifically within the Certification of Elections attached hereto as Composite Exhibit "A" and incorporated herein.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that having canvassed the returns of the November 6, 2007 General Election of the City of Miami Beach, it does hereby adopt the certificate as to the results of said General Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of the meeting as a permanent record of the results of said election.

PASSED and **ADOPTED** this 7th day of November, 2007.

ATTEST: _____ MAYOR

_____
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 10/29/07 Date

JO\sc

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A RUN-OFF ELECTION TO BE HELD ON NOVEMBER 20, 2007 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF ELECTING A MAYOR AND CITY COMMISSIONER IN GROUP VI; PROVIDING FOR CONDUCT OF SAME BY THE MIAMI-DADE COUNTY ELECTIONS DIVISION; PROVIDING THAT VOTING PRECINCTS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF ELECTIONS; PROVIDING FOR THE FORM OF BALLOT; PROVIDING FOR ABSENTEE BALLOTING AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT FOR CONDUCTING ELECTION TO MIAMI-DADE COUNTY.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1

In accordance with provisions of the Charter of the City of Miami Beach, Florida, a Run-Off 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 November 20, 2007 for the purpose of electing a Mayor and City Commissioner in Group VI who shall hold office for the term as provided by law.

SECTION 2

That the appropriate and proper Miami-Dade County election officials shall conduct the said Run-Off Election hereby called, except for acceptance of the certification of the results of said Run-Off Election, which duty shall 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 on the night of said Run-Off Election.

SECTION 3

That the said voting precincts in the City of said Run-Off Election shall be 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. Registration of persons desiring to vote in said Run-Off Election shall be in accordance with the general law of the State governing voter registration.

SECTION 4

Notice of said Run-Off Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida.

SECTION 5

The notice of election shall be substantially in the following form:

"THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF RUN-OFF ELECTION

NOTICE IS HEREBY GIVEN that a Run-Off Election has been called by the 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 20th day of November, 2007, for the purpose of electing a Mayor and one (1) City Commissioner in Group VI who shall hold office for the term as provided by law."

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

SECTION 6

That the official ballot to be used in the Run-Off Election to be held on November 20, 2007, hereby called, shall be in substantially the following form, to wit:

"OFFICIAL BALLOT"

RUN-OFF ELECTION

FOR

ELECTING A MAYOR AND ONE COMMISSIONER (GROUP VI)

OF THE

CITY OF MIAMI BEACH, FLORIDA

ON NOVEMBER 20, 2007

FOR MAYOR

(name) _____

(name) _____

FOR CITY COMMISSIONER GROUP VI

(name) _____

(name) _____

The City Clerk shall prepare the ballot so that the names of qualified candidates will appear on said ballot in alphabetical order according to surname; provided, however, that said ballot and its preparation shall be such as to permit compliance with the Laws of the State of Florida with respect to the use of an electronic voting system.

SECTION 7

That the absentee voters participating in said Run-Off Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect the absentee voting.

SECTION 8

That the City of Miami Beach shall pay all expenses for conducting this Run-Off 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 9

This resolution shall be effective immediately upon passage.

PASSED and **ADOPTED** this 7th day of November, 2007.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 10/29/07
Date

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OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A

JOSE SMITH
City Attorney

Telephone: (305) 673-7470
Facsimile: (305) 673-7002

COMMISSION MEMORANDUM

DATE: NOVEMBER 7, 2007

TO: **MAYOR DAVID DERMER**
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JORGE GONZALEZ

FROM: **JOSE SMITH**
CITY ATTORNEY

SUBJECT: **DESIGNATION OF CITY OF MIAMI BEACH CANVASSING BOARD FOR NOVEMBER 20, 2007 RUN-OFF ELECTION**

In connection with the upcoming November 20, 2007 Run-Off Election, a three-member Canvassing Board must be designated in order to canvass absentee ballots and to oversee the conduct of said Election. This Canvassing Board is composed of the City Clerk, a County Court Judge to be appointed by the Chief Judge of the 11th Judicial Circuit, and either the Mayor or a City Commissioner (or if unavailable, a County elector to be appointed by the Chief Judge).

Members of the Canvassing Board may not be candidates with opposition in the City's Run-Off Election, or be active participants in the campaign or candidacy of any candidate with opposition in said Run-Off Election.

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