



# MIAMI BEACH

## City Commission Meeting

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

November 4, 2009

Mayor Matti Herrera Bower  
Vice-Mayor Deede Weithorn  
Commissioner Victor M. Diaz, Jr.  
Commissioner Saul Gross  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Jonah Wolfson

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

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### 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 3, 2009 General and Special Elections.

The actual Election Resolutions to be considered for passage by the City of Miami Beach Commission on November 4, 2009 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.

**R7 - Resolutions**

- R7A A Resolution Adopting The Certificate Of The Results Of The November 3, 2009 Special Election For The City Of Miami Beach, And Declaring Results Thereof.  
(City Attorney's Office)
- R7B A Resolution Adopting The Certificate Of The Results Of The November 3, 2009 General Election For The City Of Miami Beach, And Declaring Candidate Elected.  
(City Attorney's Office)
- R7B1 A Resolution Electing Commissioner Deede Weithorn As Vice-Mayor For A Term Commencing On November 4, 2009 And Terminating On February 28, 2010, 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 3, 2009 General Election For the City Of Miami Beach.
  2. A Resolution Calling For A Run-Off Election To Be Held On November 17, 2009 In The City Of Miami Beach For The Purpose Of Electing A [Mayor And City Commissioner In Group \_\_\_]; 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. Canvassing Board For City Of Miami Beach's November 17, 2009 Run-Off Election (No Commission Action Required).  
(City Attorney's Office)

**End of Regular Agenda**



# MIAMIBEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

## COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JORGE GONZALEZ**

**FROM: JOSE SMITH  
CITY ATTORNEY**

**DATE: NOVEMBER 4, 2009**

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 3, 2009  
SPECIAL ELECTION AND DECLARING ELECTION RESULTS**

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Attached hereto is a Resolution<sup>1</sup> adopting the Certificate of the Results of the November 3, 2009 Special Election for the City of Miami Beach, and declaring the election results. The passage of this Resolution effectively concludes acceptance of election returns for the City of Miami Beach's November 3, 2009 Special Election.

JS/JO/sc

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<sup>1</sup> Upon receipt and finalization of the Certification of Election Results, same shall be attached to the Resolution.

Agenda Item R7A  
Date 11-4-09

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 3, 2009 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 have been received and are attached hereto as Composite Exhibit "A" and are incorporated herein; and

WHEREAS, said Certification reflects that:

Question "A" as set forth below was \_\_\_\_\_ by the electorate of the City of Miami Beach<sup>1</sup>;

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

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

and

Question "D" as set forth below was \_\_\_\_\_ 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 canvassed the returns of the November 3, 2009 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 3, 2009 Special Election, the votes upon the questions presented reflect the following results:

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<sup>1</sup> The four ballot questions have been lettered "A"; "B"; "C"; and "D" for ease of reference herein only and were not so lettered on the ballot.

Question "A":

**ETHICS IN GOVERNMENT**

SHALL THE MIAMI BEACH CITY CHARTER BE AMENDED TO INCLUDE WITHIN IT'S CITIZEN'S BILL OF RIGHTS A GUARANTEE THAT ALL CITY OFFICIALS AND EMPLOYEES SHALL ABIDE BY (BEING SUBJECT TO PENALTIES PROVIDED FOR THEREIN) ALL APPLICABLE CODES OF ETHICAL CONDUCT IN OBSERVING IN THEIR OFFICIAL ACTS A HIGH STANDARD OF CONDUCT AND IN DISCHARGING FAITHFULLY THE DUTIES OF THEIR OFFICE REGARDLESS OF PERSONAL CONSIDERATIONS AND INTEREST?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

Question "B":

**CITY COMMISSION/VOTER APPROVAL: LEASE/DISPOSAL OF PUBLIC STREET- ENDS BORDERING GU/GC/WATERFRONT LAND**

SHALL CHARTER SECTION 1.03 BE AMENDED TO REQUIRE UNANIMOUS APPROVAL OF VOTING CITY COMMISSIONERS OR VOTER APPROVAL PRIOR TO THE SALE, EXCHANGE, CONVEYANCE, LEASE, OR OTHER TRANSFER OF ANY CITY INTEREST IN PUBLIC STREET-ENDS BORDERING LAND DESIGNATED "GOVERNMENT USE," "GOLF COURSE," OR WATERFRONT LAND, EXCLUDING A SALE, EXCHANGE, CONVEYANCE, LEASE OR OTHER TRANSFER NOT TO EXCEED 10% IN WIDTH OF SUCH STREET-END WHICH ADVANCES A SIGNIFICANT PUBLIC PURPOSE, AND EXCLUDING UNDERGROUND UTILITY EASEMENTS?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

Question "C":

**CITY COMMISSION 6/7's APPROVAL: LEASE/DISPOSAL OF CITY-OWNED PROPERTY NOT OTHERWISE ADDRESSED IN CHARTER.**

CHARTER SECTION 1.03(b)3 REQUIRES THE SALE, EXCHANGE, CONVEYANCE, OR LEASE OF TEN YEARS OR LONGER OF CITY-OWNED PROPERTY NOT REQUIRING VOTER APPROVAL OR OTHERWISE ADDRESSED IN THE CITY CHARTER TO BE APPROVED BY PLANNING BOARD'S 4/7 VOTE AND CITY COMMISSION'S 5/7 VOTE—SHALL THIS CHARTER SECTION 1.03(b)3 BE AMENDED TO INCREASE REQUIREMENT

OF CITY COMMISSION'S APPROVAL FROM 5/7 TO 6/7 COMMISSION VOTE?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Question "D":**

**NEW WORLD SYMPHONY CAMPUS EXPANSION PROJECT: VOTER APPROVAL FOR ANY FUTURE WAIVER OF PARKING REQUIREMENTS**

UPON CONCLUSION OF THE 5 YEAR AGREEMENT BETWEEN THE CITY AND NEW WORLD SYMPHONY ("NWS") AUTHORIZING LIMITED USE OF PUBLIC PARKING SPACES FOR NWS CAMPUS EXPANSION PROJECT IN PROPOSED PUBLICLY-FINANCED PARKING GARAGE BEING CONSTRUCTED ADJACENT TO THE PROJECT, SHOULD ANY WAIVER OF REQUIRED PARKING FOR SAID PROJECT BE REQUIRED TO OBTAIN MAJORITY VOTE OF CITY'S VOTERS AT CITYWIDE ELECTION?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

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


**PASSED** and **ADOPTED** this 4th day of November, 2009.


ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
Date



MIAMI BEACH

ALTERNATIVE "A"

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JORGE GONZALEZ**

**FROM: JOSE SMITH  
CITY ATTORNEY**

**DATE: NOVEMBER 4, 2009**

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 3, 2009  
CITY OF MIAMI BEACH GENERAL ELECTION AND DECLARING  
CANDIDATES ELECTED**

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Attached hereto is a Resolution<sup>1</sup> adopting the Certificate of the Results of the November 3, 2009 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 3, 2009 General Election.

JS/JO/sc

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<sup>1</sup> Upon receipt and finalization of the Certification of Election Results, same shall be attached to the Resolution.

Agenda Item R7B  
Date 11-4-09

**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 3, 2009 GENERAL ELECTION FOR THE CITY OF MIAMI BEACH, AND DECLARING CANDIDATES ELECTED.**

**WHEREAS**, pursuant to the September 9, 2009 authorization of the Miami Beach City Commission, Eleventh Judicial Circuit Court for Miami-Dade County, Florida Chief Judge Joel H. Brown designated via the Court's Administrative Order No. 09-39 the Honorable Judge Shelley J. Kravitz and the Honorable Peter Lopez to serve along with City Clerk Robert Parcher, as the Canvassing Board for the City's November 3, 2009 General and Special Elections; and

**WHEREAS**, the aforesaid individuals acted as the Canvassing Board for the subject November 3, 2009 Elections, and have accordingly certified the results of said Elections (certification attached hereto as Composite Exhibit "A" and incorporated herein); and

**WHEREAS**, the candidates for Mayor and City Commissioner Groups I, II, and III of the City of Miami Beach in the November 3, 2009 General Election have received the number of votes cast as reflected more specifically within the attached Certification of Election.

**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 3, 2009 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; be it further resolved that by adoption of this Resolution the Canvassing Board for the City of Miami Beach's November 3, 2009 General Election has discharged its duties for said General Election (pending provisional ballots); and be it further and finally resolved that as a result of the City of Miami Beach's November 3, 2009 General Election the following candidates for Mayor and City Commissioner Groups I, II, and III are hereby declared **elect**ed:



for Mayor: \_\_\_\_\_  
for City Commissioner Group I: \_\_\_\_\_  
for City Commissioner Group II: \_\_\_\_\_  
for City Commissioner Group III: \_\_\_\_\_

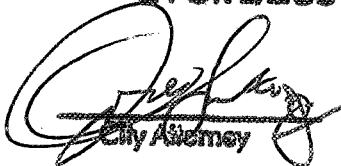
**PASSED** and **ADOPTED** this 4<sup>th</sup> day of November, 2009.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

10/16/09  
\_\_\_\_\_  
Date

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**Condensed Title:**

A Resolution Electing Commissioner Deede Weithorn As Vice-Mayor For A Term Commencing On November 4, 2009 And Terminating On February 28, 2010.

**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 Deede Weithorn 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 Deede Weithorn in Group VI. The term for the next Vice-Mayor is November 4, 2009 through February 28, 2010.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 60px; height: 40px; margin-bottom: 5px;"></div> OBPI	1			
	2			
	3			
	4			
	<b>Total</b>			

**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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# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: November 4, 2009

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER DEEDE WEITHORN AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 4, 2009 AND TERMINATING ON FEBRUARY 28, 2010, 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 Deede Weithorn in Group VI. The term for the next Vice-Mayor is November 4, 2009 through February 28, 2010.

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 DEEDE WEITHORN AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 4, 2009 AND TERMINATING ON FEBRUARY 28, 2010, 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 Deed Weithorn in Group VI.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that Commissioner Deede Weithorn is hereby elected as Vice-Mayor of the City of Miami Beach, Florida, for a term commencing on November 4, 2009 and terminating on February 28, 2010.

**PASSED and ADOPTED THIS** \_\_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor Matti Herrera Bower

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

10/26/09  
\_\_\_\_\_  
Date

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ALTERNATIVE "B"



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JORGE GONZALEZ**

**FROM: JOSE SMITH  
CITY ATTORNEY**

**DATE: NOVEMBER 4, 2009**

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

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The attached Resolutions formally adopt the certificate of results of the City of Miami Beach November 3, 2009 General Election, and call for the City of Miami Beach November 17, 2009 Run-Off Election, made necessary as a result of no candidate for [Mayor and Commission Group \_\_\_] 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 17, 2009 between the two candidates for [Mayor and Commission Group \_\_\_\_\_] receiving the highest number of votes in the General Election.

JS/JO/sc

Agenda Item R7C  
Date 11-4-09

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 3, 2009 GENERAL ELECTION FOR THE CITY OF MIAMI BEACH.**

**WHEREAS**, pursuant to the September 9, 2009 authorization of the Miami Beach City Commission, Eleventh Judicial Circuit Court for Miami-Dade County, Florida Chief Judge Joel H. Brown designated via the Court's Administrative Order No. 09-39 the Honorable Judge Shelley J. Kravitz and the Honorable Peter Lopez to serve along with City Clerk Robert Parcher, as the Canvassing Board for the City's November 3, 2009 General and Special Elections; and

**WHEREAS**, the aforesaid individuals acted as the Canvassing Board for the subject November 3, 2009 Elections, and have accordingly certified the results of said Elections (certification attached hereto as Composite Exhibit "A" and incorporated herein); and

**WHEREAS**, the candidates for Mayor and City Commissioner Groups I, II, and III of the City of Miami Beach in the November 3, 2009 General Election have received the number of votes cast as reflected more specifically within the attached Certification of Election.

**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 3, 2009 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; be it further resolved that by adoption of this Resolution, the Canvassing Board for the City of Miami Beach's November 3, 2009 General Election has discharged its duties for said General Election (pending provisional ballots).

**PASSED and ADOPTED** this 4<sup>th</sup> day of November, 2009.

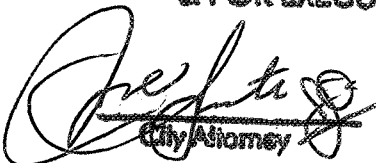
ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

10/16/09  
\_\_\_\_\_  
Date



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 17, 2009 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF ELECTING A [MAYOR AND CITY COMMISSIONER IN GROUP \_\_\_\_]; 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 17, 2009 for the purpose of electing a [Mayor and City Commissioner in Group \_\_\_\_] 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 as determined by the Miami-Dade County Election Officials. 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 17th day of November, 2009, for the purpose of electing a [Mayor and City Commissioner in Group \_\_\_] 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 referenced in Section 3 above, 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 17, 2009, hereby called, shall be in substantially the following form, to wit:

**"OFFICIAL BALLOT"**  
**RUN-OFF ELECTION**  
**FOR**  
**ELECTING A [MAYOR AND COMMISSIONER GROUP \_\_\_\_]**  
**OF THE**  
**CITY OF MIAMI BEACH, FLORIDA**  
**ON NOVEMBER 17, 2009**

**FOR MAYOR**

(name)

\_\_\_\_\_

(name)

\_\_\_\_\_

**FOR CITY COMMISSIONER GROUP**

(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 4th day of November, 2009.


ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
Date



MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JORGE GONZALEZ**

**FROM: JOSE SMITH  
CITY ATTORNEY**

**DATE: NOVEMBER 4 2009**

**SUBJECT: CANVASSING BOARD FOR CITY OF MIAMI BEACH'S NOVEMBER 17, 2009  
RUN-OFF ELECTION (NO COMMISSION ACTION REQUIRED).**

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Pursuant to the September 9, 2009 authorization of the Miami Beach City Commission, Eleventh Judicial Circuit Court for Miami-Dade County, Florida Chief Judge Joel H. Brown designated via the Court's Administrative Order No. 09-39, County Court Judge Shelley J. Kravitz and Circuit Court Judge Peter Lopez (as County elector) to serve along with City Clerk Robert Parcher as the Miami Beach Canvassing Board for the City's November 17, 2009 Run-Off Election. The Canvassing Board will canvass absentee ballots as well as oversee the conduct of the Run-Off Election.

Presentation of election results certification (pending provisional ballots) as well as the swearing in of all newly-elected City officials will take place at the November 18, 2009 City Commission meeting.

JS/JO/sc

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