

CITY OF WEST MIAMI
901 S.W. 62ND AVENUE
WEST MIAMI, FL 33144
WWW.CITYOFWESTMIAMIFL.COM



AGENDA
SPECIAL VIRTUAL MEETING
DETERMINATION OF OFFICE OF VICE-MAYOR AND COMMISSIONERS

TUESDAY, APRIL 14TH, 2020
12:00 NOON

JOIN THE MEETING WITH ZOOM VIDEO CONFERENCING:
<https://zoom.us/j/3255236059>

CITY COMMISSION
MAYOR RHONDA A. RODRIGUEZ
VICE-MAYOR LUCIANO L. SUAREZ
COMMISSIONER CANDIDA BLANCA
COMMISSIONER JUAN M. BLANES
COMMISSIONER ERIC DIAZ-PADRON

CITY MANAGER YOLANDA AGUILAR
CITY ATTORNEY JOSE A. VILLALOBOS
CITY CLERK ANNERY GONZALEZ

INSTRUCTIONS TO PARTICIPATE IN THE VIRTUAL COMMISSION MEETING:

The City Commission Meeting will be held as a VIRTUAL MEETING with elected officials and City staff participating through video conferencing. This virtual meeting will be held on the Zoom platform. Members of the public may join the meeting via Zoom at <https://zoom.us/j/3255236059>

LIVE REMOTE PUBLIC COMMENTS

The City of West Miami is providing Live Remote Public Comments.

The person wishing to submit the live remote public comment will appear live on the TV screens in Council Chambers during the meeting and will be afforded three (3) minutes to speak.

You can test your connection to Zoom by clicking on the following link: <http://zoom.us/test>

Please submit your first and last name and make sure that you have a working microphone and a working web camera so that you can participate in the live streaming of the meeting. We thank you for participating in this service and ask you to please wait patiently for your turn to speak.

INSTRUCTIONS TO ACCESS THE VIRTUAL COMMISSION MEETING BY PHONE:

1- First dial any of these phone numbers within the United States.

1 646 558 8656 US (New York)
1 312 626 6799 US (Chicago)
1 301 715 8592 US
1 346 248 7799 US (Houston)
1 669 900 9128 US (San Jose)
1 253 215 8782 US

2- When you connect a machine will ask for the meeting ID, then dial:
325 523 6059 followed by a # sign.

3- Wait a few minutes until the Host (Administrator) accepts it and gives you access to the meeting.

Please note that Governor DeSantis' Executive Order Number 20-69 suspended the requirements of Section 112.286, Florida Statutes, the Florida Sunshine Law, that a quorum to be present in person, and that a local government body meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

SPECIAL AGENDA

1. **ROLL CALL:**

2. **PLEDGE OF ALLEGIANCE:**

3. **PUBLIC COMMENTS:**

4. **SPECIAL AGENDA ITEMS:**

A) **DETERMINATION BY LOT OF THE OFFICE OF VICE-MAYOR AND COMMISSIONERS PURSUANT TO CITY CHARTER - SECTION 3.03 D). (CITY ATTORNEY JOSE A. VILLALOBOS)**

TERMS:

VICE-MAYOR

2 YEARS AS VICE-MAYOR

2 YEARS AS COMMISSIONER

COMMISSIONER

4 YEARS AS COMMISSIONER

COMMISSIONER

2 YEARS AS COMMISSIONER

5. **GOOD OF THE ORDER:**

ADJOURNMENT:

MOTION TO ADJOURN BY:

MEETING ADJOURNS:

SECOND BY:

NOTE

* Any person, or persons, wishing to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, will require a verbatim record of the proceeding upon which the appeal is based. Interested persons should, therefore, take the necessary steps to ensure that a verbatim record of the proceedings is made which contains the testimony and evidence upon which the appeal is based. (F.S.286.0105)

* Any person wishing to address the City Commission on any item on the agenda shall register with the City Clerk prior to the item being heard. Prior to making a statement, please state your name and address for the record.

* Any person requiring special accommodations for participation in the meeting should contact the City Clerk at 305 266-1122, with requests for auxiliary aids or services at least two business days before the meeting.



ANNERY GONZALEZ
City Clerk

February 28th, 2020

END OF QUALIFYING PERIOD - APRIL 14th, 2020 WEST MIAMI ELECTIONS

The Qualifying Period for the West Miami Municipal Elections of April 14th, 2020 officially ended on Friday, February 28th, 2020 at 12:00 Noon.

The Following candidates have qualified:

For Mayor:

1. Rhonda A. Rodriguez --- unopposed

For Commissioner:

1. Candida "Candy" Blanca --- unopposed
2. Eric Diaz-Padron --- unopposed
3. Luciano L. Suarez --- unopposed

Pursuant to the City Charter, Section 3.03 (d), in the event there are not more than the necessary number of candidates to fill all expired terms of the council, no election shall be held and each of said candidates shall be elected to office and the office of the Vice-Mayor shall be determined by lot.

The office of the Vice-Mayor will be determined by lot on April 14th, 2020 at 12:00 Noon

Place: City of West Miami Commission Chambers

2nd Floor

901 SW 62nd AVE, West Miami, FL 33144

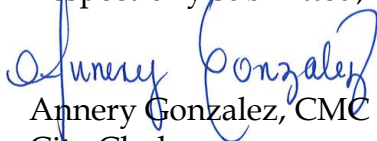
The Swearing-In Ceremony will be held on Monday, April 20th, 2020 at 8:00 P.M.

Place: City of West Miami Commission Chambers

2nd Floor

901 SW 62nd AVE, West Miami, FL 33144

Respectfully submitted,



Annery Gonzalez, CMC
City Clerk
City of West Miami



MEMORANDUM

TO: CITY COMMISSION, City of West Miami

FROM: Jose A. Villalobos, City Attorney

DATE: March 2, 2020

SUBJECT: Office of Mayor, Vice-Mayor and City Commission

Mayor Eduardo Muhiña was elected mayor of the City of West Miami at the 2018 general election for a two (2) year term up to April, 2020 at which time (if he chose) could run for office for another two-year term.¹

Rhonda Rodriguez was elected to the Commission on April, 2018 to serve as commissioner for a period of four (4) years up to April, 2022. Rhonda was also selected to serve as Vice-Mayor for a period of two years until 2020² which are included in her four (4) year term.

In 2016, Commissioner Candida Blanca was elected to serve as commissioner for a period of **four (4)** years which would expire on **2020**, at which time Commissioner Blanca could run for reelection in 2020 if so desired.

In 2016, Commissioner Luciano Suarez was elected to serve as commissioner for a period of **four (4)** years which would expire on **2020**, at which time Commissioner Suarez could run for reelection in 2020 if so desired.

In 2018, Commissioner Juan Blanes was elected to serve as commissioner for a period of **four (4)** years which would expire on **2022**, at which time Commissioner Blanes could run for reelection in 2022 if so desired.

¹ § 3.03 - — Election; separate groups; offices; and terms.

(a) The candidate receiving the highest number of votes in each regular biennial election from a group of candidates running for office of Mayor, shall hold the office of Mayor for a term of **two (2) years**...

² § 3.03 - — Election; separate groups; offices; and terms.

(c) The candidate receiving the highest number of votes in each regular biennial election from the group of candidates running for office of councilman shall have the title of **Vice Mayor for two (2) years** immediately following his election with the remainder of his term to be served as a councilman.

On February 20, 2019, Mayor Muhiña tendered his resignation as Mayor, from his two-year term, effective February 28, 2019. Vice Mayor Rodriguez becomes Mayor of the City of West Miami by operation of law,³ to serve as Mayor for the unexpired term of two years left by Mayor Muhiña until the next general election **on 2020**, at which time she may run for reelection for Mayor, if so desired.

The vacant seat of Vice Mayor Rodriguez is to be filled by majority vote of the commission to serve **until the next general election on 2020**, at which time the remainder of the unexpired term shall be filled by election...⁴ (The Charter indicates that the unexpired term is the term of the position and does not state the person selected to serve until the next election.

On March 1, 2019 the City Commission selected Eric Diaz Padron to fill the vacancy left by Mayor Rhonda Rodriguez until the next election on April 2020.

A regular election was scheduled to take place on ^{April}~~May~~ 14, 2020 at which time the seat of Mayor and three City Commissioners were to be placed on the ballot. Two seats to be filled for a term of four (4) years and one (1) seat to be filled for the unexpired term of two (2) years left by Mayor (former commissioner) Rhonda Rodriguez.

According to the Charter, in the event that **more** than three candidates qualify to run as city commissioners, then, out of the slate of candidates for the Commission in the 2020 elections, the three candidates receiving the highest number of votes would be declared elected commissioners. Out of those three elected commissioners, the two receiving the highest number of votes would serve for a term of four (4) years or until 2024. Out of the three elected commissioners, the one receiving the least number of votes would serve the unexpired term of Mayor Rhonda Rodriguez which is two (2) years or until 2022. Lastly, the candidate receiving the highest number of votes in this election would serve as Vice Mayor for a terms of two (2) years and the rest of his/her term to be served as a commissioner for a term of two (2) years. In the event of a tie in the number of votes, the office of the Vice-Mayor would be determined by lot.

³ § 3.08 - — Mayor; Vice-Mayor.

The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor, or in the event the office of Mayor becomes vacant or the Mayor becomes permanently incapacitated, then the Vice Mayor shall be appointed as Mayor for the remainder of the term of the Mayor.

⁴ § 3.05 (c)(2)- — Vacancies; forfeiture of office; filling of vacancies.

Vacancy, filling. If a vacancy occurs more than one hundred twenty (120) days **prior** to a regular election of the City, the Council may by a majority vote appoint a qualified person to fill such vacancy **until the next regular election, at which time the remainder of the unexpired term shall be filled by election.**

At a regular commission meeting held on February 5, 2020, a Resolution was adopted by the City Commission calling for elections of the Mayor and three City Commission members to be elected at large with the election to be held on Tuesday, April 14, 2020 and the qualifying dates of Monday, February 24, 2020 at noon and February 28, 2020 at non as mandated by the City Charter.

At the end of the qualifying date of February 28, 2020, only three candidates qualified for the position of commissioners being all incumbent and only one candidate qualified for the office of the Mayor being the incumbent. Having no other qualifying individuals for the position of mayor and city commissioner, the City of West Miami mayor and incumbent commissioners have been elected.⁵

Out of the three incumbents elected to the Commission, two will serve for a 4-year term and one will serve for a 2-year term. The determination of the standards by which a commissioner would serve 4 years or 2 years is not specifically determined in the Charter, however, a review of the Charter reveals that the intent of the framers and past Charter Reviewers and electors clearly addresses resolution of the determination of election ties for mayor, vice-mayor and commissioners to be resolved by lot.⁶ In addition, in an analogous circumstances (February 2, 2002) – the determination of the terms of who would serve 4 years and who would serve 2 years was determined by lot (drawing of a hat).

It is my opinion, that since there are two commissioners who will serve a term of four (4) years and one commissioner who will serve a term of two (2) years, these terms shall be determined by lot. The office of the Vice-Mayor shall also be selected by lot from the two candidates that have drawn four (4) year terms by lot.

⁵ § 3.03(d) - — Election; separate groups; offices; and terms.

In the event there are not more than the necessary number of candidates to fill all expired terms of the council, no election shall be held and each of said candidates shall be elected to office...

⁶ § 3.03(a) – In case of election ties of the mayor's office, the determination shall be determined by lot.

§ 3.03(b) -- In case of election ties of the vice-mayor's office, the determination shall be determined by lot.

§ 3.03(d) – In case not enough candidates qualifying for the expired terms, all candidates who did qualify will select the vice-mayor by lot.