



**RESOLUTION NO. 2020-17**

**A RESOLUTION OF THE CITY OF WEST MIAMI, FLORIDA, AS AUTHORIZED BY GOVERNOR'S EXECUTIVE ORDER 20-52 TO DETERMINE THE TIME AND METHOD OF ADMINISTERING OATH OF OFFICE OF THE ELECTED MAYOR AND CITY COMMISSIONERS; DETERMINING THE TERMS OF OFFICE OF COMMISSIONERS ELECTED ON FEBRUARY 29, 2020; DETERMINING THE METHODOLOGY OF SELECTION OF THE OFFICE OF THE VICE-MAYOR.**

**WHEREAS**, pursuant to City Charter, an election for city commission and vice-mayor takes place bi-annually, and

**WHEREAS**, the City Clerk published the commencement of the qualifying period on February 24, 2020 ending February 28, 2020, and

**WHEREAS**, pursuant to Section 3.03(d) of the Charter of the City of West Miami, no election shall be held if no more than the necessary number of candidates fill the unexpired terms of candidacy for mayor and city commissioner(s), and

**WHEREAS**, at the end of the qualifying period, only Mayor Rhonda Rodriguez qualified and was elected for the office of Mayor, and

**WHEREAS**, at the end of the qualifying period only Candida Blanca, Luciano Suarez and Eric Diaz-Padron qualified and were elected for the position of commissioners, and

**WHEREAS**, having had no other individual qualifying for the unexpired terms of the mayor and commissioners, pursuant to Section 3.03(d), no election can be held and the candidates qualifying were elected to office, and

**WHEREAS**, on February 28, 2020 the City Clerk filed a notice with the Elections Department at the end of the qualifying period for the election of April 14, 2020 of City of West Miami (Exhibit A), and

**WHEREAS**, said notice to the Election Department was also published on the citywide website, and

**WHEREAS**, said notice established that the Office of Vice-Mayor to be determined by lot on April 14, 2020 at 12 noon, and

**WHEREAS**, said notice further established that the swear-in ceremony was to be held on Monday, April 20, 2020 at 8 p.m. at City of West Miami Commission Chambers, and

**WHEREAS**, due to a Coronavirus pandemic, the Governor of the State of Florida has issued several executive orders limiting outside activities throughout the state of Florida, and

**WHEREAS**, the mayor of Miami-Dade County has also issued similar orders, and

**WHEREAS**, the governor of the state of Florida by Executive Order 20-52 declared a state of emergency, and

**WHEREAS**, on March 2, 2020, the city attorney issued a memorandum setting forth the events that led to the elevation of the Vice-Mayor Rhonda Rodriguez to the office of the mayor and the appointment of commissioner Diaz-Padron as commissioner of the City of West Miami (a copy is attached as Exhibit B), and

**WHEREAS**, the office of the city attorney rendered an opinion as to the methodology of selection by lot of the terms of offices of each elected commissioner and the methodology for selecting the office of the vice-mayor, and

**WHEREAS**, the World Health Organization, the governor of the state of Florida and the Surgeon General, the state health officer have declared a state of emergency precluding meetings and authorizing virtual forms of conducting meetings, and

**WHEREAS**, because of the declared pandemic, the swear-in ceremony of the elected mayor and city commissioners will be held virtually as authorized by the emergency order(s) of the governor.

**NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of West Miami as follows:**

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**SECTION 2.** The City Commission will schedule the time and place for the determination of terms of office for two years and four years of the elected commissioners.

**SECTION 3.** The commission shall determine the methodology of the selection by lot of the two years and four years of each commissioner.

**SECTION 4.** The commission shall determine the methodology of the selection by lot of the vice-mayor.

**SECTION 5.** That said resolution shall become effective upon the date of its passage and adoption herein.


PASSED AND ADOPTED this 13<sup>th</sup> day of April, 2020.

  
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**RHONDA A. RODRIGUEZ, MAYOR**

ATTEST:

  
\_\_\_\_\_  
**ANNERY GONZALEZ, CMC  
CITY CLERK**

APPROVED AS TO FORM AND SUFFICIENCY:

  
\_\_\_\_\_  
**JOSE A. VILLALOBOS, CITY ATTORNEY**

ROLL CALL VOTE:

<b>MAYOR RHONDA A. RODRIGUEZ</b>	<u><b>Y</b></u>
<b>VICE-MAYOR LUCIANO L. SUAREZ</b>	<u><b>N</b></u>
<b>COMMISSIONER CANDIDA BLANCA</b>	<u><b>Y</b></u>
<b>COMMISSIONER JUAN M. BLANES</b>	<u><b>Y</b></u>
<b>COMMISSIONER ERIC DIAZ-PADRON</b>	<u><b>Y</b></u>



TIME RECEIVED  
April 3, 2020 11:16:58 AM EDT

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DURATION  
38

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1

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**ANNERY GONZALEZ**  
City Clerk

**February 28<sup>th</sup>, 2020**

**END OF QUALIFYING PERIOD - APRIL 14<sup>th</sup>, 2020 WEST MIAMI ELECTIONS**

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

Place: City of West Miami Commission Chambers  
2<sup>nd</sup> Floor  
901 SW 62<sup>nd</sup> AVE, West Miami, FL 33144

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

Place: City of West Miami Commission Chambers  
2<sup>nd</sup> Floor  
901 SW 62<sup>nd</sup> AVE, West Miami, FL 33144

Respectfully submitted,

*Annery Gonzalez*  
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

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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.<sup>1</sup>

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 2020<sup>2</sup> 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.

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<sup>1</sup> § 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**...

<sup>2</sup> § 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,<sup>3</sup> 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...<sup>4</sup> (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 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**.

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<sup>3</sup> § 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.

<sup>4</sup> § 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.<sup>5</sup>

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.<sup>6</sup> 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.

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<sup>5</sup> § 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...

<sup>6</sup> § 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.