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If pols get the boot in recall, what happens next?

By MATTHEW HAGGMAN and MARTHA BRANNIGAN

If angry voters throw out Miami-Dade Mayor Carlos Alvarez on Tuesday, it likely will mark the biggest recall of a local government official in U.S. history.

Never have voters ousted the leader of a county or city government serving such a large population, said Joshua Spivak, a senior fellow at Wagner College and expert on recall elections. “I think this could be the second biggest recall ever in terms of population, after the state of California,” Spivak said.

In 2003, California voters tossed out Gov. Gray Davis. But recalls of local government leaders — like the recent removal of city officials in Bell, Calif., population 36,500 — nearly always happen in small municipalities. By contrast, Miami-Dade County, with Miami at its core, has 2.5 million people.

To be sure, Alvarez and Miami-Dade County Commissioner Natacha Seijas, who also is facing recall, are campaigning hard to avoid ouster. But if voters remove the county mayor and veteran commissioner — as a recent poll shows is likely — there are an array of questions that county commissioners and policymakers will have to address in coming weeks, ranging from how the government with an annual budget of \$7.5 billion will be administered in the near term to how to fill the mayor’s vacancy.

QUICK PROCESS

If the electorate votes to recall Alvarez and Seijas on Tuesday, each would be out of office the moment the ballots are certified by the county canvassing board. The three-member board is made up of Supervisor of Elections Lester Sola, Miami-Dade Circuit Judge Shelley J. Kravitz and County Commissioner Audrey M. Edmonson. Certifying the results isn’t a long process, generally taking a couple of days.

“Presumably it would be done by the end of the week,” said Murray Greenberg, a former Miami-Dade county attorney.

Once each politician is out, their salary and benefits would end. Essentially, it “would be the same as a retirement day,” said Greenberg, who is now in private practice. But the staff for each could remain in place until a successor takes office.

Even as Alvarez and Seijas fight removal, the question of succession — and specifically what path county commissioners would follow to seat a new county mayor — is a primary topic of conversation in political circles.

30 DAYS

Under the county charter, commissioners would have 30 days from the election’s certification either to appoint a new mayor, who would serve until the next countywide election — which would likely be the presidential primary in early 2012 — or to call for a special election that would have to be held in the ensuing 45 days. There could be a runoff election after that. (If Seijas is recalled, her seat also would be filled by either commission appointment or special election.)

The winner of a special mayoral election would serve until November 2012, when the regularly scheduled election would be held.

In recent weeks, sitting commissioners, mayoral candidates and Norman Braman — the billionaire car dealer leading the recall drive — have called for a special election.

Even Seijas has sought to sway voters by arguing that if she's retained in office — and Alvarez isn't — she will fight against appointment of a new mayor. "The Board of County Commissioners should not even consider interfering in this process. An election should be called," she said in a statement.

Anticipating the possibility of a recall and a move by the commission to hold a special election, a host of mayoral candidates are already in campaign mode. Hialeah Mayor Julio Robaina, County Commissioner Carlos Gimenez, and former state legislator Marcelo Llorente are all campaigning now with the expectation there will be a county mayoral election in the near future.

ONE SCENARIO

Staging a special election takes more time than appointment, to say nothing of the cost required to hold yet another countywide vote. That means a longer stretch with an interim government likely run by Alvarez's top administrator, County Manager George Burgess, one of the main architects of the policies that have proven unpopular, such as the tax-rate increase.

If the commission were to decide to appoint a mayor, names of potential appointees have already been bandied about, including former County Mayor Alex Penelas. The former mayor didn't return calls seeking comment.

Either way, there would be an interim period in which county government would function without an elected executive. In 2007, voters placed control of the county government bureaucracy — ranging from Miami International Airport and the Port of Miami to the Water and Sewer Department — under the direct control of the county executive's office, instituting a strong-mayor form of government.

In January, County Attorney Robert Cuevas, who declined to be interviewed for this story, issued a memo outlining the powers that can be exercised only by the county mayor — and cannot be delegated to others, such as the county commission. For instance, only the mayor can hire and fire the county manager. Only the mayor can suspend or remove a department director. And only the mayor can veto legislation.

But some powers can be exercised without a county mayor at the helm. For instance, the county commission can delegate another person to prepare and submit the annual budget. And, in the event of a natural disaster, the commission chairman can declare a local state of emergency across the county.

Meanwhile, many of the day-to-day responsibilities have already been delegated, either in practice or administratively. In 2007, Alvarez — widely known as a manager not engaged in the nitty-gritty of running government — issued a directive delegating to Burgess direct responsibilities on a host of items. The list ranges from awarding contracts and overseeing appointments to selection committees, to conducting employee reviews and approving employee travel requests.

"As a practical matter, the daily management of the county is done by professional administrators," said Greenberg. "The same professional administrators are going to be running the county the same way they did before. There are decisions that are routine, that often never reach the Mayor's office."