



**City Commission Meeting
SUPPLEMENTAL MATERIAL 2**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 8, 2015**

Mayor Philip Levine
Vice-Mayor Edward L. Tobin
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granado

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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.

SUPPLEMENTAL AGENDA

R7 - Resolutions

R7R A Resolution Calling For A November 3, 2015 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether City Code Section 2-459 Should Be Amended To Provide Further Exception Allowing Historic Preservation And Design Review Board Members Who Are Architects Or Landscape Architects To Lobby City Personnel And Agencies On Land Development Applications, Except For Applications Before The Board On Which They Serve.

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Office of the City Attorney)
(Revised Memorandum & Resolution)

R7 - Resolutions

R7S A Resolution Calling For A General Election To Be Held On November 3, 2015 In The City Of Miami Beach For The Purpose Of Electing A Mayor And Three City Commissioners (Groups IV, V, And VI); Further Providing For A Run-Off Election If Required To Be Held On November 17, 2015; Providing For Conduct Of Said Elections By The Miami-Dade County Elections Department; Providing That Voting Precincts For Said Elections Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Said Elections; Providing For The Form Of Ballots And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Elections To Miami-Dade County.

(Office of the City Attorney)

(Revised Resolution)



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

OFFICE OF THE CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JIMMY MORALES**

FROM: RAUL J. AGUILA *Raul Aguila*
CITY ATTORNEY

DATE: JULY 8, 2015

**SUBJECT: RESOLUTION CALLING NOVEMBER 3, 2015 SPECIAL ELECTION--
AMENDMENT TO CITY CODE SECTION 2-459 ENTITLED: "CERTAIN
APPEARANCES PROHIBITED".**

Pursuant to the request of City Commissioner Joy Malakoff, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 3, 2015 for the purpose of submitting to the City's voters the following question:

CITY CODE SECTION 2-459, WHICH PROHIBITS CITY BOARD MEMBERS AND THEIR ASSOCIATES FROM LOBBYING CITY PERSONNEL AND AGENCIES, ALREADY HAS AN EXCEPTION ALLOWING LOBBYING FOR NON-PROFIT ENTITIES. SHOULD THIS SECTION BE AMENDED TO ALSO INCLUDE AN EXCEPTION ALLOWING HISTORIC PRESERVATION AND DESIGN REVIEW BOARD MEMBERS WHO ARE ARCHITECTS OR LANDSCAPE ARCHITECTS TO LOBBY CITY PERSONNEL AND AGENCIES ON LAND DEVELOPMENT APPLICATIONS, EXCEPT FOR APPLICATIONS BEFORE THE BOARD ON WHICH THEY SERVE?

This proposal seeks to amend the City's Code of Ethics by providing for an exception from City Code Section 2-459's prohibition on lobbying by City officials. The exception would be limited to Historic Preservation Board ("HPB") and Design Review Board ("DRB") members who are architects or landscape architects, and would allow those members to lobby City personnel, except for members of the boards on which they serve. Since the proposed exemption would lessen the stringency of Code Section 2-459, public vote is required prior to amending same, per City Charter Section 1.05.

Agenda Item R7R
Date 7-8-15

Commissioner Malakoff has proposed this ballot measure as part of her envisioned comprehensive legislative reform towards streamlining and otherwise improving the City's development review process. City Code Section 2-459's prohibition on lobbying by all board members, although laudable in concept, has served to discourage qualified design professionals from serving on the HPB and DRB, as such service prevents them from lobbying for City relief on behalf of their clients. By amending the Code to allow for a limited exception whereby such architect/landscape architect HPB and DRB members may lobby the City (while maintaining the existing prohibition whereby said members are prohibited from lobbying members of the board they serve on or related City staff), the City will have a greater opportunity to attract qualified design professionals for such City service.

Finally, pursuant to directive of the Miami-Dade County Elections Department, the final date by which the City may adopt its Resolution placing a ballot measure on the November 3, 2015 ballot is September 4, 2015. Accordingly, this matter is timely presented to the City Commission and adoption of the attached Resolution may take place at today's meeting.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 3, 2015 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER CITY CODE SECTION 2-459 SHOULD BE AMENDED TO PROVIDE FURTHER EXCEPTION ALLOWING HISTORIC PRESERVATION AND DESIGN REVIEW BOARD MEMBERS WHO ARE ARCHITECTS OR LANDSCAPE ARCHITECTS TO LOBBY CITY PERSONNEL AND AGENCIES ON LAND DEVELOPMENT APPLICATIONS, EXCEPT FOR APPLICATIONS BEFORE THE BOARD ON WHICH THEY SERVE.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special 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 Tuesday, November 3, 2015, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to 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.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as 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 as set forth in the attached Exhibit "A".¹

¹ As of date, the City of Miami Beach has not received from the Miami Dade County Elections Department the final list of polling places for the City's November 3, 2015 Special Election. Accordingly, attached to this Resolution is a list of polling places from the City's November 2014 Special Election, which upon receipt from the County, will be superseded by the Department of Elections' list of polling places for the City's subject November 3, 2015 Special Election, which list of polling places for the City's November 3, 2015 Special Election will be publicly noticed by the City.

SECTION 4.

Not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND 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 3rd DAY OF NOVEMBER, 2015, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

City Code Section 2-459:
Establish Further Exception to
Prohibition on Lobbying by City Board Members

City Code Section 2-459, which prohibits City board members and their associates from lobbying City personnel and agencies, already has an exception allowing lobbying for non-profit entities. Should this Section be amended to also include an exception allowing Historic Preservation and Design Review Board members who are architects or landscape architects to lobby City personnel and agencies on land development applications, except for applications before the Board on which they serve?

_____ YES

_____ NO

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 elections.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 3, 2015, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

City Code Section 2-459:
Establish Further Exception to
Prohibition on Lobbying by City Board Members

City Code Section 2-459, which prohibits City board members and their associates from lobbying City personnel and agencies, already has an exception allowing lobbying for non-profit entities. Should this Section be amended to also include an exception allowing Historic Preservation and Design Review Board members who are architects or landscape architects to lobby City personnel and agencies on land development applications, except for applications before the Board on which they serve?

_____ **YES**
_____ **NO**

SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 8.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on October 5, 2015. All persons eligible to vote at this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

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

SECTION 10.

That the City of Miami Beach shall pay all expenses for conducting this Special 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 11.

If any section, sentence, clause or phrase of the ballot measure set forth above in this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 12.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2015.

ATTEST:

PHILIP LEVINE
MAYOR

RAFAEL E. GRANADO
CITY CLERK

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


City Attorney
7/6/15

Date

MIAMI BEACH

MIAMI BEACH SPECIAL ELECTION
NOVEMBER 4, 2014

MIAMI BEACH PRECINCTS LIST

PCT	Place Name	Location	PCT	Place Name	Location
011.0	Biscayne Elementary School	800 77 th Street	031.0	Miami City Ballet	2200 Liberty Avenue
013.0	North Shore Branch Library	7501 Collins Avenue	032.0	Miami Beach Regional Library	227 22 nd Street
014.0	North Shore Park Youth Center	501 72 nd Street	033.0	Miami Beach Senior High School	2231 Prairie Avenue
015.0	Normandy Shores Golf Club	2401 Biarritz Drive	036.0	Miami Beach Police Athletic League	999 11 th Street
018.0	Indian Creek Fire Station #4	6880 Indian Creek Drive	037.0	Miami Beach City Hall	1700 Convention Center Drive
019.0	Normandy Park & Pool	7030 Trouville Esplanade	038.0	Veterans Foreign War Post #3559	650 West Avenue
020.0	Ronald W. Shane Center	6500 Indian Creek Drive	040.0	South Pointe Elementary School	1050 4 th Street
022.0	Miami Beach Fire Station #3	5303 Collins Avenue	041.0	South Shore Community Center	833 6 th Street #2
023.0	Miami Beach Fire Station #3	5303 Collins Avenue	042.0	Feinberg Fisher K-8 Center School	601 14 th Place
024.0	Nautilus Middle School	4301 N. Michigan Avenue	043.0	Miami Beach Police Department	1100 Washington Avenue
025.0	St. Johns on the Lake Methodist Church	4760 Pine Tree Drive	044.0	South Pointe Park Community Center	1 Washington Avenue
028.0	Temple Beth Sholom	4144 Chase Avenue	047.0	Rebecca Towers	200 Alton Road
029.0	North Beach Elementary School	4100 Prairie Avenue	048.0	Rebecca Towers	200 Alton Road
030.0	Miami Beach Botanical Garden	2000 Convention Center Drive			

Please note that the above list is subject to change, if needed.

The voting precincts for the November 4, 2014 City of Miami Beach Special Election shall be as established by the proper and appropriate Miami-Dade County election officials. On Election Day, all electors shall vote at the polling places and the voting precincts in which the official registration books show that said electors reside. Please note that the above list is subject to change. All questions concerning polling places and voting precincts should be directed to Miami-Dade County Elections Department, 2700 NW 87 Avenue, Doral, Florida 33172; Telephone: 305.499.VOTE (8683) or 305.499.8480 TYY.

**Rafael E. Granado, City Clerk
City of Miami Beach**

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RESOLUTION NO. _____

A RESOLUTION CALLING FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2015 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF ELECTING A MAYOR AND THREE CITY COMMISSIONERS (GROUPS IV, V, and VI); FURTHER PROVIDING FOR A RUNOFF ELECTION IF REQUIRED TO BE HELD ON NOVEMBER 17, 2015; PROVIDING FOR CONDUCT OF SAID ELECTIONS BY THE MIAMI-DADE COUNTY ELECTIONS DEPARTMENT; PROVIDING THAT VOTING PRECINCTS FOR SAID ELECTIONS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF SAID ELECTIONS; PROVIDING FOR THE FORMS OF BALLOT AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT FOR CONDUCTING ELECTIONS TO MIAMI-DADE COUNTY.

BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida a General 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 3, 2015 for the purpose of electing a Mayor and three City Commissioners in Groups IV, V and VI, respectively, each of whom shall hold office for the terms as provided by law. If required, pursuant to provisions of the City Charter, a Runoff Election shall be held from 7:00 a.m. to 7:00 p.m. on November 17, 2015.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said General Election and Runoff Election hereby called, with acceptance of the certification of the results of said elections to 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.

SECTION 3.

That the said voting precincts in the City of said General Election and Runoff Election shall be as 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 as set forth in the attached Exhibit "A".¹

¹ As of date, the City of Miami Beach has not received from the Miami-Dade County Elections Department the final list of polling places for the City's November 3, 2015 General Election. Accordingly, attached to this Resolution is a list of polling places from the City's November 2014 Special Election, which upon receipt from the County, will be superseded by the Department of Elections' list of polling places for the City's subject November 3, 2015 General Election, which list of polling places for the City's November 3, 2015 General Election will be publicly noticed by the City.

SECTION 4.

Not less than thirty days notice of the adoption of this Resolution and of its provisions calling said General Election and Runoff Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Elections shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA
NOTICE OF GENERAL ELECTION
(AND RUNOFF ELECTION, IF REQUIRED)

NOTICE IS HEREBY GIVEN THAT A GENERAL ELECTION HAS BEEN CALLED BY THE MAYOR AND 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 3RD DAY OF NOVEMBER, 2015, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE (3) CITY COMMISSIONERS IN GROUPS IV, V, AND VI, RESPECTIVELY, EACH OF WHOM SHALL HOLD OFFICE FOR THE TERMS AS PROVIDED BY LAW. A RUNOFF ELECTION, IF REQUIRED, SHALL BE HELD FROM 7:00 A.M. TO 7:00 P.M. ON NOVEMBER 17, 2015.

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 elections.

SECTION 6.

That the official ballot to be used in the General Election to be held on November 3, 2015, hereby called, shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"
GENERAL ELECTION
FOR
ELECTING THE MAYOR AND
THREE (3) CITY COMMISSIONERS (GROUPS IV, V and VI)

OF THE
CITY OF MIAMI BEACH, FLORIDA
ON NOVEMBER 3, 2015

Vote for one (1) only:

FOR MAYOR

(insert names)

FOR CITY COMMISSIONER GROUP IV

(insert names)

FOR CITY COMMISSIONER GROUP V

(insert names)

FOR CITY COMMISSIONER GROUP VI

(insert names)

SECTION 7.

In the event a Runoff Election is required to be held on Tuesday, November 17, 2015, the official ballot to be used at such Runoff Election shall be in substantially the same form as the official ballot for the General Election in Section 6 above, except that the heading of the ballot for the Runoff Election shall be in substantially the following form, to wit:

**"OFFICIAL BALLOT"
RUNOFF ELECTION
FOR
ELECTING THE [MAYOR] AND
[insert #] CITY COMMISSIONERS (GROUPS ____, and ____)
OF THE
CITY OF MIAMI BEACH, FLORIDA
ON NOVEMBER 17, 2015**

SECTION 8.

The City Clerk shall prepare the ballots for the General Election and the Runoff Election so that the names of qualified candidates will appear on said ballots in alphabetical order according to surname; provided, however, the form of the ballots to be used in said Elections and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 9.

Registration of persons desiring to vote in the General and Runoff Elections shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for the General Election until 5:00 p.m. on Monday, October 5, 2015; and will register voters for the Runoff Election until 5:00 p.m. on Monday, October 19, 2015. All persons eligible to vote at the Elections must be registered before the times and dates set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County

Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 10.

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

SECTION 11.

That the City of Miami Beach shall pay all expenses for conducting this General Election and Runoff 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 12.

If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

SECTION 13.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this ____ day of _____, 2015.

ATTEST:

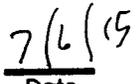
PHILIP LEVINE
MAYOR

RAFAEL E. GRANADO
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney



Date

DT

MIAMI BEACH

MIAMI BEACH SPECIAL ELECTION
NOVEMBER 4, 2014

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Rafael E. Granado, City Clerk
City of Miami Beach