

RESOLUTION NO. 2018-30287

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA (1) ADOPTING THE OFFICIAL ELECTION CERTIFICATE OF THE CANVASSING BOARD FOR THE SPECIAL MAIL BALLOT ELECTION HELD IN THE CITY OF MIAMI BEACH FROM MARCH 8, 2018 TO APRIL 20, 2018, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE WASHINGTON AVENUE BUSINESS IMPROVEMENT DISTRICT; AND (2) SETTING A PUBLIC HEARING ON JUNE 6, 2018, AT 2:30 P.M., FOR THE OWNERS OF THE PROPERTY TO BE ASSESSED OR ANY OTHER INTERESTED PERSONS TO BE HEARD BY THE CITY COMMISSION AS TO THE PROPRIETY AND ADVISABILITY OF MAKING SUCH IMPROVEMENTS AND PROVIDING SUCH SERVICES (AND FUNDING THEM WITH SPECIAL ASSESSMENTS ON PROPERTY), AS TO THE COST THEREOF, AS TO THE MANNER OF PAYMENT THEREFOR, AND AS TO THE AMOUNT TO BE ASSESSED AGAINST EACH PROPERTY SO IMPROVED, FOLLOWING WHICH THE CITY COMMISSION SHALL MEET AS AN EQUALIZING BOARD TO HEAR AND CONSIDER ANY AND ALL COMPLAINTS AS TO THE SPECIAL ASSESSMENTS AND TO ADJUST AND EQUALIZE THE ASSESSMENTS ON A BASIS OF JUSTICE AND RIGHT.

WHEREAS, on October 18, 2017, the Mayor and City Commission adopted Resolution No. 2017-30065, which created, pursuant to Chapter 170, Florida Statutes, and subject to the approval of a majority of the affected property owners, a special assessment district to be known as the Washington Avenue Business Improvement District (the "District"), for a term of ten (10) years, to stabilize and improve the Washington Avenue retail business district, which is located within a nationally recognized historic district, through promotion, management, marketing, and other similar services; and

WHEREAS, on January 17, 2018, the Mayor and City Commission adopted Resolution No. 2018-30150, which called for a special mail ballot election (the "Election") to be held from March 8, 2018 to April 20, 2018, to determine whether a majority of the affected property owners approve the creation of the District; and

WHEREAS, pursuant to Resolution No. 2018-30150, the Mayor and City Commission designated Rafael E. Granado, City Clerk; Raul J. Aguila, City Attorney; and Nick E. Kallergis, Senior Assistant City Attorney, to serve as the members of the Canvassing Board for the Election; and

WHEREAS, on April 20, 2018, at 6:30 p.m., the Canvassing Board tabulated and certified the results of the Election; and

WHEREAS, 67 ballots were cast in favor of the creation of the District, 12 ballots were cast in opposition to the creation of the District, 5 ballots were rejected as improperly cast, and 26 ballots were not returned; and

MIAMI BEACH

SPECIAL MAIL BALLOT ELECTION HELD IN THE CITY OF MIAMI BEACH
FROM MARCH 8, 2018 TO APRIL 20, 2018,
TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS
APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT
TO BE KNOWN AS THE WASHINGTON AVENUE BUSINESS IMPROVEMENT DISTRICT

****OFFICIAL ELECTION CERTIFICATION OF THE CANVASSING BOARD****

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

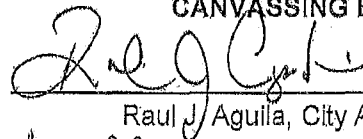
We, the undersigned, Raul J. Agulla, City Attorney, Nick Kallergis, Assistant City Attorney, and Rafael E. Granado, City Clerk, constituting the Canvassing Board for the Special Mail Ballot Election to approve the creation of the Washington Avenue Business Improvement District, do hereby certify that we met on the 20th day of April, 2018, and proceeded to publicly count the votes cast.

We do hereby certify the results as follows:

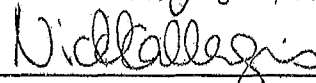
Shall a special assessment district known and designated as the Washington Avenue Business Improvement District (the "District") be created for a term of ten (10) years, with an estimated annual budget of \$511,331, to stabilize and improve the Washington Avenue retail business district, which is located within a nationally recognized historic district, through promotion, management, marketing, and other similar services, which district is to be funded by special assessments against benefited properties?

67 YES VOTES
12 NO VOTES
5 REJECTED BALLOTS
26 UNRETURNED BALLOTS


CANVASSING BOARD



Raul J. Agulla, City Attorney



Nick Kallergis, Assistant City Attorney



Rafael E. Granado, City Clerk

Date: April 20, 2018

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguilá, City Attorney
DATE: April 25, 2018

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA (1) ADOPTING THE OFFICIAL ELECTION CERTIFICATE OF THE CANVASSING BOARD FOR THE SPECIAL MAIL BALLOT ELECTION HELD IN THE CITY OF MIAMI BEACH FROM MARCH 8, 2018 TO APRIL 20, 2018, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE WASHINGTON AVENUE BUSINESS IMPROVEMENT DISTRICT; AND (2) SETTING A PUBLIC HEARING ON JUNE 6, 2018, AT 2:30 P.M., FOR THE OWNERS OF THE PROPERTY TO BE ASSESSED OR ANY OTHER INTERESTED PERSONS TO BE HEARD BY THE CITY COMMISSION AS TO THE PROPRIETY AND ADVISABILITY OF MAKING SUCH IMPROVEMENTS AND PROVIDING SUCH SERVICES (AND FUNDING THEM WITH SPECIAL ASSESSMENTS ON PROPERTY), AS TO THE COST THEREOF, AS TO THE MANNER OF PAYMENT THEREFOR, AND AS TO THE AMOUNT TO BE ASSESSED AGAINST EACH PROPERTY SO IMPROVED, FOLLOWING WHICH THE CITY COMMISSION SHALL MEET AS AN EQUALIZING BOARD TO HEAR AND CONSIDER ANY AND ALL COMPLAINTS AS TO THE SPECIAL ASSESSMENTS AND TO ADJUST AND EQUALIZE THE ASSESSMENTS ON A BASIS OF JUSTICE AND RIGHT.

ANALYSIS

Attached for consideration by the City Commission is a Resolution adopting the Certificate of the Canvassing Board for the Special Mail Ballot Election held in the City of Miami Beach from March 8, 2018 to April 20, 2018, to determine whether a majority of the affected property owners approve the creation of a special assessment district to be known as the Washington Avenue Business Improvement District, and declaring the results thereof. The Certificate of Election Results is attached to the Resolution.

The Resolution also sets, pursuant to Chapter 170, Florida Statutes, a public hearing on June 6, 2018, at 2:30 p.m., for the owners of the property to be assessed or any other interested persons to be heard by the City Commission as to the propriety and advisability of making such improvements and providing such services (and funding them with special assessments on property), as to the cost thereof, as to the manner of payment therefor, and as to the amount to be assessed against each property so improved, following which the City Commission shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and to adjust and equalize the assessments on a basis of justice and right.

Legislative Tracking

Office of the City Attorney/Office of the City Clerk

ATTACHMENTS:

Description

- ▣ Reso to Accept Election Results/Set PH, Washington Avenue BID

WHEREAS, the Official Election Certification of the Canvassing Board is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, pursuant to Chapter 170, Florida Statutes, the City must fix a time and place at which the owners of the property to be assessed or any other interested persons may appear before the City Commission and be heard as to the propriety and advisability of making such improvements and providing such services (and funding them with special assessments on property), as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved; and

WHEREAS, following the testimony, the Mayor and City Commission shall make a final decision on whether to levy the special assessments; and

WHEREAS, thereafter, pursuant to Chapter 170, Florida Statutes, the City Commission shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments on a basis of justice and right.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby (1) adopt the Official Election Certification of the Canvassing Board for the Special Mail Ballot Election held in the City of Miami Beach from March 8, 2018 to April 20, 2018, to determine whether a majority of the affected property owners approve the creation of a special assessment district to be known as the Washington Avenue Business Improvement District; and (2) set a public hearing on June 6, 2018, at 2:30 p.m., in the Commission Chambers, Miami Beach City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, at which the owners of the property to be assessed or any other interested persons may be heard by the City Commission as to the propriety and advisability of making such improvements and providing such services (and funding them with special assessments on property), as to the cost thereof, as to the manner of payment therefor, and as to the amount to be assessed against each property so improved, following which the City Commission shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and to adjust and equalize the assessments on a basis of justice and right.

PASSED and ADOPTED this 25 day of April, 2018.

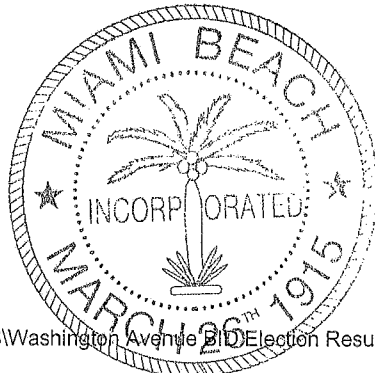
ATTEST:

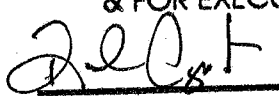


Rafael E. Granado
City Clerk



Dan Gelber
Mayor



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


City Attorney
Date 4/23/18
NK