

RESOLUTION NO. 2020-31236

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING RESOLUTION NO. 2020-31168, WHICH CALLED FOR A SPECIAL MAIL BALLOT ELECTION TO BE HELD FROM JUNE 1, 2020 TO AUGUST 31, 2020, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT, AND POSTPONING THE SPECIAL ELECTION UNTIL THE THREATS ASSOCIATED WITH THE COVID-19 PANDEMIC SUBSIDE.

WHEREAS, on January 15, 2020, the Mayor and City Commission adopted Resolution No. 2020-31144, 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 South Beach Business Improvement District (the "District"), for a term of ten (10) years; and

WHEREAS, the purpose of the District is to stabilize and improve that certain area of the City of Miami Beach referred to as the Ocean Drive and Collins Avenue retail business district, which district is generally located within a nationally recognized historic district, through promotion, management, marketing, and other similar services; and

WHEREAS, on February 12, 2020, the Mayor and City Commission adopted Resolution No. 2020-31168, calling for a special mail ballot election (the "Election") to be held from June 1, 2020 to August 31, 2020, to determine whether a majority of the affected property owners approve the creation of the District; and

WHEREAS, on March 12, 2020, the City Manager declared a State of Emergency for the City of Miami Beach, finding that the 2019 coronavirus virus ("COVID-19") outbreak (later defined as a pandemic) poses a health risk to the City's residents, particularly elderly residents and those who are immunosuppressed or otherwise have high risk of medical conditions, which declaration was amended on March 13, 2020 and extended on March 18, 2020, March 26, 2020, and April 2, 2020, through April 9, 2020 ("Declaration of a State of Emergency"); and

WHEREAS, pursuant to such Declaration of a State of Emergency, the City Manager has imposed a number of temporary emergency measures to limit the inflow of leisure guests to the City and require the closure of, and limit crowds in, public facilities, public property, and places of public assemblage (including, without limitation, hotels, restaurants, bars, nightclubs, concert halls, entertainment venues, movie theaters, and houses of worship), as well as other restrictions on travel and gatherings of any number of people, including imposition of a general curfew throughout the City and a "Safer at Home" order, in order to reduce community spread, relieve pressure on hospitals and healthcare personnel, protect workers, and maintain social order; and

WHEREAS, accordingly, the proponents of the creation of the District have requested that the City temporarily postpone the Election until the threats associated with the COVID-19 pandemic subside; and

WHEREAS, due to the broad range of threats associated with the rapidly spreading COVID-19 pandemic, the Mayor and City Commission find that it is in the best interest of the public health, safety, and welfare to temporarily postpone the Election.

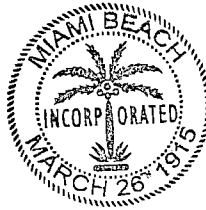
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby repeal Resolution No. 2020-31168, which called for a special mail ballot election to be held from June 1, 2020 to August 31, 2020, to determine whether a majority of the affected property owners approve the creation of a special assessment district to be known as the South Beach Business Improvement District, and postpone the special election until the threats associated with the COVID-19 pandemic subside.

PASSED and ADOPTED this 23 day of April, 2020.

ATTEST:

78/ 4/29/2020
Rafael E. Granado, City Clerk

[Signature]
Dan Gelber, Mayor



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature]
City Attorney
KM

4-8-2020
Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: April 22, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING RESOLUTION NO. 2020-31168, WHICH CALLED FOR A SPECIAL MAIL BALLOT ELECTION TO BE HELD FROM JUNE 1, 2020 TO AUGUST 31, 2020, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT, AND POSTPONING THE SPECIAL ELECTION UNTIL THE THREATS ASSOCIATED WITH THE COVID-19 PANDEMIC SUBSIDE.

RECOMMENDATION

Please see Memorandum attached.

Applicable Area

Not Applicable

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

ATTACHMENTS:

Description

- ☐ Memorandum
- ☐ Resolution

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

RAUL AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER
MEMBERS OF THE CITY COMMISSION
JIMMY L. MORALES, CITY MANAGER

FROM: RAUL J. AGUILA, CITY ATTORNEY

DATE: April 22, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING RESOLUTION NO. 2020-31168, WHICH CALLED FOR A SPECIAL MAIL BALLOT ELECTION TO BE HELD FROM JUNE 1, 2020 TO AUGUST 31, 2020, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT, AND POSTPONING THE SPECIAL ELECTION UNTIL THE THREATS ASSOCIATED WITH THE COVID-19 PANDEMIC SUBSIDE.

On January 15, 2020, the Mayor and City Commission adopted Resolution No. 2020-31144, 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 South Beach Business Improvement District (the "District"), for a term of ten (10) years.

On February 12, 2020, the Mayor and City Commission adopted Resolution No. 2020-31168, calling for a special mail ballot election (the "Election") to be held from June 1, 2020 to August 31, 2020, to determine whether a majority of the affected property owners approve the creation of the District.

On March 12, 2020, the City Manager declared a State of Emergency for the City of Miami Beach, finding that the 2019 coronavirus virus ("COVID-19") outbreak (later defined as a pandemic) poses a health risk to the City's residents, particularly elderly residents and those who are immunosuppressed or otherwise have high risk of medical conditions. Epidemiologists are predicting for the COVID-19 pandemic to continue impacting United States for months.

Accordingly, the proponents of the creation of the District have requested that the City temporarily postpone the Election until the threats associated with the COVID-19 pandemic subside.

Due to the broad range of threats associated with the rapidly spreading COVID-19 pandemic, it is in the best interest of the public health, safety, and welfare to temporarily postpone the Election. Accordingly, the attached Resolution repeals Resolution No. 2020-31168 and temporarily postpones the Election.

RA/FA/ps