

RESOLUTION NO 2021-31824

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 2, 2021 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A NON-BINDING STRAW BALLOT QUESTION ASKING WHETHER THE ELECTORATE SUPPORTS CHANGING THE TERMINATION TIME FROM 5:00 A.M. TO 2:00 A.M. FOR SALES/CONSUMPTION OF ALCOHOLIC BEVERAGES AT ALCOHOLIC BEVERAGE ESTABLISHMENTS THROUGHOUT THE CITY, WITH SPECIFIC LOCATIONS AND RELATED RESTRICTIONS AND EXCEPTIONS TO BE DETERMINED BY CITY COMMISSION BY ORDINANCE.

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 2, 2021, for the purpose of submitting to the electorate the non-binding, straw ballot 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.¹

¹ Pursuant to City Code section 38-3(b): "The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

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 2nd DAY OF NOVEMBER, 2021, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING NON-BINDING STRAW BALLOT QUESTION:

Non-Binding, Straw Ballot Question:

Citywide-

Changing Alcoholic Beverage Establishments Sales/Consumption Termination Time

City law allows, subject to exceptions, the sale and consumption of alcoholic beverages at Alcoholic Beverage Establishments throughout the City, from 8:00 a.m. until 5:00 a.m. the following day.

Would you support changing this 5:00 a.m. termination time to 2:00 a.m. throughout the City, with specific locations and related restrictions and exceptions, to be determined by City Commission by Ordinance?

Yes _____

No _____

Said Notice 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 2, 2021, hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Non-Binding, Straw Ballot Question:
Citywide-

Changing Alcoholic Beverage Establishments Sales/Consumption Termination Time

City law allows, subject to exceptions, the sale and consumption of alcoholic beverages at Alcoholic Beverage Establishments throughout the City, from 8:00 a.m. until 5:00 a.m. the following day.

Would you support changing this 5:00 a.m. termination time to 2:00 a.m. throughout the City, with specific locations and related restrictions and exceptions, to be determined by City Commission by Ordinance?

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 4, 2021. 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 Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot 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 such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87" Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

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 this Resolution or 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 Resolution or ballot measure.

SECTION 12.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 28 day of July, 2021.

ATTEST:

RE 8/2/2021
RAFAEL E. GRANADO, CITY CLERK

[Signature]
DAN GELBER, MAYOR

(Sponsored by City Commissioner Mark Samuelian and co-sponsored by Mayor Dan Gelber)



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

[Signature] 7-28-21
K City Attorney PAZ Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael Paz, Acting City Attorney
DATE: July 28, 2021

9:45 a.m.

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 2, 2021 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A NON-BINDING STRAW BALLOT QUESTION ASKING WHETHER THE ELECTORATE SUPPORTS CHANGING THE TERMINATION TIME FROM 5:00 A.M. TO 2:00 A.M. FOR SALES/CONSUMPTION OF ALCOHOLIC BEVERAGES AT ALCOHOLIC BEVERAGE ESTABLISHMENTS IN AREAS OF SOUTH BEACH LOCATED SOUTH OF 24TH STREET TO GOVERNMENT CUT, WITH SPECIFIC LOCATIONS AND RELATED RESTRICTIONS/EXCEPTIONS TO BE DETERMINED BY CITY COMMISSION BY ORDINANCE?

ANALYSIS

See attached Commission Memorandum.

SUPPORTING SURVEY DATA

N/A

Applicable Area

Citywide

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

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Mark Samuelian

ATTACHMENTS:

Description


- Commission Memorandum
- Estimate
- Resolution

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, Acting City Attorney 

DATE: July 28, 2021

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 2, 2021 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A NON-BINDING STRAW BALLOT QUESTION ASKING WHETHER THE ELECTORATE SUPPORTS CHANGING THE TERMINATION TIME FROM 5:00 A.M. TO 2:00 A.M. FOR SALES/CONSUMPTION OF ALCOHOLIC BEVERAGES AT ALCOHOLIC BEVERAGE ESTABLISHMENTS IN AREAS OF SOUTH BEACH LOCATED SOUTH OF 24TH STREET TO GOVERNMENT CUT, WITH SPECIFIC LOCATIONS AND RELATED RESTRICTIONS/EXCEPTIONS TO BE DETERMINED BY CITY COMMISSION BY ORDINANCE?

Today's agenda proposes ballot measures for placement on the City's November 2, 2021 Special Election ballot, changing the termination time from 5:00 a.m. to 2:00 a.m. for sales/consumption of alcoholic beverages at alcoholic beverage establishments in *two distinct areas of the City*, namely (1) a proposed ballot question for the City's "MXE District," located from 5th Street to 15th Street, between Collins Court to the west and Ocean Drive to the east; and (2) a separate ballot question for areas other than the MXE District, situated in South Beach located south of Dade Boulevard and 24th Street.

As an alternative to the above proposals, City Commissioner Mark Samuelian is sponsoring the following non-binding, straw ballot question, in an effort to combine the questions into a *single* ballot question, and obtain an indication of the general trend of City-voter opinion on the issue of reducing the termination time to 2 A.M., for the sale and consumption of alcoholic beverages in South Beach, located south of 24th Street to Government Cut:

Non-Binding, Straw Ballot Question:

South Beach-

Changing Alcoholic Beverage Establishments Sales/Consumption Termination Time.

City law allows, subject to exceptions, the sale and consumption of alcoholic beverages at Alcoholic Beverage Establishments in South Beach that are located south of 24th street to Government Cut, from 8:00 a.m. until 5:00 a.m. the following day.

Would you support changing this 5:00 a.m. termination time to 2:00 a.m. for these areas of South Beach, with specific locations and related restrictions/exceptions to be determined by City Commission by Ordinance?

Pursuant to Commissioner Samuelian's request, the Administration has provided the following information, evidencing that as of July 22, 2021, there are approximately 123 Alcoholic Beverage Establishments located South of 24th Street with 5:00 a.m. licenses, of which 48 are in the MXE District, and 75 are located outside the MXE District:

5:00 a.m. Alcoholic Beverage Establishments located South of 24th Street

MXE District:	48
Non-MXE District:	75
TOTAL:	123

Accordingly, as more than 60% of the 5 a.m. alcoholic beverage establishments in South Beach are located *outside* the MXE District, these numbers support Commissioner Samuelian's proposal for a single non-binding straw ballot measure, which would cover all of South Beach.

Finally, and pursuant to directive of the Miami-Dade County Elections Department, today is the last regularly-scheduled meeting of the City Commission at which a Resolution may be adopted placing a ballot question on the City's November 2, 2021 Special Election ballot.

FINANCIAL INFORMATION:

See attached "ESTIMATE-City of Miami Beach General Election" (applicable to the City's Special Elections held concurrent with City's General Election).

ESTIMATE

City of Miami Beach General Election - 14 EV Days, 2 Sites

Rafael E. Granado, City Clerk
City of Miami Beach
1700 Convention Center Dr., #200
Miami Beach, FL 33139

Estimate N°: MB-GE-03052021
Estimate Date: March 5, 2021

Registered Voters:	53,000	Early Voting Days:	14
Precincts:	25	Early Voting Sites:	2
Polling Places:	24		
Permanent Absentee Ballots:	16,000		

Personnel \$ 229,090.92

Salaries & Fringe Benefits, Overtime, Poll Workers

Polling Places 6,674.00

Security, Polling Place Rentals

Supplies and Services 13,406.00

Election Supplies, Communication Charges, Vote by Mail Ballots Set Up

Trucks and Vehicles 18,547.00

Delivery/Pickup of Voting Equipment, ISD Fleet Vehicles Rental

Printing and Advertising 30,827.00

Vote by Mail, Early Voting & Precinct Ballots, Consumables, Temporary Polling Place Change Notices

Postage 14,164.50

Vote by Mail Sent and Business Reply, Temporary Polling Place Change Notices, Letters

Ballot Creation 4,385.00

In-House & Outside Contractual Services, Translations - Based on one question

Administrative Overhead 31,709.44

Indirect Costs, Logic & Accuracy, Post-Election Audits

***TOTAL** \$ 348,803.86

* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.