

RESOLUTION NO. 2022-32254

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 1.03(b) SHOULD BE AMENDED TO REQUIRE MAJORITY VOTER APPROVAL FOR ANY SALE OR LEASE OF TEN YEARS OR MORE OF CITY-OWNED PROPERTY LOCATED BETWEEN WEST 43<sup>RD</sup> STREET AND WEST 40<sup>TH</sup> STREET, FROM PINE TREE DRIVE ON THE EAST TO ALTON ROAD ON THE WEST?**

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 8, 2022, 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.<sup>1</sup>

**SECTION 4.**

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 8th DAY OF NOVEMBER, 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

**Amend Charter Section 1.03(b):**

**Require Voter Approval of Sale/Lease of Certain City-Owned Property**

**Charter Sections 1.03(b)1 and (b)2 require majority voter approval for the sale or lease of ten years or more of waterfront, park, and certain other City-owned properties.**

**Shall Charter be amended to also require such majority voter approval for any sale or lease of ten years or more of City-owned property located between West 43<sup>rd</sup>**

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<sup>1</sup> 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."

**Street and West 40<sup>th</sup> Street, from Pine Tree Drive on the east to Alton Road on the west?**

Yes \_\_\_\_\_  
No \_\_\_\_\_

**SECTION 6.**

That the official ballot to be used in the Special Election to be held on November 8, 2022 hereby called, shall be in substantially the following form, to-wit:

**“OFFICIAL BALLOT”**

**Amend Charter Section 1.03(b):**  
**Require Voter Approval of Sale/Lease of Certain City-Owned Property**

**Charter Sections 1.03(b)1 and (b)2 require majority voter approval for the sale or lease of ten years or more of waterfront, park, and certain other City-owned properties.**

**Shall Charter be amended to also require such majority voter approval for any sale or lease of ten years or more of City-owned property located between West 43<sup>rd</sup> Street and West 40<sup>th</sup> Street, from Pine Tree Drive on the east to Alton Road on the west?**

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 and Run-Off 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 this November 8, 2022 Special Election until 5:00 p.m. on Tuesday, October 11, 2022. 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 Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87<sup>th</sup> 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<sup>th</sup> 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.**

That if the Charter Amendment provided for in Sections 5 and 6 above shall be approved by a majority of the qualified electors of the City voting on the subject Charter Amendment, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

**SECTION 12.**

Upon the Charter Amendment's approval by a majority of the qualified electors of the City voting on such measure in the election and the City Commission's acceptance of certification of final election returns, the City Clerk is hereby directed to have the subject Charter amendment incorporated into the City Charter, file such Amendment with the Clerk of the Circuit Court and file the revised Charter with the Department of State.

**SECTION 13.**

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or the Charter Amendment set forth herein 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, ballot measure or Charter Amendment.

**SECTION 14.**

This Resolution shall be effective immediately upon its passage.

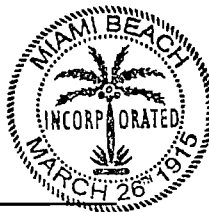
PASSED and ADOPTED this 20 day of July, 2022.

ATTEST:

781 7/2/22

RAFAEL E. GRANADO, CITY CLERK

(Sponsored by Commissioner Alex J. Fernandez)



*[Handwritten Signature]*

DAN GELBER, MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Handwritten Signature]*  
City Attorney PAR Date 7-11-22  
*RP*

**NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION:  
CITY CHARTER SECTION 1.03(b)--  
BALLOT QUESTION AND PROPOSED AMENDED CITY CHARTER TEXT**

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**I. BALLOT QUESTION:**

**Amend Charter Section 1.03(b):  
Require Voter Approval of Sale/Lease of Certain City-Owned Property**

**Charter Sections 1.03(b)1 and (b)2 require majority voter approval for the sale or lease of ten years or more of waterfront, park, and certain other City-owned properties.**

**Shall Charter be amended to also require such majority voter approval for any sale or lease of ten years or more of City-owned property located between West 43<sup>rd</sup> Street and West 40<sup>th</sup> Street, from Pine Tree Drive on the east to Alton Road on the west?**

Yes \_\_\_\_\_  
No \_\_\_\_\_

**II. PROPOSED AMENDED CITY CHARTER TEXT:**

**Sec. 1.03. Powers of City.**

*(b) Disposition of City Property.*

1. The sale, exchange, conveyance, or lease of ten (10) years or longer (including option periods) of City-owned park, recreation, or waterfront property shall require approval by a majority vote of the voters in a City-wide referendum. This provision shall be liberally construed in favor of the preservation of all park, recreation and waterfront lands.

2. The sale, exchange, conveyance or lease of ten years or longer of the following properties shall also require approval by a majority vote of the voters in a City-wide referendum: (1) *Lots West of the North Shore Open Space Park*: All City-owned property bounded by 87th Street on the North, Collins Avenue on the East, 79th Street on the South, and Collins Court on the West; (2) *Cultural Campus*: All City-owned property bounded by 22nd Street on the North, Park Avenue on the West, 21st Street on the South, and Miami Beach Drive on the East; (3) *72nd Street Parking Lot*: The City-owned surface parking lot bounded by 73rd Street on the North, Collins Avenue on the East, 72nd Street on the South, and Harding Avenue on the West; and (4) *Lincoln Road Parking Lots*: All City-owned surface parking lots in the vicinity of Lincoln Road located within the area bounded by 17th Street on the North, Euclid Avenue on the East, 16th Street on the South, and West Avenue on the West; and (5) *41<sup>st</sup> Street Corridor*: All City-owned property in the vicinity of 41<sup>st</sup> Street, in the area bounded by West 43<sup>rd</sup> Street on the North, West 40<sup>th</sup> Street on the South, Pine Tree Drive on the East, and Alton Road on the West.

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# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael A. Paz, City Attorney  
DATE: July 20, 2022

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 1.03(B) SHOULD BE AMENDED TO REQUIRE MAJORITY VOTER APPROVAL FOR ANY SALE OR LEASE OF TEN YEARS OR MORE OF CITY-OWNED PROPERTY LOCATED BETWEEN WEST 43RD STREET AND WEST 40TH STREET, FROM PINE TREE DRIVE ON THE EAST TO ALTON ROAD ON THE WEST?

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### **ANALYSIS**

See attached Commission Memorandum.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

See attached Commission Memorandum.

**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 Alex Fernandez

### **ATTACHMENTS:**

**Description**

- Commission Memorandum
- 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  
City Manager Alina T. Hudak

**FROM:** Rafael A. Paz, City Attorney



**DATE:** July 20, 2022

**SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 8, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 1.03(b) SHOULD BE AMENDED TO REQUIRE MAJORITY VOTER APPROVAL FOR ANY SALE OR LEASE OF TEN YEARS OR MORE OF CITY-OWNED PROPERTY LOCATED BETWEEN WEST 43<sup>RD</sup> STREET AND WEST 40<sup>TH</sup> STREET, FROM PINE TREE DRIVE ON THE EAST TO ALTON ROAD ON THE WEST?**

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Pursuant to the request of City Commissioner Alex Fernandez, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 8, 2022 for the purpose of submitting to the City's voters the following question:

**Amend Charter Section 1.03(b):**  
**Require Voter Approval of Sale/Lease of Certain City-Owned Property**

**Charter Sections 1.03(b)1 and (b)2 require majority voter approval for the sale or lease of ten years or more of waterfront, park, and certain other City-owned properties.**

**Shall Charter be amended to also require such majority voter approval for any sale or lease of ten years or more of City-owned property located between West 43<sup>rd</sup> Street and West 40<sup>th</sup> Street, from Pine Tree Drive on the east to Alton Road on the west?**

The Miami-Dade County Elections Department has informed the City Clerk that the City's Resolution calling a November 8, 2022 Special Election must be provided to the County Elections Department by July 29, 2022. Accordingly, it should be noted that the proposed

measure may be considered by the City Commission either at the July 20, 2022 City Commission meeting or, at the latest, the Special Meeting scheduled for July 25, 2022.

## II. PROPOSED AMENDED CITY CHARTER TEXT:

### Sec. 1.03. Powers of City.

#### (b) *Disposition of City Property.*

1. The sale, exchange, conveyance, or lease of ten (10) years or longer (including option periods) of City-owned park, recreation, or waterfront property shall require approval by a majority vote of the voters in a City-wide referendum. This provision shall be liberally construed in favor of the preservation of all park, recreation and waterfront lands.

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### FISCAL IMPACT STATEMENT

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$28,559.85 (Cost Estimate for One Page Ballot) and \$56,217.70 (Cost Estimate in the Scenario Multiple Questions Triggers an Additional Page) to conduct the November 8, 2022 Special Election, which includes the costs associated with 14 days of Early Voting. (See Department of Election Estimates.) Additionally, the City will incur approximately \$42,000 in legally mandated

advertisements, required by the Florida Statutes and the City Code, to notice this Special Election.

**Amount(s)/Account(s):**

\$28,559.85 - Estimate 1-page ballot (Scenario 1)

\$56,217.70 - Estimate 2-page ballot (Scenario 2)

\$42,000.00 - Estimate of Legally Mandated Advertisements for Special Election  
(Charter Amendments/Ballot Questions)

Maximum Estimated Amount: \$98,217.70

Account: 011-9322-000312-90-400-592-00-00-00

RAP/ag