

MIAMIBEACH

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