

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR AN AUGUST 23, 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 ARTICLE I, SECTION 2 OF CITY'S RELATED SPECIAL ACTS ESTABLISHING THE CITY'S BOARD OF ADJUSTMENT SHOULD BE AMENDED TO PROVIDE THAT APPOINTMENT OF ONE MEMBER FROM THE ARCHITECTURE PROFESSION SHALL BE REQUIRED INSTEAD OF PERMISSIBLE.

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, August 23, 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.¹

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 23rd DAY OF AUGUST, 2022, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

**RSA Article I: Board of Adjustment-
Changing “Architecture” Membership Category
from Permissible to Required Membership.**

City’s Related Special Acts Article I, establishes a Board of Adjustment (“BOA”) appointed by City Commission, composed of two citizens at-large and five persons each representing one of these professions: Law, *architecture*, engineering, real estate development, certified public accounting, financial consultation, general business.

Article I thus permits, but does not require, appointment of architect to BOA.

Shall Article I be amended for limited purpose of requiring appointment of one member from the architecture profession?

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.”

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 August 23, 2022 hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

**RSA Article I: Board of Adjustment-
Changing “Architecture” Membership Category
from Permissible to Required Membership.**

City’s Related Special Acts Article I, establishes a Board of Adjustment (“BOA”) appointed by City Commission, composed of two citizens at-large and five persons each representing one of these professions: Law, *architecture*, engineering, real estate development, certified public accounting, financial consultation, general business.

Article I thus permits, but does not require, appointment of architect to BOA.

Shall Article I be amended for limited purpose of requiring appointment of one member from the architecture profession?

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 July 25, 2022. 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. 87th 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 Related Special Acts 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 Amendment, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

SECTION 12.

Upon the Related Special Act 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 Related Special Act amendment incorporated into the Related Special Acts, and to file such Amendment with the Clerk of the Circuit Court and file the revised Related Special Acts with the Department of State.

SECTION 13.

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or the Related Special Act 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 Related Special Act Amendment.

SECTION 14.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this _____ day of _____, 2022.


ATTEST:

DAN GELBER
MAYOR

RAFAEL E. GRANADO
CITY CLERK

(Requested by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

4-25-22

Date

**AUGUST 23, 2022 CITY OF MIAMI BEACH SPECIAL ELECTION:
RELATED SPECIAL ACTS ARTICLE I--
BALLOT QUESTION AND PROPOSED AMENDED RSA TEXT**

I. BALLOT QUESTION:

**RSA Article I: Board of Adjustment-
Changing "Architecture" Membership Category
from Permissible to Required Membership.**

City's Related Special Acts Article I, establishes a Board of Adjustment ("BOA") appointed by City Commission, composed of two citizens at-large and five persons each representing one of these professions: Law, *architecture*, engineering, real estate development, certified public accounting, financial consultation, general business.

Article I thus permits, but does not require, appointment of architect to BOA.

Shall Article I be amended for limited purpose of requiring appointment of one member from the architecture profession?

Yes _____
No _____

II. PROPOSED AMENDED RELATED SPECIAL ACTS TEXT:

ARTICLE I. - ZONING BOARDS AND COMMISSIONS

* * *

Sec. 2. - Appointment, composition and duties of board of adjustment.

The board of adjustment shall consist of seven voting members.

Two members shall be appointed as citizens at-large, and five professional members shall each be appointed as follows: one member shall represent the architecture profession, and the remaining four members shall represent from one of the following professions (no more than one member per profession) namely: Law, ~~architecture~~, engineering, real estate development, certified public accounting, financial consultation, and general business. The members representing the professions of architecture, law, ~~architecture~~, engineering and public accounting shall be duly licensed by the State of Florida;...

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