

COMMISSION MEMORANDUM

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

FROM: Rafael A. Paz, City Attorney



DATE: May 4, 2022

SUBJECT: 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 CITY CHARTER SECTION 1.03(c) SHOULD BE AMENDED TO REQUIRE VOTER APPROVAL TO AGGREGATE FLOOR AREA OF UNIFIED ABUTTING PARCELS (ADJACENT PROPERTIES TOUCHING/NOT SEPARATED BY A LOT UNDER DIFFERENT OWNERSHIP) ARISING FROM VACATING A STREET OR OTHER SALE/CONVEYANCE OF PUBLIC PROPERTY.

Pursuant to the request of City Commissioner Kristen Rosen Gonzalez, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on August 23, 2022 for the purpose of submitting to the City's voters the following question:

Charter Section 1.03(c):
Voter Approval to Aggregate Floor Area
When Vacating Streets/Conveying Public Property

Charter Section 1.03(c) requires voter approval before increasing a property's "*floor area ratio*" (how City regulates building size).

The Charter has been interpreted to not require voter approval to aggregate (combine) the *floor area* of unified abutting parcels (adjacent properties touching/not separated by a lot under different ownership) arising from vacating a street or other sale/conveyance of public property.

Shall the Charter be amended to require voter approval of such floor area aggregations?

The County's deadline for City Commission adoption of a Resolution placing a matter on the August 23, 2022 CMB Special Election ballot is May 27, 2022. Accordingly, it should be noted that other than the Commission's May 25, 2022 Presentation and Awards meeting, the May 4, 2022 City Commission meeting 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 August 23, 2022 Special Election ballot.

FISCAL IMPACT STATEMENT

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$28,499.90 (Cost Estimate for One Page Ballot) and \$56,449.80 (Cost Estimate in the Scenario Multiple Questions Triggers an Additional Page) to conduct the August 23, 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):

\$28,499.90 – Estimate 1-page ballot (Scenario 1)

\$56,449.80 – Estimate 2-page ballot (Scenario 2)

\$42,000.00 – Legally Mandated Advertisements

Maximum Estimated Amount: \$98,449.80

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

RAP/JO/ag

ESTIMATE

City of Miami Beach - Piggyback Election - August 23, 2022

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

Estimate N°: MBEACH-PB-082322
Estimate Date: December 16, 2021

Registered Voters:	50,498	Early Voting Days:	0
Precincts:	25	Early Voting Sites:	0
Polling Places:	-		
Permanent Absentee Ballots:	15,218		

Personnel	\$	-
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>		
Polling Places		-
<i>Security, Polling Place Rentals</i>		
Supplies and Services		-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>		
Trucks and Vehicles		-
<i>Truck Rentals, GSA Vehicles</i>		
Printing and Advertising		25,249.00
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>		
Postage		-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>		
Ballot Creation		660.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>		
Administrative Overhead		2,590.90
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>		
*TOTAL	\$	<u>28,499.90</u>

* 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.

For more information, you may contact:

Jose J. Ponce
Deputy Supervisor of Elections
Miami-Dade Elections Department
2700 NW 87 Avenue
Miami, Florida 33172

Office: 305-499-8320 E-mail: jose.ponce@miamidade.gov

ESTIMATE

City of Miami Beach - Piggyback Election - August 23, 2022 w/ additional page

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

Estimate N°: MBEACH(2)-PB-082322
Estimate Date: December 16, 2021

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Personnel	\$	-
<i>Salaries & Fringe Benefits, Overtime, Poll Workers</i>		
Polling Places		-
<i>Security, Polling Place Rentals</i>		
Supplies and Services		-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>		
Trucks and Vehicles		-
<i>Truck Rentals, GSA Vehicles</i>		
Printing and Advertising		50,498.00
<i>Absentee, Early Voting & Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>		
Postage		-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>		
Ballot Creation		820.00
<i>In-House & Outside Contractual Services, Translations - Based on one question</i>		
Administrative Overhead		5,131.80
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>		
*TOTAL	\$	<u>56,449.80</u>

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