RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REPEALING CITY RESOLUTION NO. 2022-32167, WHICH CALLED FOR A CITY OF MIAMI BEACH SPECIAL ELECTION TO BE HELD ON AUGUST 23, 2022 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 ARISING FROM VACATING A STREET OR OTHER SALE/CONVEYANCE OF PUBLIC PROPERTY; FURTHER, DIRECTING THE CITY CLERK TO IMPLEMENT THIS RESOLUTION BY COORDINATING WITH THE MIAMI-DADE COUNTY ELECTIONS DEPARTMENT FOR ITS IMPLEMENTATION OF STATE OF FLORIDA DEREFERENCE GUIDE 0007 REQUIRING COUNTY ELECTION DEPARTMENT'S POSTING OF OFFICIAL NOTICES IN ELECTION OFFICES, AT POLLING PRECINCTS, EARLY VOTING SITES AND IN VOTE BY MAIL BALLOTS, ADVISING THE CITY'S VOTERS THAT THE CALLING OF REFERENDUM ON THIS PROPOSED CHARTER AMENDMENT HAS BEEN REPEALED AND THE SUBJECT BALLOT MEASURE ORDERED REMOVED FROM THE AUGUST 23, 2022 BALLOT BY THE MIAMI BEACH CITY COMMISSION, AND THAT IN ACCORDANCE WITH SAID DEFERENCE GUIDE 0007, ANY VOTES CAST FOR THIS PROPOSED BALLOT MEASURE WILL NOT COUNT FOR ITS APPROVAL OR REJECTION NOR SHALL ANY SUCH VOTES CAST BE COUNTED AS PART OF THE OFFICIAL RESULTS OF THE CITY OF MIAMI BEACH'S AUGUST 23, 2022 SPECIAL ELECTION.

WHEREAS, on May 4, 2022, the Mayor and City Commission adopted Resolution No. 2022-32167, calling for a City-wide referendum to consider a question asking whether the 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 separate by a lot under different ownership) arising from vacating a street or other sale/conveyance of public property; and

WHEREAS, many residents and stakeholders have expressed concerns that the proposed Charter amendment would require a voter referendum, even under circumstances where the floor area associated with the street or right of way will not be used as part of the development of any abutting property; and

WHEREAS, the Mayor and City Commission desire to withdraw the question, with the appropriate notices advising voters that the proposed Charter amendment has been repealed, in the same manner as previously done in 2016, when the City Commission

withdrew a referendum question concerning the termination time for alcohol hours in the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby repeal City Resolution No. 2022-32167, which called for a City of Miami Beach Special Election to be held on August 23, 2022 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 arising from vacating a street or other sale/conveyance of public property; further, direct the City Clerk to implement this Resolution by coordinating with the Miami-Dade County Elections Department for its implementation of State of Florida Deference Guide 0007 requiring county election department's posting of official notices in election offices, at polling precincts, early voting sites and in vote by mail ballots, advising the City's voters that the calling of referendum on this proposed charter amendment has been repealed and the subject ballot measure ordered removed from the August 23, 2022 ballot by the Miami Beach City Commission, and that in accordance with said Deference Guide 0007, any votes cast for this proposed ballot measure will not count for its approval or rejection nor shall any such votes cast be counted as part of the official results of the City of Miami Beach's August 23, 2022 Special Election.

PASSED AND ADOPTED this _____ day of _____, 2022.

ATTEST:

_____
Dan Gelber, Mayor

_____
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

_____ 7-7-22
City Attorney PAZ   Date

2