

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 AN 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(c) SHOULD BE AMENDED TO REQUIRE VOTER APPROVAL TO VACATE STREETS OR SELL/CONVEY PUBLIC PROPERTY, *ONLY* IF THE FLOOR AREA OF THE STREET OR PUBLIC PROPERTY IS USED TO DEVELOP AN ABUTTING PROPERTY?

Pursuant to the request of City Commissioner David Richardson, 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(c):
Require Voter Approval of Certain Street Vacations/Sale of Public Property

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

Except for certain streets and City properties, the Charter does not currently require voter approval to vacate streets or sell property.

Shall Charter be amended to add requirement of voter approval to vacate streets or sell/convey public property, *only* if the floor area of the street or public property is used to develop an abutting property?

The foregoing proposed measure is accompanied by a companion item on the July 20, 2022 City Commission agenda, which would repeal Resolution No. 2022-32167, calling for a voter referendum as part of the August 23, 2022 election to consider an amendment to the City Charter relating to street vacations. Commissioner Richardson's proposed ballot measure would only be considered if Resolution No. 2022-32167 is repealed and the ballot measure approved for consideration as part of the August 23, 2022 election is withdrawn.

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.

(c) The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach. The provision shall not preclude or otherwise affect the division of lots, or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance, provided, however, that the vacation, sale or conveyance of any street, alley, right-of-way or other public property shall require approval by a vote of the electors of the City of Miami Beach pursuant to this subsection, but solely if the floor area of such street, alley, right-of-way, or any public property is aggregated as part of a unified development site.

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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

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022

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

Estimate N°: MBEACH(2)-PB-11082022
Estimate Date: June 21, 2022

Registered Voters:	50,287	Early Voting Days:
Precincts:	29	Early Voting Sites:
Polling Places:	24	
Permanent Absentee Ballots:	14,792	

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		25,143.50
<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		2,596.35
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>		
*TOTAL	\$	28,559.85

* 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:

Raimundo Delgado
Manager, Budget and Finance
Miami-Dade Elections Department
2700 NW 87 Avenue
Miami, Florida 33172

Office: 305-499-8424 E-mail: raimundo.delgado@miamidade.gov

ESTIMATE

City of Miami Beach - Piggyback Election - November 8, 2022 w/ additional page

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

Estimate N°: MB-(2)-PB-110822
Estimate Date: June 17, 2022

Registered Voters:	50,287	Early Voting Days:
Precincts:	29	Early Voting Sites:
Polling Places:	24	
Permanent Absentee Ballots:	14,792	

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		50,287.00
<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		5,110.70
<i>Indirect Costs, Logic & Accuracy, Post-Election Audits</i>		
*TOTAL	\$	<u>56,217.70</u>

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