

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## 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 A 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(b) SHOULD BE AMENDED TO REQUIRE MAJORITY VOTER APPROVAL FOR ANY SALE OR LEASE OF TEN YEARS OR MORE OF CITY-OWNED PROPERTY LOCATED BETWEEN WEST 43<sup>RD</sup> STREET AND WEST 40<sup>TH</sup> STREET, FROM PINE TREE DRIVE ON THE EAST TO ALTON ROAD ON THE WEST?**

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Pursuant to the request of City Commissioner Alex Fernandez, 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(b):**  
**Require Voter Approval of Sale/Lease of Certain City-Owned Property**

Charter Sections 1.03(b)1 and (b)2 require majority voter approval for the sale or lease of ten years or more of waterfront, park, and certain other City-owned properties.

Shall Charter be amended to also require such majority voter approval for any sale or lease of ten years or more of City-owned property located between West 43<sup>rd</sup> Street and West 40<sup>th</sup> Street, from Pine Tree Drive on the east to Alton Road on the west?

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.

#### (b) *Disposition of City Property.*

1. The sale, exchange, conveyance, or lease of ten (10) years or longer (including option periods) of City-owned park, recreation, or waterfront property shall require approval by a majority vote of the voters in a City-wide referendum. This provision shall be liberally construed in favor of the preservation of all park, recreation and waterfront lands.

2. The sale, exchange, conveyance or lease of ten years or longer of the following properties shall also require approval by a majority vote of the voters in a City-wide referendum: (1) *Lots West of the North Shore Open Space Park*: All City-owned property bounded by 87th Street on the North, Collins Avenue on the East, 79th Street on the South, and Collins Court on the West; (2) *Cultural Campus*: All City-owned property bounded by 22nd Street on the North, Park Avenue on the West, 21st Street on the South, and Miami Beach Drive on the East; (3) *72nd Street Parking Lot*: The City-owned surface parking lot bounded by 73rd Street on the North, Collins Avenue on the East, 72nd Street on the South, and Harding Avenue on the West; and (4) *Lincoln Road Parking Lots*: All City-owned surface parking lots in the vicinity of Lincoln Road located within the area bounded by 17th Street on the North, Euclid Avenue on the East, 16th Street on the South, and West Avenue on the West; and (5) 41<sup>st</sup> Street Corridor. All City-owned property in the vicinity of 41<sup>st</sup> Street, in the area bounded by West 43<sup>rd</sup> Street on the North, West 40<sup>th</sup> Street on the South, Pine Tree Drive on the East, and Alton Road on the West.

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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

RAP/ag