

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL MAIL BALLOT ELECTION TO BE HELD FROM JUNE 5, 2023, TO JUNE 27, 2023, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE 41<sup>ST</sup> STREET BUSINESS IMPROVEMENT DISTRICT; PROVIDING THAT THE OFFICE OF THE CITY CLERK AND OFFICE OF THE CITY ATTORNEY SHALL CONDUCT SUCH ELECTION; PROVIDING FOR THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO GIVE NOTICE OF SUCH ELECTION AS REQUIRED BY THE CITY CODE AND STATE LAW.**

**WHEREAS**, on March 27, 2023, the Mayor and City Commission adopted Resolution No. 2023-32544, which created, pursuant to Chapter 170, Florida Statutes, and subject to the approval of a majority of the affected property owners, a special assessment district to be known as the 41<sup>st</sup> Street Business Improvement District (the "District"), for a term of ten (10) years, to stabilize and improve that certain area of the City of Miami Beach herein referred to as the 41<sup>st</sup> Street Business Improvement District, which District is generally bounded on the west by Alton Road, on the east by Indian Creek Canal, and consists of properties abutting West 41<sup>st</sup> Street/Arthur Godfrey Road, through promotion, management, marketing, and other similar services; and provided for the levy and collection of special assessments, which shall increase by five (5%) percent every two (2) years; and

**WHEREAS**, the Mayor and City Commission hereby call for a special mail ballot election (the "Election") to determine whether a majority (50% plus one) of the affected property owners approve the creation of the District; and

**WHEREAS**, the City and Middle Beach Partnership, Inc., a Florida nonprofit corporation (the "BID"), intend to enter into a Memorandum of Understanding (the "MOU") to conduct the Election; and

**WHEREAS**, pursuant to the MOU, the BID shall cover the costs of the Election, including the City's staff costs, as well as the cost of postage, printing, mailing supplies, advertising, and translation; and

**WHEREAS**, the Office of the City Clerk and Office of the City Attorney have prepared special mail ballot election procedures for the proposed Election, which procedures are attached and incorporated as Exhibit "A."

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.**

In accordance with the provisions of the Code of the City of Miami Beach and the general laws of the State of Florida, a special mail ballot election is hereby called and directed to be held in the City of Miami Beach, Florida, from June 5, 2023, to June 27, 2023, for the purpose

of submitting to the affected property owners the following question:

**Shall 41<sup>st</sup> Street Business Improvement District be created for a term of 10 years, with estimated annual budget of \$195,246, to stabilize and improve properties abutting West 41<sup>st</sup> Street/Arthur Godfrey Road, between Alton Road on the west and Indian Creek Canal on the east, through promotion, management, marketing, and other similar services, which District shall be funded by special assessments against benefited properties, with assessments increasing by 5% every two (2) years?**

**SECTION 2.**

The Office of the City Clerk and Office of the City Attorney shall conduct the special mail ballot election authorized herein, in accordance with the special mail ballot election procedures attached hereto and incorporated herein as Exhibit "A".

**SECTION 3.**

The form of the ballot shall be a paper ballot, which shall be mailed to affected property owners.

**SECTION 4.**

The City Clerk is hereby directed to give notice, as required by law, of the adoption of this Resolution and of the special mail ballot election herein prescribed.

**SECTION 5.**

This Resolution shall be effective immediately upon its passage. If a majority (50% plus one) of the affected property owners approve the creation of the District, the City Commission will hold a public hearing for the City Commission to (i) make a final decision on whether to levy the special assessments, and (ii) meet as an Equalizing Board to hear and consider any and all complaints as to the special assessments, and adjust and equalize the assessments on a basis of justice and right.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Dan Gelber, Mayor

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney NK

4-20-23  
\_\_\_\_\_  
Date