

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

To: Mayor Dan Gelber
Members of the City Commission

Date: January 17, 2018

From: Raul J. Aguila
City Attorney



Subject: 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 MARCH 8, 2018 TO APRIL 20, 2018, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE WASHINGTON AVENUE BUSINESS IMPROVEMENT DISTRICT (THE "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.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH AND WASHINGTON AVE BID INC. (THE "BID"), TO CONDUCT A SPECIAL MAIL BALLOT ELECTION TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE WASHINGTON AVENUE BUSINESS IMPROVEMENT DISTRICT, WHICH ELECTION SHALL BE CONDUCTED BY THE OFFICE OF THE CITY CLERK AND OFFICE OF THE CITY ATTORNEY, AND TO PROVIDE THAT THE BID SHALL COVER THE COSTS OF CONDUCTING SUCH ELECTION.

Introduction

On October 18, 2017, the Mayor and City Commission adopted Resolution No. 2017-30065, 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 Washington Avenue Business Improvement District (the "District"), for a term of ten (10) years, to stabilize and improve the Washington Avenue retail business district, which is located within a nationally recognized historic district, through promotion, management, marketing, and other similar services.

The attached Resolutions are submitted for consideration by the Mayor and City Commission. The first Resolution calls for a special mail ballot election (the "Election") to be held from March

8, 2018 to April 20, 2018, to determine whether a majority of the affected property owners approve the creation of the District. The second Resolution approves and authorizes the City Manager to execute a Memorandum of Understanding ("MOU") between the City and Washington Ave BID Inc. (the "BID"), pursuant to which the City shall agree to conduct the Election, and the BID shall agree to cover the costs of the Election.

Resolution Calling for a Special Mail Ballot Election

The first Resolution calls for the Election, which shall be held from March 8, 2018 to April 20, 2018. The Office of the City Clerk shall conduct the Election in accordance with the special mail ballot election procedures developed by the Office of the City Clerk and Office of the City Attorney, which procedures are attached to the Resolution as Exhibit "A." The form of the ballot shall be a paper ballot, upon which each voter will be directed to draw a circle around the appropriate ballot response. The Resolution directs the City Clerk to publish any election notices required by the City Code and Florida Statutes.

Resolution Approving the Memorandum of Understanding between the City and the BID

The second Resolution approves and authorizes the City Manager to execute the MOU between the City and the BID. Pursuant to the MOU, the City shall agree to conduct the Election, in accordance with the procedures for such Election developed by the Office of the City Clerk and the Office of the City Attorney, and the BID shall agree to 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.