

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION ON AUGUST 28, 2018, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA, A BALLOT QUESTION ASKING WHETHER SECTION 2 OF THE RELATED SPECIAL ACTS, ENTITLED "APPOINTMENT, COMPOSITION AND DUTIES OF BOARD OF ADJUSTMENT," SHOULD BE AMENDED TO PROVIDE THAT TWO OF THE MEMBERS OF THE BOARD OF ADJUSTMENT SHALL BE CITIZENS AT-LARGE, AND THE REMAINING FIVE MEMBERS SHALL EACH REPRESENT ONE OF THE PROFESSIONS SET FORTH IN SECTION 2 OF THE RELATED SPECIAL ACTS.**

**BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:**

**SECTION 1.**

In accordance with provisions of the Charter of the City of Miami Beach, Florida, and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, August 28, 2018, for the purpose of submitting to the electorate the question as set forth hereinafter.

**SECTION 2.**

That the appropriate and proper Miami-Dade County election officials shall conduct the Special Election hereby called, with acceptance of the certification of the results of the Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

**SECTION 3.**

That the voting precincts in the City of this Special Election shall be as established by the proper and appropriate Miami-Dade County election officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County election officials.<sup>1</sup>

**SECTION 4.**

Not fewer than thirty days' notice of the adoption of this Resolution and of its provisions

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<sup>1</sup> Pursuant to City Code section 38-3(b): "The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statutes § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

**SECTION 5.**

The Notice of Election shall be substantially in the following form:

**THE CITY OF MIAMI BEACH, FLORIDA  
NOTICE OF SPECIAL ELECTION**

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON AUGUST 28, 2018, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

**Amending Composition of the Board of Adjustment**

**Section 2 of City's Related Special Acts establishes the Board of Adjustment ("BOA") with seven members, each representing one of the following professions: Law, architecture, engineering, real estate development, certified public accounting, financial consultation, and general business. Shall Section 2 be amended to provide that two of the BOA members shall be "citizens at-large" (no specific profession), and the remaining five members shall each represent one of the above professions?**

\_\_\_\_\_ **YES**

\_\_\_\_\_ **NO**

The Notice shall further set forth pertinent information regarding eligibility of electors to participate in this Election.

**SECTION 6.**

That the official ballot to be used in the Special Election to be held on August 28, 2018, hereby called, shall be in substantially the following form, to wit:

## OFFICIAL BALLOT

### Amending Composition of the Board of Adjustment

**Section 2 of City's Related Special Acts establishes the Board of Adjustment ("BOA") with seven members, each representing one of the following professions: Law, architecture, engineering, real estate development, certified public accounting, financial consultation, and general business. Shall Section 2 be amended to provide that two of the BOA members shall be "citizens at-large" (no specific profession), and the remaining five members shall each represent one of the above professions?**

\_\_\_\_\_ YES

\_\_\_\_\_ NO

### SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

### SECTION 8.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on July 30, 2018. All persons eligible to vote in this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 NW 87 Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

### SECTION 9.

That voters participating via a Vote-by-Mail ballot in this Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting.

**SECTION 10.**

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

**SECTION 11.**

If any section, sentence, clause or phrase of the ballot measure set forth above in this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then the holding shall in no way affect the validity of the remaining portions of the ballot measure.

**SECTION 12.**

This Resolution shall be effective immediately upon its passage.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

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

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

(Sponsored by Commissioner Michael Góngora)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*[Signature]* 5/23/18  
\_\_\_\_\_  
City Attorney      Date

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**BALLOT QUESTION AND PROPOSED AMENDMENT TO RELATED SPECIAL ACTS  
AUGUST 28, 2018 SPECIAL ELECTION**

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**I. BALLOT QUESTION:**

**Amending Composition of the Board of Adjustment**

Section 2 of City's Related Special Acts establishes the Board of Adjustment ("BOA") with seven members, each representing one of the following professions: Law, architecture, engineering, real estate development, certified public accounting, financial consultation, and general business. Shall Section 2 be amended to provide that two of the BOA members shall be "citizens at-large" (no specific profession), and the remaining five members shall each represent one of the above professions?

\_\_\_\_\_  
\_\_\_\_\_  
**YES**  
**NO**

**II. PROPOSED AMENDMENT TO RELATED SPECIAL ACTS:**

**ARTICLE I. - ZONING BOARDS AND COMMISSIONS**

**Sec. 2. - Appointment, composition and duties of board of adjustment.**

The board of adjustment shall consist of seven voting members.

~~The members shall consist of the following:~~

~~One member shall be appointed from one of the following professions or callings: Two~~  
members shall be appointed as citizens at-large, and five members shall each be appointed  
from one of the following professions (no more than one member per profession), namely: Law,  
architecture, engineering, real estate development, certified public accounting, financial  
consultation, and general business. The members representing the professions of law,  
architecture, engineering and public accounting shall be duly licensed by the State of Florida;  
the member representing general business shall be of responsible standing in the community,  
and each member shall be bound by the requirements of the Conflict of Interest Ordinance of  
the city and shall be subject to removal from office for the violation of the terms thereof. No  
member shall have any financial or other interest in any matter coming before the board.  
Commencing with terms beginning on or after January 1, 2007, members shall be appointed for  
a two-year staggered term by a five-sevenths vote of the city commission. Members of the  
board of adjustment must be either residents or have their principal place of business in Miami  
Beach; provided, however, that this amendment shall not affect the term of existing members of  
the board of adjustment.

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