

**OPTION 3:  
CITY ATTORNEY'S RECOMMENDED DRAFT TO OPTIONS 1 AND 2**

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

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A SPECIAL ELECTION ON NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA AN ADVISORY, NONBINDING STRAW BALLOT QUESTION ASKING WHETHER THE MAYOR AND CITY COMMISSION SHOULD ADOPT AN ORDINANCE REQUIRING THAT ANY INCREASE IN ZONED BUILDING HEIGHT, EXCEPT FOR VARIANCES NO GREATER THAN THREE FEET AND HEIGHT REGULATION EXCEPTIONS IN CITY CODE SECTION 142-1161, BE SUBJECT TO 6/7<sup>THS</sup> APPROVAL BY VOTE OF THE CITY COMMISSION, AND FURTHER THAT SUCH ORDINANCE SHALL NOT BE REPEALED OR AMENDED UNLESS ALSO APPROVED BY 6/7<sup>THS</sup> VOTE OF THE CITY COMMISSION.**

**NOW, THEREFORE, BE IT DULY 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, November 8, 2016, for the purpose of submitting to the electorate the advisory, nonbinding straw ballot question as set forth hereinafter.

**SECTION 2.**

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said 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 said voting precincts in the City of Miami Beach of said 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 as set forth in the attached Exhibit "A".<sup>1</sup>

### **SECTION 4.**

Not less than thirty days notice of the adoption of this Resolution and of its provisions 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 ("Notice") 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 THE 8th DAY OF NOVEMBER, 2016, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING ADVISORY, NONBINDING STRAW BALLOT QUESTION:

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<sup>1</sup> As of date, the City of Miami Beach has not received from Miami-Dade County Elections Department the final list of polling places for the City's November 8, 2016 Special Election. Accordingly, attached to this Resolution is a list of polling places from the City's March 2016 Special Election, which upon receipt from the County, will be superseded by the Department of Elections' list of polling places for the City's subject November 8, 2016 Special Election, which list of polling places for the City's November 8, 2016 Special Election will be publicly noticed by the City.

**Advisory, Nonbinding Straw Ballot Question**  
**Establish 6/7ths Vote Requirement**  
**to Approve Increases in Building Height**

Should the Mayor and City Commission adopt an Ordinance requiring that any increase in zoned building height, except for variances no greater than three feet and height regulation exceptions in City Code Section 142-1161, be subject to 6/7ths approval by vote of the City Commission, and further that such Ordinance shall not be repealed or amended unless also approved by 6/7ths vote of the City Commission?

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

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

**SECTION 6.**

That the official ballot to be used in the Special Election to be held on November 8, 2016, hereby called, shall be in substantially the following form:

**OFFICIAL BALLOT**

**Advisory, Nonbinding Straw Ballot Question**  
**Establish 6/7ths Vote Requirement**  
**to Approve Increases in Building Height**

Should the Mayor and City Commission adopt an Ordinance requiring that any increase in zoned building height, except for variances no greater than three feet and height regulation exceptions in City Code Section 142-1161, be subject to 6/7ths approval by vote of the City Commission, and further that such Ordinance shall not be repealed or amended unless also approved by 6/7ths vote of the City Commission?

\_\_\_\_\_ 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 October 11, 2016. 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 Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

## **SECTION 9.**

That the absentee voters participating in said 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 absentee 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 said holding shall in no way affect the validity of the remaining portions of said ballot measure.

**SECTION 12.**

This Resolution shall be effective immediately upon its passage.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Philip Levine  
Mayor

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

(Sponsored by City Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

7/18/16  
\_\_\_\_\_  
Date

NK

**PROPOSED BALLOT QUESTION  
NOVEMBER 8, 2016 SPECIAL ELECTION**

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**I. PROPOSED BALLOT QUESTION:**

**Advisory, Nonbinding Straw Ballot Question  
Establish 6/7ths Vote Requirement  
to Approve Increases in Building Height**

Should the Mayor and City Commission adopt an Ordinance requiring that any increase in zoned building height, except for variances no greater than three feet and height regulation exceptions in City Code Section 142-1161, be subject to 6/7ths approval by vote of the City Commission, and further that such Ordinance shall not be repealed or amended unless also approved by 6/7ths vote of the City Commission?

_____	YES
_____	NO