

RESOLUTION NO. 2024-33170

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2024 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 SHOULD BE AMENDED TO REQUIRE MAJORITY VOTER APPROVAL FOR ALL RIGHT-OF-WAY VACATIONS, SALES, AND LEASES (10 YEARS OR MORE) OF CITY PROPERTY; AMEND REQUIREMENTS FOR SALES/LEASES/VACATIONS; AND AMEND REQUIREMENTS FOR MANAGEMENT/CONCESSION AGREEMENTS OF 10 YEARS OR MORE.

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 5, 2024, 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 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 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.¹

¹ Pursuant to City Code Section 38-3(b): "...The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 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."

SECTION 4.

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 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 5th DAY OF NOVEMBER, 2024, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

Charter Section 1.03: Sale/Lease of City property; right-of-way vacations; management/concession agreements

Shall Charter be amended, requiring for all sales/leases (10 years or more) of City property (awarded after November 5, 2024) and right-of-way vacations:

- Majority voter approval (includes changing approval for Convention Center Campus/Parking Lots from 60% to majority);
- advisory Planning Board review;
- planning analysis;
- appraisal;
- competitive bidding (sales/leases only);
- public hearing; and

for management/concession agreements (10 years or more):

- 6/7 Commission vote;
- public hearing;
- advisory Planning Board review?

Yes _____
No _____

Said Notice shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 5, 2024,

hereby called, shall be in substantially the following form, to-wit:

“OFFICIAL BALLOT”

Charter Section 1.03: Sale/Lease of City property; right-of-way vacations; management/concession agreements

Shall Charter be amended, requiring for all sales/leases (10 years or more) of City property (awarded after November 5, 2024) and right-of-way vacations:

- Majority voter approval (includes changing approval for Convention Center Campus/Parking Lots from 60% to majority);
- advisory Planning Board review;
- planning analysis;
- appraisal;
- competitive bidding (sales/leases only);
- public hearing; and

for management/concession agreements (10 years or more):

- 6/7 Commission vote;
- public hearing;
- advisory Planning Board review?

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 October 7, 2024. All persons eligible to vote at this Special Election must be registered by the 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 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That voters participating via a Vote-by-Mail ballot 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 such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87th Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

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.

That if the Charter Amendment provided for in Sections 5 and 6 above shall be approved by a majority of the qualified electors of the City voting on the subject Charter Amendment, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

SECTION 12.

Upon the Charter Amendment's approval by a majority of the qualified electors of the City voting on such measure in the election and the City Commission's acceptance of certification of final election returns, the City Clerk is hereby directed to have the subject Charter amendment incorporated into the City Charter, file such Amendment with the Clerk of the Circuit Court and file the revised Charter with the Department of State.

SECTION 13.

In the event that some, but not all, of the Charter amendments on the City's subject November 5, 2024 Special Election ballot are approved by the electors, conforming amendments shall be deemed to be adopted, and the City Attorney is authorized to reflect and implement such revisions to the Charter, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

SECTION 14.

If any section, sentence, clause or phrase of this Resolution or of the ballot measure or Charter Amendment set forth in Exhibit A and incorporated herein 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 this Resolution, ballot measure or Charter Amendment.

SECTION 15.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 24 day of July, 2024.

ATTEST:

RJ JUL 25 2024
RAFAEL E. GRANADO
CITY CLERK
NK

Steven Meiner
STEVEN MEINER
MAYOR



(Sponsored by the Mayor and City Commission)

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

[Signature] 7/22/2024
City Attorney *NK* Date

EXHIBIT "A"

**CITY CHARTER AMENDMENT RE:
SALE/LEASE OF CITY PROPERTY; RIGHT-OF-WAY VACATIONS;
MANAGEMENT/CONCESSION AGREEMENTS**

**BALLOT QUESTION AND PROPOSED AMENDED CITY CHARTER TEXT
NOVEMBER 5, 2024 SPECIAL ELECTION**

Ballot Question:

Charter Section 1.03: Sale/Lease of City property; right-of-way vacations; management/concession agreements

Shall Charter be amended, requiring for all sales/leases (10 years or more) of City property (awarded after November 5, 2024) and right-of-way vacations:

- Majority voter approval (includes changing approval for Convention Center Campus/Parking Lots from 60% to majority);
 - advisory Planning Board review;
 - planning analysis;
 - appraisal;
 - competitive bidding (sales/leases only);
 - public hearing; and
- for management/concession agreements (10 years or more):
- 6/7 Commission vote;
 - public hearing;
 - advisory Planning Board review?

Proposed Amended Charter Text:

Sec. 1.03. Powers of City.

(a) *General.* The City shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or this Charter.

(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; (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) 41st Street Corridor: All City-owned property in the vicinity of 41st Street, in the area bounded by West 43rd Street on the North, West 40th Street on the South, Pine Tree Drive on the East, and Alton Road on the West.~~

- ~~3. The sale, exchange, conveyance or lease of ten years or longer of the following properties shall require approval by vote of at least sixty (60) percent of the City's voters voting thereon in a City-wide referendum: (1) Convention Center Parking Lots: All City-owned surface parking lots located in the Civic and Convention Center District, generally bounded by Lincoln Lane on the South, Washington Avenue on the East, Meridian Avenue on the West and Dade Boulevard on the North; (2) Convention Center Campus: All City-owned property, except for the Convention Center and Carl Fisher Club House, located within the Civic and Convention Center District (includes City Hall, 1701 Meridian Street, 555 17th Street, 21st Street Community Center, The Fillmore Miami Beach/Jackie Gleason Theater, and the 17th Street Parking Garage). All local laws, charter provisions and ordinances of the City in conflict with this provision are hereby repealed. This provision shall become effective immediately upon acceptance of the certification of election results by the City Commission.~~
- ~~4. The sale, exchange, conveyance or lease of ten years or longer of all remaining City-owned property (other than public beach rights-of-way — see (d) herein below, and other than those properties addressed more specifically in this Charter section 1.03) shall, as provided by Ordinance, require approval by a majority 4/7 vote of all members of the Planning Board and 6/7 vote of the City Commission. The sale, exchange, conveyance or lease of ten years or longer of property owned by the Miami Beach Redevelopment Agency (Agency) shall require approval by a majority 4/7 vote of all members of the Planning Board and 7/8 vote of the Agency.~~
- ~~5. The terms of this Charter section shall not apply to any valid written contractual commitments or bids or bonded indebtedness, which commitments, bids or indebtedness existed prior to January 14, 2004; nor shall this Charter section apply to any City property which is the subject of a settlements of a claim which the City had notice of as of January 14, 2004.~~
1. The sale, exchange, conveyance (collectively the "sale"), or lease of ten (10) years or longer (including option periods/renewal terms), of any City-owned property (including, without limitation, air rights and property owned by the Miami Beach Redevelopment Agency or any other City entity/agency) shall be subject to the following requirements:
 - i. The proposed sale or lease shall be transmitted by the City Manager to the Finance and Economic Resiliency Committee (or its successor committee) for its review;
 - ii. The City's Planning Department shall prepare a written analysis to be submitted to the City Commission concurrent with its consideration of the proposed sale or lease. The minimum criteria for the planning analysis shall be as set forth in the City Code, as same may be amended from time to time;

- iii. The City shall obtain an independent appraisal of the fair market or rental value of the property. The City Commission may waive this requirement by 5/7ths vote, upon a finding that the public interest would be served by waiving such requirement;
 - iv. There shall be no sale or lease of City property unless there has been an advertised public competitive bidding process. The City Commission may waive this requirement by 5/7ths vote, upon a finding that the public interest would be served by waiving such requirement;
 - v. The proposed sale or lease shall be referred to the City's Planning Board for its review and advisory recommendation (which shall not be binding on the City Commission);
 - vi. The proposed sale or lease shall be approved by a majority vote of the City Commission (A) subject to the City Commission being presented and having considered the material terms of the proposed sale or lease, and (B) following a duly noticed public hearing in order to obtain citizen input on the proposed sale or lease; and
 - vii. The proposed sale or lease shall require approval by a majority of the voters in a Citywide referendum. At least thirty (30) days prior to the referendum date, the material terms of the proposed sale or lease shall be posted in the Office of the City Clerk and shall be made available for inspection by the public.
2. Vacation of City Right-of-Way. The vacation, sale, exchange, lease, or any other transfer (collectively, the "vacation") of any City-owned, or of any City interest (including, without limitation, air rights) in any street, street-end, sidewalk, alley, or any other right-of-way (collectively, the "right-of-way") shall be subject to the following requirements:
- i. The proposed vacation shall be transmitted by the City Manager to the Finance and Economic Resiliency Committee (or its successor committee) for its review;
 - ii. The City's Planning Department shall prepare a written analysis to be submitted to the City Commission concurrent with its consideration of the proposed vacation. The minimum criteria for the planning analysis shall be as set forth in the City Code, as same may be amended from time to time;
 - iii. The City shall obtain an independent appraisal of the fair market value of the property to be vacated. The City Commission may waive the appraisal requirement by 5/7ths vote, upon a finding that the public interest would be served by waiving such requirement;
 - iv. The proposed vacation shall be referred to the City's Planning Board for its review and advisory recommendation (which shall not be binding on the City Commission);
 - v. The proposed vacation shall be approved by a majority vote of the City Commission following a duly noticed public hearing in order to obtain citizen input on the proposed vacation; and
 - vi. The proposed vacation shall be approved by a majority of the voters in a Citywide referendum.
3. Management and Concession Agreements with Private Operators. The City shall not enter into a management or concession agreement with a private party or operator

(collectively, "agreement"), having a term of ten (10) years or longer (including option periods/renewal terms), for the management, operation, and/or use of City property (including, without limitation, the City's public beachfront), or of a City facility, without complying with the following requirements:

- i. The proposed agreement shall be transmitted by the City Manager to the Finance and Economic Resiliency Committee (or its successor committee) for its review;
- ii. The proposed agreement shall be referred to the City's Planning Board for its review and advisory recommendation (which shall not be binding on the City Commission);
- iii. The proposed agreement shall be approved by 6/7ths vote of the City Commission (A) subject to the City Commission being presented and having considered the final negotiated agreement, and (B) following a duly noticed public hearing in order to obtain citizen input on the proposed agreement.

4. Applicability. Charter Sections 1.03(b)(1), (b)(2), and (b)(3) shall apply to any sale, lease, vacation, or agreement awarded pursuant to a public competitive bidding process (if applicable), or waiver of such process, approved by the City Commission after November 5, 2024. Any sale, lease, vacation, or agreement awarded or approved on or before November 5, 2024 shall continue to be governed by the applicable provisions of Section 1.03 in effect immediately prior to November 5, 2024.

(c) The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach. The provision shall not preclude or otherwise affect the division of lots, or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance, except that all or a portion of any street, alley, right-of-way, or any public property, may not be vacated, deeded, or otherwise sold or conveyed, if it has the effect of aggregating the floor area of any unified abutting parcels, unless such aggregation of floor area is first approved by a vote of the electors of the City of Miami Beach. In addition, this provision shall not apply to settlements of any claims the City has notice of as of December 10, 2003. This Charter Amendment shall become effective on the day after its approval by the voters of the City of Miami Beach. No rights in derogation of the provisions of this Amendment under any ordinance or any other action of the Miami Beach City Commission between the time this measure is approved by the Miami Beach City Commission for placement on a ballot and the adoption of this Amendment shall be enforced against the City of Miami Beach.

~~(d) Public Beach Rights-of-Way. The sale, exchange, conveyance, lease, or any other transfer of any City interest in a public beach right-of-way (extending eastward from Collins Avenue/Ocean Drive to the erosion control line) shall require approval by a majority vote of the voters in a Citywide referendum, excluding permits of no greater than one year, and excluding the sale, exchange, conveyance, lease or any other transfer not exceeding 10% in width of such public beach right-of-way.~~

~~(e) Public Street Ends Bordering GU, GC, or Waterfront Land. The sale, exchange, conveyance, lease, or any other transfer of any City interest in any public street end~~

~~bordering on land designated "Government Use", "Golf Course" or Waterfront land, shall require either the unanimous approval of those members of the City Commission with power to vote or approval by a majority vote of the voters in a Citywide referendum, excluding a sale, exchange, conveyance, lease, or any other transfer not exceeding 10% in width of such street end which advances a significant public purpose, and excluding underground utility easements.~~

~~(f) *Management and Concession Agreements with Private Operators.* The City shall not enter into a management agreement or concession agreement with a private party or operator, having a term of ten (10) years or longer (including option periods), for the management, operation, and/or use of City-owned property, or of a City-owned facility, without obtaining the approval of a majority 4/7 vote of all members of the Planning Board and 6/7 vote of the City Commission. For purposes of this subsection, the term "City property" shall include the City's public beach areas in the City of Miami Beach, from Government Cut to 87th Terrace. The term "private party or operator" shall exclude any political subdivision and/or governmental agencies, departments, and/or divisions of the United States, the State of Florida, or Miami-Dade County.~~