

C7 D A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE OFFICIAL ELECTION CERTIFICATION OF THE CANVASSING BOARD FOR THE SPECIAL MAIL BALLOT ELECTION HELD IN THE CITY OF MIAMI BEACH FROM MARCH 1, 2025 TO APRIL 30, 2025, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF THE SPECIAL ASSESSMENT DISTRICT KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT.

Applicable Area:



COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE OFFICIAL ELECTION CERTIFICATION OF THE CANVASSING BOARD FOR THE SPECIAL MAIL BALLOT ELECTION HELD IN THE CITY OF MIAMI BEACH FROM MARCH 1, 2025 TO APRIL 30, 2025, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF THE SPECIAL ASSESSMENT DISTRICT KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT.

RECOMMENDATION

The Administration recommends the Mayor and City Commission adopt the Resolution.

BACKGROUND/HISTORY

Chapter 170, Florida Statutes, authorizes any municipality, subject to approval by a majority of the affected property owners, to levy and collect special assessments against benefitted properties for the purpose of stabilizing and improving retail business districts, wholesale business districts, or nationally recognized historic districts, through promotion, management, marketing, and other similar services.

On December 17, 2014, the Mayor and City Commission adopted Resolution No. 2014-28881, initially contemplating a special assessment district for the Ocean Drive retail business district. Following this, a steering committee of property owners proposed expanding the district to include the Collins Avenue corridor, from 5th Street to 21st Street.

On September 12, 2018, the Mayor and City Commission adopted Resolution No. 2018-30487, authorizing the City Manager and City Attorney to collaborate with a steering committee of Ocean Drive and Collins Avenue property owners to establish a special assessment district under Chapter 170, Florida Statutes. The district was intended to enhance the retail business district, located within a nationally recognized historic district, through promotion, management, marketing, and other services.

On January 15, 2020, the Mayor and City Commission adopted Resolution No. 2020-31144, creating the South Beach Business Improvement District (the "District"), subject to approval by a majority of the affected property owners, for a term of ten (10) years. Pursuant to Chapter 170, Florida Statutes, creation of the District aimed to stabilize and improve the Ocean Drive and Collins Avenue retail business district, with services funded by special assessments in the amount of \$2,093,335 annually throughout a District 10-year term. The Resolution provided details on the levy, collection, and publication of these assessments.

On February 12, 2020, the Mayor and City Commission adopted Resolution No. 2020-31168, calling for a special mail ballot election from June 1, 2020, to August 31, 2020, to determine if a majority of affected property owners approved the District's creation. Resolution No. 2020-31169 authorized a Memorandum of Understanding (MOU) for the special election. On March 13, 2020,

the City and South Beach BID Partners, Inc., a Florida not-for-profit, representing property owners in the District ("South Beach BID Partners"), executed the MOU, which outlined the special election process and funding for the City's associated costs.

On April 22, 2020, the Mayor and City Commission adopted Resolution No. 2020-31236, repealing Resolution No. 2020-31168, due to the COVID-19 pandemic. The City Commission decision to postpone the special election was made in the best interest of public health, safety, and welfare.

On September 11, 2024, the Mayor and City Commission adopted Resolution No. 2024-33229, amending and restating Resolution No. 2020-31144, which created the District, subject to the approval of a majority of affected property owners. Pursuant to Chapter 170, Florida Statutes, Resolution No. 2024-33229 established the District for a term of ten (10) years, with the aim to stabilize and improve the Ocean Drive and Collins Avenue retail business district, with services funded by special assessments starting at \$2,147,242 in the first fiscal year, increasing annually based on the Consumer Price Index (CPI), but not exceeding two percent (2%) per year. The Resolution provided details on the levy, collection, and publication of these assessments.

On November 20, 2024, the Mayor and City Commission adopted Resolution No. 2024-33360, calling for the special mail ballot election to take place from March 1 to April 30, 2025 (the "Election"), and directing the Offices of the City Clerk and City Attorney to conduct the election. The City Commission adopted Resolution No. 2024-33361, authorizing a revised MOU with South Beach BID Partners, to reimburse the City for all election-related costs.

ANALYSIS

Pursuant to Resolution 2024-33360, the election period was held from March 1 to April 30, 2025, giving affected property owners the opportunity to vote on the formation of the proposed District. The Election was administered by the City Clerk and City Attorney's Office in accordance with established procedures, approved by Resolution 2024-33360, with notice provided through newspaper advertisements and direct mailings to all affected property owners.

On April 30, 2025, the Canvassing Board, established by the City Commission, convened to open and tabulate ballots. The City Clerk issued a Letter to Commission (LTC) No. 183-2025, announcing the results and transmitting the Official Election Certification of the Canvassing Board, attached to the proposed Resolution accompanying this Memorandum as Exhibit "A".

As outlined in the Letter to Commission, the proposed District encompassed 221 benefited properties and, per the election procedures approved in Resolution No. 2024-33360, ballots not returned were counted as votes against the District. Approval of the District required a simple majority, i.e., at least 112 affirmative votes. 95 ballots were returned to the City Clerk by the election period deadline, making it mathematically impossible to achieve the required threshold for District formation.

The certified results include:

- 36 ballots voted "Yes" to approve the District
- 57 ballots voted "No"
- 1 ballot was rejected due to a missing voter certification affidavit
- 1 ballot counted as an undervote, meaning no selection was made; and
- 126 ballots were not returned to the City.

Although the proposed District was not approved, the Election was conducted with full transparency and in accordance with Florida law and the City Code. Through this democratic process, the affected property owners expressed their collective preference not to move forward with the formation of a business improvement district at this time.

FISCAL IMPACT STATEMENT

Pursuant to the Memorandum of Understanding between the City and South Beach BID Partners, the City's election-related expenses were invoiced to the South Beach BID Steering Committee, in the amount of \$7,858.31, were fully reimbursed by the South Beach BID Steering Committee.

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

The Election did not result in the formation of the South Beach Business Improvement District but reflects the will of the affected property owners and the strength of the City's commitment to a transparent and inclusive process.

The City continues to recognize the potential value of business improvement districts (BIDs) as a constructive tool to enhance economic vitality, where such initiatives are supported by a clear majority of stakeholders. The democratic process is made possible by the engagement and civic involvement of participating property owners, and the City remains open to supporting future collaborative efforts that reflect the shared goals of the business community.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? Yes

If so, specify the name of lobbyist(s) and principal(s): South Beach BID Partners, Inc. / Jonathan Plutzik and Ceci Velasco

Department

Economic Development

Sponsor(s)

Commissioner Joseph Magazine

Co-sponsor(s)

Mayor Steven Meiner
Commissioner Alex Fernandez

Commissioner Tanya K. Bhatt
Commissioner Laura Dominguez
Commissioner Kristen Rosen Gonzalez
Commissioner David Suarez

Condensed Title

Adopt Certification of Canvassing Board, Special Mail Ballot Election for SBBID.
(JM/SM/AF/TB/LD/KRG/DS) ED

Previous Action (For City Clerk Use Only)

**SPECIAL MAIL BALLOT ELECTION HELD IN THE CITY OF MIAMI BEACH
FROM MARCH 1, 2025 TO APRIL 30, 2025,
TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS
APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT
TO BE KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT**

****OFFICIAL ELECTION CERTIFICATION OF THE CANVASSING BOARD****

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

We, the undersigned, Rafael E. Granado, City Clerk; Faroat Andasheva, Senior Assistant City Attorney; and Rogelio A. Madan, Development & Resiliency Officer, Planning Department, constituting the Canvassing Board for the Special Mail Ballot Election to approve the creation of the South Beach Business Improvement District, do hereby certify that we met on the 30th day of April 2025, and proceeded to publicly count the votes cast.

We do hereby certify the results as follows:

Shall the South Beach Business Improvement District be created for a 10-year term, with an estimated annual budget of \$2,147,242, to stabilize and improve the Ocean Drive and Collins Avenue retail business district, generally located within a nationally recognized historic district, through promotion, management, marketing, and similar services, which District shall be funded by special assessments against benefited properties, with assessments increasing pursuant to the Consumer Price Index, up to 2% annually?

<u>36</u>	YES VOTES
<u>57</u>	NO VOTES
<u>1</u>	REJECTED BALLOTS ¹
<u>0</u>	BALLOT OVERVOTES ²
<u>1</u>	BALLOT UNDERVOTES ³
<u>126</u>	UNRETURNED BALLOTS

Duplicates of the same ballot have been counted as one rejected ballot.

CANVASSING BOARD



Rafael E. Granado, City Clerk



Faroat Andasheva, Senior Assistant City Attorney



Rogelio A. Madan, Development & Resiliency Officer
Planning Department

Date: April 30, 2025

¹ No affidavit.

² An *overvote* occurs when a voter marks more selections than allowed for a particular contest on the ballot.

³ An *undervote* occurs when a voter makes fewer selections than allowed — or makes no selection at all — in a particular contest on the ballot.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE OFFICIAL ELECTION CERTIFICATION OF THE CANVASSING BOARD FOR THE SPECIAL MAIL BALLOT ELECTION HELD IN THE CITY OF MIAMI BEACH FROM MARCH 1, 2025 TO APRIL 30, 2025, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF THE SPECIAL ASSESSMENT DISTRICT KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, on January 15, 2020, the Mayor and City Commission of the City of Miami Beach adopted Resolution No. 2020-31144, creating the South Beach Business Improvement District (the "District"), subject to approval by a majority of the affected property owners; and

WHEREAS, on September 11, 2024, the Mayor and City Commission adopted Resolution No. 2024-33229, amending and restating Resolution No. 2020-31144, and reaffirming the requirement that the creation of the District be approved by a majority of affected property owners through a special mail ballot election; and

WHEREAS, on November 20, 2024, the Mayor and City Commission adopted Resolution No. 2024-33360, calling for a special mail ballot election to be conducted from March 1, 2025 through April 30, 2025 (the "Election"), to determine whether a majority of affected property owners approved the creation of the District; and

WHEREAS, Resolution No. 2024-33360 also designated the Office of the City Clerk and the Office of the City Attorney to administer the Election in accordance with procedures outlined in an Exhibit attached to Resolution 2024-33360; and

WHEREAS, the Mayor and City Commission designated Rafael E. Granado, City Clerk; Farooq Andasheva, Senior Assistant City Attorney; and Rogelio A. Madan, Development & Resiliency Officer, Planning Department, to serve as the Canvassing Board for the Election; and

WHEREAS, on April 30, 2025, the City's Canvassing Board convened to open and tabulate the ballots in accordance with the approved procedures, and certified the official results of the Election, which are attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, of the 221 ballots mailed to affected property owners, 95 ballots were returned to the Office of the City Clerk; and

WHEREAS, of the 95 ballots returned to the City and tabulated by the Canvassing Board, 36 ballots were cast in favor of creating the District, 57 ballots were cast in opposition, 1 ballot was rejected due to a missing affidavit, 1 ballot was counted as an undervote (no selection made), and 126 ballots were not returned; and

WHEREAS, pursuant to Section 170.01, Florida Statutes, and the election procedures approved in Resolution No. 2024-33360, at least 112 affirmative votes (i.e. a simple majority of 221 properties) are necessary to approve the creation of the District; and

WHEREAS, the creation of the proposed South Beach Business Improvement District was therefore not approved by a majority of the affected property owners; and

WHEREAS, the Mayor and City Commission desire to adopt the Official Election Certification of the Canvassing Board and formally record the outcome of the Election; and

WHEREAS, pursuant to Chapter 170, Florida Statutes, given that a majority of affected property owners did not approve the creation of the District, the Mayor and City Commission will not take any further action on the levy of the proposed special assessments.

NOW, THEREFORE, THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby adopt the Official Election Certification of the Canvassing Board for the Special Mail Ballot Election held in the City of Miami Beach from March 1, 2025 to April 30, 2025, to determine whether a majority of the affected property owners approve the creation of the special assessment district known as the South Beach Business Improvement District.

PASSED and ADOPTED THIS ____ day of _____ 2025.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney

NK

5/6/2025

Date