RESOLUTION NO. 2012-27902

A RESOLUTION CALLING FOR AN AUGUST 14, 2012 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER SECTION 5.03 OF THE MIAMI BEACH CITY CHARTER SHOULD BE AMENDED TO ALLOW THE CITY COMMISSION TO INCREASE, UP TO AN ADDITIONAL ONE PERCENT (1%), THE RESORT TAX ON ROOM RENT, WITH SUCH INCREASE TO BE USED SOLELY FOR PURPOSES OF EXPANDING, ENLARGING, RENOVATING, AND/OR IMPROVING THE MIAMI BEACH CONVENTION CENTER, INCLUDING THE PAYMENT OF DEBT SERVICE RELATED THERETO, AND PROVIDING THAT ANY EXCESS OF SUCH ADDITIONAL TAX BE USED, AFTER PROVIDING FOR PAYMENT OF ANNUAL DEBT SERVICE AND RELATED OBLIGATIONS, TO ESTABLISH A CAPITAL RENEWAL AND REPLACEMENT FUND FOR THE CENTER

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, August 14, 2012, 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 in which the official registration books show that the said electors reside.

SECTION 4.

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. 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 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of §150.031 and §100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 6.

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 14TH DAY OF AUGUST, 2012, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

ALLOWING UP TO ONE PERCENT INCREASE IN ROOM RENT PORTION OF RESORT TAX.

SHALL SECTION 5.03 OF THE CHARTER BE AMENDED TO ALLOW THE COMMISSION TO INCREASE, UP TO ONE PERCENT, THE RESORT TAX ON ROOM RENT, TO EXPAND, ENLARGE, RENOVATE, AND/OR IMPROVE THE CONVENTION CENTER, INCLUDING PAYMENT OF DEBT SERVICE RELATED THERETO, AND PROVIDING THAT THE EXCESS OF SUCH ADDITIONAL TAX BE USED, AFTER PROVIDING FOR PAYMENT OF ANNUAL DEBT SERVICE AND RELATED OBLIGATIONS, TO ESTABLISH A CAPITAL RENEWAL AND REPLACEMENT FUND FOR THE CENTER?

_____ YES

_____ NO

SECTION 7.

That the official ballot to be used in the Special Election to be held on August 14, 2012, hereby called, shall be in substantially the following form, to-wit:

"OFFICIAL BALLOT"

ALLOWING UP TO ONE PERCENT INCREASE IN ROOM RENT PORTION OF RESORT TAX.

SHALL SECTION 5.03 OF THE CHARTER BE AMENDED TO ALLOW THE COMMISSION TO INCREASE, UP TO ONE PERCENT, THE RESORT TAX ON ROOM RENT, TO EXPAND, ENLARGE, RENOVATE, AND/OR IMPROVE THE CONVENTION CENTER, INCLUDING PAYMENT OF DEBT SERVICE RELATED THERETO, AND PROVIDING THAT THE EXCESS OF SUCH ADDITIONAL TAX BE USED, AFTER PROVIDING FOR PAYMENT OF ANNUAL DEBT SERVICE AND RELATED OBLIGATIONS, TO ESTABLISH A CAPITAL RENEWAL AND REPLACEMENT FUND FOR THE CENTER?

_____ YES

_____ NO

SECTION 8.

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 9.

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 10.

If any section, sentence, clause or phrase of the proposed ballot measure 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 11.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 9th day of May, 2012.

ATTEST:

MIAMI BEACH INCORPORATED MARCH 26TH 1915

MATTI HERRERA BOWER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

(Requested by Mayor Matti Herrera Bower)

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APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

City Attorney 5/11/12 Date