

# MIAMI BEACH

## City Commission Meeting

### ADDENDUM MATERIAL 5

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
Continuation of July 17, 2013 Meeting  
July 19, 2013

Mayor Matti Herrera Bower  
Vice-Mayor Edward L. Tobin  
Commissioner Jorge R. Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales  
City Attorney Jose Smith  
City Clerk Rafael E. Granado

Visit us at [www.miamibeachfl.gov](http://www.miamibeachfl.gov) for agendas and video "streaming" of City Commission Meetings.

#### ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

#### ADDENDUM AGENDA

##### R7 - Resolutions

R7T Calling for Special Election Creating (A)19 and (A)20 of the Miami Beach Citizen's Bill of Rights

1. A Resolution Calling For A November 5, 2013 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether Paragraph A(20) Of The Miami Beach City Charter Citizens' Bill Of Rights Should Be Created To Acknowledge The Purpose And Duties Of The City's Condominium Ombudsman As Assisting Condominium And Co-Op Owners To Navigate Through The City's Permitting Process; Facilitate Resolution Of Other Condominium-Related Issues With Other Outside Agencies; And Act As A Liaison Between Condominium Or Co-Op Owners, Management Firms And The City.
2. A Resolution Calling For A November 5, 2013 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether Paragraph A(19) Of The Miami Beach City Charter Citizens' Bill Of Rights Should Be Created To Set Forth Therein The City Of Miami Beach's Policy To Cooperate With The Miami-Dade County Public Schools To Develop, Operate And Maintain A System Of Public Education, In Cooperation With Other Appropriate Governmental Agencies, Which Will Strive To Improve The Quality And Quantity Of Public Educational Facilities Available To The Citizenry Of The City Of Miami Beach, Florida.

(Requested by Commissioner Jerry Libbin)  
(Legislative Tracking: City Attorney's Office)

**THIS PAGE INTENTIONALLY LEFT BLANK**



# MIAMI BEACH

JOSE SMITH, CITY ATTORNEY  
OFFICE OF THE CITY ATTORNEY

## COMMISSION MEMORANDUM

**TO:** Mayor Matti Herrera Bower  
Members of the City Commission

**CC:** Jimmy Morales, City Manager

**FROM:** Jose Smith, City Attorney

**DATE:** July 17, 2013

**SUBJECT:** A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2013 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER PARAGRAPH A(20) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS SHOULD BE CREATED TO ACKNOWLEDGE THE PURPOSE AND DUTIES OF THE CITY'S CONDOMINIUM OMBUDSMAN AS ASSISTING CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS; FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES; AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2013 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER PARAGRAPH A(19) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS SHOULD BE CREATED TO SET FORTH THEREIN THE CITY OF MIAMI BEACH'S POLICY TO COOPERATE WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS TO DEVELOP, OPERATE AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION, IN COOPERATION WITH OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF THE CITY OF MIAMI BEACH, FLORIDA.

---

Pursuant to the request of Commissioner Jerry Libbin, the attached Resolutions are submitted for consideration by the Mayor and City Commission.

The Resolutions call for a November 5, 2013 Special Election for the purpose of submitting ballot questions to the citizens of Miami Beach regarding the creation of paragraphs (A)19 and (A)20 of the Miami Beach Citizen's Bill of Rights.

JS/DT/mmd

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

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2013 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER PARAGRAPH A(20) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS SHOULD BE CREATED TO ACKNOWLEDGE THE PURPOSE AND DUTIES OF THE CITY'S CONDOMINIUM OMBUDSMAN AS ASSISTING CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS; FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES; AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY.

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, 2013, 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. 87<sup>th</sup> 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 §50.031 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 5<sup>TH</sup> DAY OF NOVEMBER, 2013, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

**CONDOMINIUM OMBUDSMAN**

SHALL PARAGRAPH A(20) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO ACKNOWLEDGE THE PURPOSE AND DUTIES OF THE CITY'S CONDOMINIUM OMBUDSMAN AS ASSISTING CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS; FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES; AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**SECTION 7.**

That the official ballot to be used in the Special Election to be held on November 5, 2013, hereby called, shall be in substantially the following form, to-wit:

**“OFFICIAL BALLOT”**

**CONDOMINIUM OMBUDSMAN**

**SHALL PARAGRAPH A(20) OF THE MIAMI BEACH CITY CHARTER CITIZENS’ BILL OF RIGHTS BE CREATED TO ACKNOWLEDGE THE PURPOSE AND DUTIES OF THE CITY’S CONDOMINIUM OMBUDSMAN AS ASSISTING CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY’S PERMITTING PROCESS; FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES; AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY.**

\_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

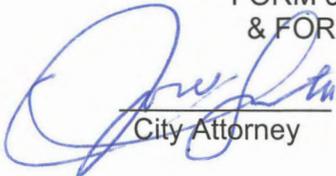
ATTEST:

\_\_\_\_\_  
MATTI HERRERA BOWER, MAYOR

\_\_\_\_\_  
RAFAEL GRANADO, CITY CLERK

(Requested by Commissioner Jerry Libbin)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

7/18/13  
\_\_\_\_\_  
Date

**PROPOSED BALLOT TITLE AND BALLOT SUMMARY  
NOVEMBER 5, 2013 SPECIAL ELECTION**

---

**I. PROPOSED BALLOT TITLE AND BALLOT SUMMARY:**

**CONDOMINIUM OMBUDSMAN**

SHALL PARAGRAPH A(20) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO ACKNOWLEDGE THE PURPOSE AND DUTIES OF THE CITY'S CONDOMINIUM OMBUDSMAN AS ASSISTING CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS; FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES; AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY.

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

**II. PROPOSED CHARTER TEXT:**

Citizens' Bill of Rights

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

\* \* \* \*

20. Condominium Ombudsman.

The City of Miami Beach hereby acknowledges the purpose and duties of the City's Condominium Ombudsman as assisting condominium and co-op owners to navigate through the City's permitting process; to facilitate the resolution of other condominium-related issues with other outside agencies; and to act as a liaison between condominium or co-op owners, management firms and the City.

\* \* \* \*

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

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A NOVEMBER 5, 2013 SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A QUESTION ASKING WHETHER PARAGRAPH A(19) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS SHOULD BE CREATED TO SET FORTH THEREIN THE CITY OF MIAMI BEACH'S POLICY TO COOPERATE WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS TO DEVELOP, OPERATE AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION, IN COOPERATION WITH OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF THE CITY OF MIAMI BEACH, FLORIDA.

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, 2013, 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. 87<sup>th</sup> 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 §50.031 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 5<sup>TH</sup> DAY OF NOVEMBER, 2013, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

**IMPROVEMENT OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO MIAMI BEACH CITIZENRY**

**SHALL PARAGRAPH A(19) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO SET FORTH THEREIN THE CITY OF MIAMI BEACH'S POLICY TO COOPERATE WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS TO DEVELOP, OPERATE AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION, IN COOPERATION WITH OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF THE CITY OF MIAMI BEACH, FLORIDA**

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**SECTION 7.**

That the official ballot to be used in the Special Election to be held on November 5, 2013, hereby called, shall be in substantially the following form, to-wit:

**“OFFICIAL BALLOT”**

**IMPROVEMENT OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO  
MIAMI BEACH CITIZENRY**

SHALL PARAGRAPH A(19) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO SET FORTH THEREIN THE CITY OF MIAMI BEACH'S POLICY TO COOPERATE WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS TO DEVELOP, OPERATE AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION, IN COOPERATION WITH OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF THE CITY OF MIAMI BEACH, FLORIDA.

\_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

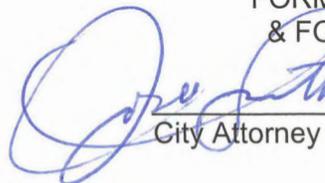
ATTEST:

\_\_\_\_\_  
MATTI HERRERA BOWER, MAYOR

\_\_\_\_\_  
RAFAEL GRANADO, CITY CLERK

(Requested by Commissioner Jerry Libbin.)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

7/18/13  
\_\_\_\_\_  
Date

**PROPOSED BALLOT TITLE AND BALLOT SUMMARY  
NOVEMBER 5, 2013 SPECIAL ELECTION**

---

**I. PROPOSED BALLOT TITLE AND BALLOT SUMMARY:**

**IMPROVEMENT OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO  
MIAMI BEACH CITIZENRY**

SHALL PARAGRAPH A(19) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO SET FORTH THEREIN THE CITY OF MIAMI BEACH'S POLICY TO COOPERATE WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS TO DEVELOP, OPERATE AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION, IN COOPERATION WITH OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF THE CITY OF MIAMI BEACH, FLORIDA.

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

**II. PROPOSED CHARTER TEXT:**

Citizens' Bill of Rights

(A) This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

\* \* \* \*

19. Improvement of Public Educational Facilities available to Miami Beach Citizenry. It shall be the policy of the City of Miami Beach to cooperate with the Miami-Dade County public schools to develop, operate and maintain a system of public education, in cooperation with other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of the City of Miami Beach, Florida

\* \* \* \*

**THIS PAGE INTENTIONALLY LEFT BLANK**