

**RESOLUTION NO. 2013-28407**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CERTIFICATE OF THE RESULTS OF THE NOVEMBER 5, 2013 SPECIAL ELECTION FOR THE CITY OF MIAMI BEACH, AND DECLARING RESULTS THEREOF.**

**WHEREAS**, the Certification of the results of the November 5, 2013 City of Miami Beach Special Election have been received and are attached hereto as Composite Exhibit "A" and are incorporated herein; and

**WHEREAS**, said Certification reflects that:

Question "A" as set forth below was adopted by the electorate of the City of Miami Beach<sup>1</sup>;  
Question "B" as set forth below was adopted by the electorate of the City of Miami Beach;  
Question "C" as set forth below was adopted by the electorate of the City of Miami Beach;  
Question "D" as set forth below was adopted by the electorate of the City of Miami Beach;  
Question "E" as set forth below was adopted by the electorate of the City of Miami Beach; and  
Question "F" as set forth below was adopted by the electorate of the City of Miami Beach.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Miami-Dade County Canvassing Board having canvassed the returns of the November 5, 2013 Special Election of the City of Miami Beach, the Mayor and City Commission hereby adopt the certificate as to the results of said Special Election and it is hereby ordered that the Certificate of Election and this Resolution be recorded in the minutes of the November 12, 2013 City Commission meeting as a permanent record of the results of said Special Election; and be it further resolved that, as a result of the City of Miami Beach November 5, 2013 Special Election, the votes upon the questions presented reflect the following results.

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<sup>1</sup> The six ballot questions have been lettered "A"; "B"; "C"; "D"; "E"; and "F" for ease of reference herein only and were not so lettered on the ballot.

Question "A":

**PROHIBITION OF DISCRIMINATION BY CITY OF MIAMI BEACH IN EMPLOYMENT PRACTICES AND BENEFITS OFFERED**

SHALL PARAGRAPH A(17) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED BANNING DISCRIMINATION IN EMPLOYMENT PRACTICES AND BENEFITS OFFERED BY THE CITY OF MIAMI BEACH BASED UPON AN EMPLOYEE OR APPLICANT'S RACE, COLOR, NATIONAL ORIGIN, RELIGION, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, MARITAL STATUS, FAMILIAL STATUS, OR AGE?

8,702 YES

1,487 NO

Question "B":

**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, AND 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?

8,092 YES

1,597 NO

Question "C":

**CITY ASSISTANCE TO CONDOMINIUM AND CO-OP OWNERS**

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 ADMINISTRATION 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?

6,620 YES

2,833 NO

**Question "D":**

**CITYWIDE REFERENDUM REQUIRED TO REPEAL OR REDUCE PROTECTIONS IN CITY CODE CHAPTER 62 ("HUMAN RELATIONS")**

SHALL SECTION 1.07 OF THE MIAMI BEACH CHARTER BE CREATED TO REQUIRE A MAJORITY VOTE IN A CITYWIDE ELECTION TO REPEAL, DIMINISH, OR OTHERWISE NEGATIVELY IMPACT A RIGHT OR DUTY ESTABLISHED IN CITY CODE CHAPTER 62 ("HUMAN RELATIONS") THAT INURES TO THE BENEFIT OF A MEMBER OF THE CLASSIFICATION CATEGORIES OF RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, GENDER IDENTITY, SEXUAL ORIENTATION, DISABILITY, MARITAL STATUS, FAMILIAL STATUS, AND AGE AS DEFINED IN CITY CODE SECTION 62-31?

6,432 YES

2,577 NO

**Question "E":**

**AMENDING CHARTER SECTION 1.03(B) RE: VOTER APPROVAL OF CERTAIN CITY-OWNED PROPERTY**

SHALL CHARTER SECTION 1.03(B) REQUIRING MAJORITY VOTER APPROVAL BEFORE CITY'S SALE, LEASE EXCEEDING TEN YEARS, EXCHANGE OR CONVEYANCE OF CONVENTION CENTER PARKING LOTS BE CHANGED TO:

- REQUIRE 60% VOTER APPROVAL INSTEAD; AND
- INCLUDE "CONVENTION CENTER CAMPUS" (ALL CITY-OWNED PROPERTY WITHIN CIVIC AND CONVENTION CENTER DISTRICT EXCEPT CONVENTION CENTER AND CARL FISHER CLUBHOUSE) WITHIN CATEGORY OF CITY-OWNED PROPERTIES SUBJECT TO 60% VOTER APPROVAL REQUIREMENT?

6,684 YES

3,196 NO

**Question "F":**

**ADVISORY, NON-BINDING STRAW BALLOT QUESTION – MEDICINAL MARIJUANA RESOLUTION**

SHOULD THE CITY COMMISSION ADOPT A RESOLUTION URGING THE FEDERAL GOVERNMENT AND THE FLORIDA LEGISLATURE TO DECRIMINALIZE AND AUTHORIZE THE MEDICINAL USE OF MARIJUANA?

6,686 YES


3,750 NO

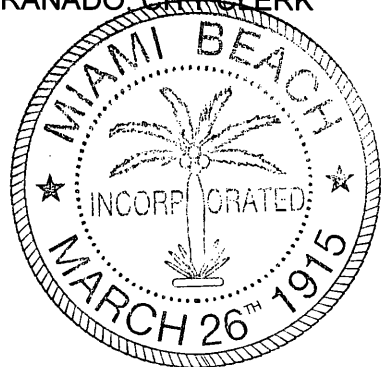
BE IT FURTHER RESOLVED AND DETERMINED that Question "A" was \_\_\_\_\_ adopted \_\_\_\_\_, Question "B" was \_\_\_\_\_ adopted \_\_\_\_\_, Question "C" was \_\_\_\_\_ adopted \_\_\_\_\_, Question "D" was \_\_\_\_\_ adopted \_\_\_\_\_, Question "E" was \_\_\_\_\_ adopted \_\_\_\_\_, and Question "F" was \_\_\_\_\_ adopted \_\_\_\_\_.

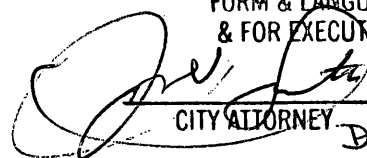
PASSED and ADOPTED this 12th day of November, 2013.

ATTEST:

  
\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

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



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
CITY ATTORNEY *Dr*      11/12/13  
DATE

**OFFICIAL CERTIFICATE OF  
COUNTY CANVASSING BOARD  
RECOUNT FOR THE MAYORAL GROUP**

## **CERTIFICATE OF COUNTY CANVASSING BOARD**

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

We, the undersigned, County Judge SHELLEY J. KRAVITZ, **Chairperson**, County Commissioner JEAN MONESTIME, **Substitute Member**, and Supervisor of Elections PENELOPE TOWNSLEY, **Member**, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 8<sup>th</sup> day of November, 2013, A.D., and proceeded to publicly recount the votes cast for the office herein specified at the **City of Miami Beach General and Special Elections** held on the 5<sup>th</sup> day of November, 2013, A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For **MAYOR**, the whole number of votes cast was 11,175 of which number

Steve Berke received 1,355 Votes

Michael Góngora received 4,072 Votes

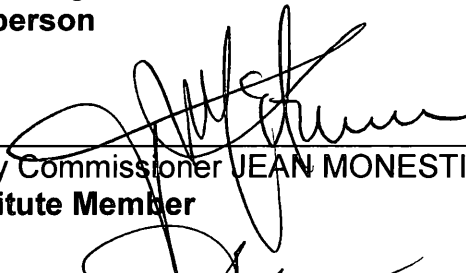
Raphael Herman received 107 Votes

Philip Levine received 5,641 Votes

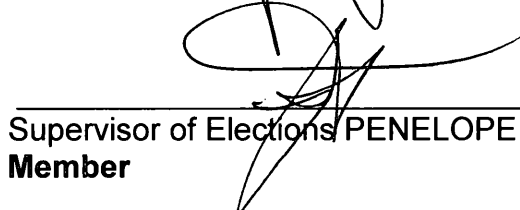
### **MIAMI-DADE COUNTY CANVASSING BOARD:**



County Judge SHELLEY J. KRAVITZ  
**Chairperson**



County Commissioner JEAN MONESTIME  
**Substitute Member**



Supervisor of Elections PENELOPE TOWNSLEY  
**Member**

MIAMI BEACH

OFFICIAL SPECIAL ELECTION  
MIAMI-DADE COUNTY, FL  
NOVEMBER 5, 2013

RE-COUNT

REPORT-EL45A

PAGE 001

RUN DATE: 11/08/13 03:33 PM

	TOTAL VOTES	%	ED OSS	ED IVO	ABSENTEE	EV OSS	EV IVO	PROV	
PRECINCTS COUNTED (OF 37)	36	97.30							
REGISTERED VOTERS - TOTAL	0								
BALLOTS CAST - TOTAL	11,178		4,560	0	3,741	2,871	0	6	
MAYOR CITY: MIAMI BEACH									
Vote for 1									
Steve Berke	1,355	12.13	751	0	343	261	0	0	
Michael Gongora	4,072	36.44	1,604	0	1,372	1,094	0	2	
Raphael Herman	107	.96	34	0	58	15	0	0	
Phillip Levine	5,641	50.48	2,171	0	1,968	1,498	0	4	
Total	11,175		4,560	0	3,741	2,868	0	6	

*M* 11/08/13

SOK  
11/8/13

*[Signature]*  
11/8/13

**OFFICIAL CERTIFICATE OF  
COUNTY CANVASSING BOARD  
FOR COMMISSIONERS IN GROUPS I, II AND III**



## **CERTIFICATE OF COUNTY CANVASSING BOARD**

**STATE OF FLORIDA)**

**MIAMI-DADE COUNTY)**

We, the undersigned, County Judge SHELLEY J. KRAVITZ, **Chairperson**, County Commissioner JEAN MONESTIME, **Substitute Member**, and Supervisor of Elections PENELOPE TOWNSLEY, **Member**, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 8<sup>th</sup> day of November, 2013, A.D., and proceeded to publicly canvass the votes cast for offices and proposals herein specified at the **City of Miami Beach General and Special Elections** held on the 5<sup>th</sup> day of November, 2013, A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For **MAYOR**, the whole number of votes cast was 11,176 of which number

Steve Berke received 1,355 Votes

Michael Góngora received 4,071 Votes

Raphael Herman received 107 Votes

Philip Levine received 5,643 Votes

For **GROUP I - COMMISSIONER**, the whole number of votes cast was 10,248 of which number

Mohammed Islam received 411 Votes

Sherry Kaplan Roberts received 2,692 Votes

Micky Steinberg received 3,849 Votes

Elsa Urquiza received 3,296 Votes

For **GROUP II - COMMISSIONER**, the whole number of votes cast was 10,153 of which number

Dave Crystal received 1,858 Votes

Jorge Exposito received 4,650 Votes

Michael Grieco received 3,645 Votes

For **GROUP III - COMMISSIONER**, the whole number of votes cast was 10,336 of which number

Roger Abramson received 1,604 Votes

Matti Herrera Bower received 4,568 Votes

Joy Malakoff received 4,164 Votes

**Prohibition of Discrimination by City of Miami Beach in Employment Practices and Benefits Offered**

Shall paragraph A(17) of the Miami Beach City Charter Citizens' Bill of Rights be created banning discrimination in employment practices and benefits offered by the City of Miami Beach based upon an employee or applicant's race, color, national origin, religion, gender, sexual orientation, gender identity, disability, marital status, familial status, or age?

YES 8,702 Votes

NO 1,487 Votes

**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, and 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 8,092 Votes

NO 1,597 Votes

**City Assistance to Condominium and Co-op Owners**

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 administration 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 6,620 Votes

NO 2,833 Votes

**Citywide Referendum Required to Repeal or Reduce Protections in City Code Chapter 62 ("Human Relations")**

Shall Section 1.07 of the Miami Beach Charter be created to require a majority vote in a Citywide election to repeal, diminish, or otherwise negatively impact a right or duty established in City Code Chapter 62 ("Human Relations") that inures to the benefit of a member of the classification categories of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, marital status, familial status, and age as defined in City Code Section 62-31?

YES 6,432 Votes

NO 2,577 Votes

**Amending Charter Section 1.03(b) Re: Voter Approval of Certain City-Owned Property**

Shall Charter Section 1.03(b) requiring majority voter approval before City's sale, lease exceeding ten years, exchange or conveyance of Convention Center Parking Lots be changed to:

- Require 60% voter approval instead; and
- Include "Convention Center Campus" (all City-owned property within Civic and Convention Center District except Convention Center and Carl Fisher Clubhouse) within category of City-owned properties subject to 60% voter approval requirement?

YES 6,684 Votes

NO 3,196 Votes

**\*\*Official\*\***

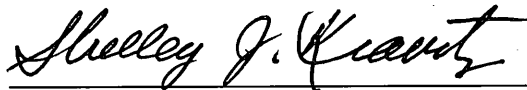
**Advisory, Non-binding Straw Ballot Question – Medicinal Marijuana Resolution**

Should the City Commission adopt a resolution urging the Federal Government and the Florida Legislature to decriminalize and authorize the medicinal use of marijuana?

YES 6,686 Votes

NO 3,750 Votes

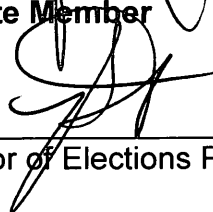
**MIAMI-DADE COUNTY CANVASSING BOARD:**



County Judge SHELLEY J. KRAVITZ  
**Chairperson**



County Commissioner JEAN MONESTIME  
**Substitute Member**



Supervisor of Elections PENELOPE TOWNSLEY  
**Member**

MIAMI BEACH

OFFICIAL SPECIAL ELECTION  
MIAMI-DADE COUNTY, FL  
NOVEMBER 5, 2013

RUN DATE:11/08/13 03:47 PM

OFFICIAL RESULTS

REPORT -EL45A PAGE 001

	TOTAL VOTES	%	ED OSS	ED IVO	ABSENTEE	EV OSS	EV IVO	PROV
REGISTRED VOTERS - TOTAL	37	100.00						
BALLOTS CAST - TOTAL	44,697							
VOTER TURNOUT - TOTAL	11,385	25.47	4,612	1	3,856	2,910	0	6

CITY MIAMI BEACH: MAYOR \*\*\*See Addendum\*\*\*

Vote for 1								
Steve Berke	1,355	12.12	751	0	343	261	0	0
Michael Gongora	4,071	36.43	1,603	1	1,372	1,093	0	2
Raphael Herman	107	.96	34	0	58	15	0	0
Phillip Levine	5,643	50.49	2,172	0	1,969	1,498	0	4
Total	11,176		4,560	1	3,742	2,867	0	6
Over Votes	21		2	0	18	1	0	0
Under Votes	188		50	0	96	42	0	0

MIAMI BEACH: GROUP I - COMMISSIONER

Vote for 1								
Mohammed Islam	411	4.01	192	0	87	132	0	0
Sherry Kaplan Roberts	2,692	26.27	1,095	1	848	747	0	1
Micky Steinberg	3,849	37.56	1,641	0	1,276	930	0	2
Elsa Urquiiza	3,296	32.16	1,165	0	1,265	863	0	3
Total	10,248		4,093	1	3,476	2,672	0	6
Over Votes	31		4	0	25	2	0	0
Under Votes	1,106		515	0	355	236	0	0

MIAMI BEACH: GROUP II - COMMISSIONER

Vote for 1								
Dave Crystal	1,858	18.30	816	0	599	442	0	1
Jorge Exposito	4,650	45.80	1,726	1	1,730	1,192	0	1
Michael Grieco	3,645	35.90	1,537	0	1,096	1,009	0	3
Total	10,153		4,079	1	3,425	2,643	0	5
Over Votes	17		1	0	16	0	0	0
Under Votes	1,215		532	0	415	267	0	1

MIAMI BEACH: GROUP III - COMMISSIONER

Vote for 1								
Roger Abramson	1,604	15.52	703	0	519	381	0	1
Matti Herrera Bower	4,568	44.20	1,690	0	1,731	1,144	0	3
Joy Malakoff	4,164	40.29	1,777	1	1,246	1,138	0	2
Total	10,336		4,170	1	3,496	2,663	0	6
Over Votes	17		0	0	16	1	0	0
Under Votes	1,032		442	0	344	246	0	0

# MIAMIBEACH

OFFICE OF THE CITY MANAGER

**LTC No. 404-2013**

LETTER TO COMMISSION

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

FROM: Rafael E. Granado, City Clerk

DATE: November 8, 2013

SUBJECT: **NOVEMBER 5, 2013 GENERAL AND SPECIAL ELECTIONS OFFICIAL CERTIFICATE OF COUNTY CANVASSING BOARD**

Attached please find the Official Certificate of County Canvassing Board for the November 5, 2013 General and Special Elections, including the recount for the Mayoral Group

If you have any questions, please contact me.

JLM/REG/lh

Attachment

c: Jimmy L. Morales, City Manager  
Jose Smith, City Attorney

*We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community*




# MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

## COMMISSION MEMORANDUM

**TO: MAYOR MATTI HERRERA BOWER  
MEMBERS OF THE CITY COMMISSION  
CITY MANAGER JIMMY MORALES**

**FROM: JOSE SMITH  
CITY ATTORNEY** 

**DATE: NOVEMBER 12, 2013**

**SUBJECT: CITY RESOLUTION ACCEPTING RESULTS OF THE NOVEMBER 5, 2013  
SPECIAL ELECTION AND DECLARING SPECIAL ELECTION RESULTS**

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Attached hereto is a Resolution<sup>1</sup> adopting the Certificate of the Results of the November 5, 2013 Special Election for the City of Miami Beach, and declaring the election results for the six ballot questions which were the subject of the Special Election. The passage of this Resolution effectively concludes acceptance of the election returns for the City of Miami Beach's November 5, 2013 Special Election.

JS/DT/sc

F:\ATTO\TURN\COMMEMO\Results of Special Election November 2013.docx

<sup>1</sup> Upon receipt and finalization of the Certification of Election Results, same shall be attached to the Resolution.

Agenda Item R7A  
Date 11-12-13