

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND
SOUTH BEACH BID PARTNERS, INC.
TO CONDUCT A SPECIAL MAIL BALLOT ELECTION
TO APPROVE THE CREATION OF THE SPECIAL ASSESSMENT DISTRICT
TO BE KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT
AND TO PROVIDE FUNDING FOR THE CITY'S COSTS ASSOCIATED THEREWITH**

This Memorandum of Understanding ("MOU") is hereby entered into this day of ^{JAN 22 2025} _____, 2025, by and between the City of Miami Beach, a Florida municipal corporation with offices at 1700 Convention Center Drive, Miami Beach, Florida 33139 ("City"), and South Beach BID Partners, Inc., a Florida not-for-profit corporation with offices at 760 Ocean Drive, Suite 9, Miami Beach, FL 33139 ("South Beach BID Partners") (altogether, the "Parties").

RECITALS

WHEREAS, on September 11, 2024, the Mayor and City Commission adopted Resolution No. 2024-33229, amending and restating Resolution No. 2020-31144, which created, pursuant to Chapter 170, Florida Statutes, and subject to the approval of a majority of the affected property owners, a special assessment district to be known as the South Beach Business Improvement District (the "District"), for a term of ten (10) years, to stabilize and improve the Ocean Drive and Collins Avenue retail business district, through promotion, management, marketing, and other similar services;

WHEREAS, the District consists of commercial properties abutting Collins Avenue and Ocean Drive, generally bounded on the north by the northern boundaries of 1601 Collins Avenue and 1610 Collins Avenue and on the south by 5th Street; provided, however, that the following properties will be excluded and exempted from the District: (1) residential properties; (2) common areas owned by condominium associations; (3) properties owned by governmental entities or school districts; (4) properties owned or occupied by a religious institution and used as a place of worship or education (as defined in Section 170.201 (2), Florida Statutes); and (5) properties that are sixty (60) square feet or less; and

WHEREAS, a special mail ballot election shall be held to determine whether, pursuant to Chapter 170, Florida Statutes, a majority (50% plus one) of the affected property owners approve the creation of the District (the "Election"); and

WHEREAS, the City and South Beach BID Partners hereby agree to the terms of this MOU, which shall set forth the obligations of the Parties with respect to the Election.

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. **RECITALS**

The recitals are true and correct and hereby incorporated into and made a part of this MOU.

2. **CITY'S OBLIGATIONS**

The City, through the Office of the City Clerk and Office of the City Attorney, shall provide the following services relative to the Election:

- A. Conduct the Election, pursuant to the Special Mail Ballot Election Procedures, attached hereto and incorporated herein as Exhibit "A."
- B. Prepare and disseminate any documents necessary to effectuate the Election, including the official ballot, instruction sheet, and form affidavit affirming the voter's authority to vote on behalf of a property owner, as well as any notices and advertisements required by law.
- C. Communicate with the Mayor and City Commission regarding the progress of the Election.

3. **TERM AND EXPIRATION DATE**

This MOU and the Parties' obligations hereunder shall commence upon the full execution of this MOU, and shall terminate upon the City Clerk's certification of the results of the Election to the City Commission.

4. **COMPENSATION**

South Beach BID Partners shall pay and/or reimburse the City for all costs necessary to conduct the Election, including the City's staff costs, as well as the cost of postage, printing, mailing, supplies, advertising, and translation (the "Fee"), as set forth in the proposed budget, attached hereto as Exhibit "B." The total Fee due to the City shall not exceed **\$30,000**, unless otherwise mutually agreed to and approved, in writing, by the Parties. For purposes of this Section 4, the City Manager shall be authorized to act on behalf of the City.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the parties have affixed their signatures, effective on the date first written above.

CITY OF MIAMI BEACH, FLORIDA

ATTEST:



By: TSI
Rafael E. Granado
City Clerk
Date JAN 22 2025

[Signature] FOR E.T.C.
Eric T. Carpenter
City Manager
Date 1/17/25

SOUTH BEACH BID PARTNERS, INC.

ATTEST:

By: [Signature]
Signature
Yeny G. Ortega
Print Name / Title
Date 1/16/25

[Signature]
Jonathan Plutzik
President
Date 1/16/25

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

[Signature] 1/13/24
for City Attorney NK Date

EXHIBIT A

SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT SPECIAL MAIL BALLOT ELECTION PROCEDURES

The following procedures shall govern the special mail ballot election, which shall be conducted by the Office of the City Clerk and Office of the City Attorney, to determine whether a majority (50% plus one) of the affected property owners approve the creation of the proposed South Beach Business Improvement District (the "District") (altogether, the "Election").

1. South Beach BID Partners, Inc. ("South Beach BID Partners"), shall provide the City Clerk with a Certified List, approved by the president of South Beach BID Partners and attested to by its secretary, of each benefited property address within the District, and each property owner's mailing address. In addition, South Beach BID Partners will provide the City with a mailing label and a return-mailing label for each address. The format of the mailing labels and return-mailing labels (the "Labels") shall be as determined by the City.
2. The City reserves the right to hire a consultant, at the sole cost and expense of South Beach BID Partners, to verify the accuracy of the names of the property owners and mailing addresses submitted by South Beach BID Partners pursuant to Section 1 above.
3. The Office of the City Attorney shall draft the ballot question.
4. Upon the approval of the ballot question by South Beach BID Partners, and the City's receipt of the Labels and Certified List, the Office of the City Clerk, in consultation with the Office of the City Attorney, shall prepare the Official Ballot. The City's seal will be embossed on each Official Ballot.
5. The City shall translate or arrange the translation of any documents necessary to effectuate the Election, including the Official Ballot.
6. The mail package for each Official Ballot shall be as follows:

Envelope 1: Envelope 1, the outer envelope, shall be affixed with a mailing label provided by South Beach BID Partners. This envelope shall contain (i) the Official Ballot, (ii) a form affidavit affirming the voter's authority to vote on behalf of the property owner (the "Affidavit"), (iii) an instruction sheet detailing when the Official Ballot must be returned and the date, time, and location of when the Official Ballots received will be opened, (iv) Envelope 2, and (v) Envelope 3.

Envelope 2: Envelope 2, which will be placed inside Envelope 1, shall be stamped and pre-addressed for mailing to the Office of the City Clerk. A return address label printed with the folio number, name of the property owner, and mailing address of the property owner shall be affixed to Envelope 2.

Envelope 3: Envelope 3 is the ballot secrecy envelope. To preserve the secrecy of the ballot, the property owner will be instructed to remove the Official Ballot from Envelope 1, and cast a vote by drawing a circle around the appropriate ballot response. After voting, the property owner will be instructed to place the completed Official Ballot inside Envelope 3, seal Envelope 3, and place Envelope 3 into Envelope 2. The property owner will be instructed to place the Affidavit inside Envelope 2 and not to place the Affidavit inside

Envelope 3, to preserve the secrecy of the ballot. The property owner shall return a sealed Envelope 2, containing the Affidavit and a sealed Envelope 3, to the City by (i) mailing the pre-addressed Envelope 2 to the Office of the City Clerk, or (ii) physically bringing Envelope 2 directly to the Office of the City Clerk.

7. The Office of the City Clerk shall mail all Official Ballots to the property owners on the same day, via First Class U.S. Mail, unless South Beach BID Partners notifies the City in writing that it desires that the Official Ballots be sent via FedEx or any other delivery service, at the expense of South Beach BID Partners; in such event, South Beach BID Partners shall provide the City with pre-addressed labels and any and all necessary packing and mailing materials for that particular delivery service. In the event that South Beach BID Partners elects to use a delivery service other than U.S. Mail, the procedure in Section 6 shall still apply, except that Envelope 1 shall be placed inside a postage prepaid envelope for that particular delivery service.
8. As voting envelopes are returned, the Office of the City Clerk shall track, on a daily basis, the number of ballots received, by property address, using the Certified List. The count will be posted on the City's website at the end of each day.
9. In the event that, following the tenth (10th) day after the start of the Election, a property owner has not yet received an Official Ballot, the property owner may submit a written request to the City Clerk for a Duplicate Ballot. Upon receipt of the property owner's request, the City Clerk shall promptly mail a Duplicate Ballot to the property owner. If South Beach BID Partners elects, pursuant to Section 7, to use a delivery service other than U.S. Mail, South Beach BID Partners shall provide the City with a pre-addressed label and any and all necessary packing and mailing materials for that particular delivery service. If a property owner does not receive the Duplicate Ballot, the property owner may, again, submit a written request to the City Clerk for a Duplicate Ballot; however, the property owner (or a representative of the property owner) shall be required to retrieve the Duplicate Ballot from the Office of the City Clerk in person.
10. If the Office of the City Clerk receives two or more envelopes referencing the same folio number, the ballots in those envelopes shall be voided, and that property owner will be considered to have not voted.
11. The Canvassing Board for this special mail ballot election shall consist of the following individuals:
 - a. Rafael E. Granado, City Clerk
 - b. Faroat Andasheva, Senior Assistant City Attorney
 - c. Rogelio A. Madan, Development & Resiliency Officer, Planning Department

In the event that one or more of the members are unavailable, a substitute member shall be appointed by the City Attorney.

12. A "yes" vote of the owners of a simple majority (50% plus one) of the affected properties is required to approve the creation of the proposed District.
13. A property owner who fails to return an Official Ballot to the Office of the City Clerk within the allotted timeframe will be considered to have voted "no" to the creation of the District.

14. The City Clerk shall keep South Beach BID Partners informed of all election-related activities, and South Beach BID Partners is responsible for disseminating all information to the owners of properties within the District.
15. The ballots will be opened at a publicly noticed meeting of the Canvassing Board, at a prescribed date, time, and location, as follows:
 - a. Envelope 2 will be opened and Envelope 3 and the Affidavit will be removed from Envelope 2.
 - b. Envelope 2 will be placed in a separate stack.
 - c. The Canvassing Board will review the Affidavit to ensure that it is complete and validly executed and notarized. If the Affidavit is not complete or validly executed or notarized, the Affidavit will be stapled to the corresponding Envelope 3 and rejected. If the Affidavit is complete and validly executed and notarized, the Affidavit and Envelope 3 will be placed in separate stacks.
 - d. If the Affidavit is deemed valid, the corresponding Envelope 3 will be opened and the Official Ballot will be removed and placed in a separate stack.
 - e. Those Official Ballots deemed valid pursuant to Section 15(d) herein will be counted. The Office of the City Clerk will prepare a tally of "yes" votes, "no" votes, unreturned ballots, and rejected ballots.
 - f. The Canvassing Board will review any ballot lacking a clear ballot response to determine, if possible, the voter's intent. The Canvassing Board may accept a ballot where the Board finds that the ballot substantially complies with the requirements of this Procedure, as long as the Affidavit is properly completed, the property is located within the District, and the voter's intent is clear.
16. Once the count has been finalized and the count is reconciled, the Office of the City Clerk will prepare an Official Election Certification.

Exhibit "B"
Proposed South Beach Business Improvement District
2025 Special Election
With First-Class Mail Cost Estimate

Miami Herald Ads	Page	No.	Cost	TOTAL
Notice of Special Election Ads & Canvassing Board	WEB PAGE	6	\$0	\$0.00
Resolution Calling for a Special Election <i>(cost already incurred)</i>	full	1	\$825	\$825.00
Sample Ballot - Must Publish in Newspaper	half	1	\$515	\$515.00
Notice of Public Hearing - Final Assessment Roll	full	2	\$825	\$1,650.00
El Nuevo Herald	Page	No.	Cost	TOTAL
Aviso de Elección Especial y Junta de Escrutinio	WEB PAGE	6	\$0	\$0.00
Muestra de Boleta - Must Publish in Newspaper	quarter	1	\$1,355	\$1,355.15
Translating to Spanish services <i>(If needed, only charged for actual cost)</i>				
Printing				
Replacement ballots, affidavits <i>(If needed, only charged for actual cost)</i>				
Ballots 5 x 7, in color		219	\$0.12	\$26.28
Ballot Instructions 5 x 7, in white		219	\$0.12	\$26.28
Affidavits		219	\$0.12	\$26.28
Final Assessment Mailer (3 pages)		219	\$0.07	\$45.99
Stamps				
Replacement ballot stamps <i>(If needed, we will charge the actual cost.)</i>				
Stamps - Envelope No. 1 First-Class - <i>See Note below</i>		219	\$2.04	\$446.76
Stamps - Envelope No. 2 First-Class - <i>See Note below</i>		219	\$1.77	\$387.63
Stamps (Final Assessment Roll) First-Class		219	\$1.77	\$387.63
Supplies				
White flat envelopes 7 x 10 (3 boxes)		3	\$18.99	\$56.97
Brown envelopes 9 x 12 (3 boxes)		3	\$20.49	\$61.47
Yellow envelopes 6 x 9 (3 boxes)		3	\$12.99	\$38.97
#10 envelopes regular City of Miami Beach		219	\$0.13	\$28.47
Labels - 5161 Avery (1 box)		1	\$26.31	\$26.31
Labels - 6878 Avery (3 boxes)		3	\$10.64	\$31.92
Paper for Ballots - Card Stock Box		1	\$10.30	\$10.30
Paper for Ballot Instructions, Affidavit, and Final Assessments (3 boxes) Card Stock		1	\$4.00	\$4.00
Labor				
30 hours @ \$46.93 per hour		30	\$46.93	\$1,407.90
Miscellaneous costs			\$500.00	\$500.00
GRAND TOTAL ESTIMATE COST				\$7,858.31

Note - Assumes no international addresses.

Economic Development

DATE:	January 17, 2025
TO:	Rickelle Williams, Assistant City Manager
FROM:	Heather Shaw, Econ. Dev. Assistant Director
SUBJECT:	South Beach BID – Election MOU

JK

Routing:

Rickelle Williams 1/17/25

x	Rickelle Williams	Office of the City Manager
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For:

	Information Only
x	Review and approval
x	City Manager's Signature <i>All FOL ETC</i>
x	City Clerk's Signature
	Other

Comments:

- On November 20, 2024, City Commission Resolution No. 2024-33361, enclosed, authorized the City Manager to execute a Memorandum of Understanding between the City and South Beach BID Partners, Inc. to conduct a special mail ballot election from March 1 – April 30, 2025, to determine whether a majority of affected property owners approve creation of the South Beach Business Improvement District.
- This MOU provides obligations and responsibilities for the Election process, which will be conducted by the Office of the City Clerk and the Office of the City Attorney.
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Return to:

Justin Karr x 22548

Date Needed: