

August 16, 2022

VIA E-MAIL ONLY

Mayor Vince C. Lago
Vice-Mayor Michael Mena
City Commissioner Rhonda Anderson
City Commissioner Jorge L. Fors, Jr.
City Commissioner Kirk R. Menedez
Coral Gables City Hall
405 Biltmore Way
Coral Gables, FL 33134

RE: City of Coral Gables Business Improvement District Re-Authorization Resolution 2022-95

Dear Mayor Lago and City Commissioners:

We serve as general counsel to the Coral Gables Business Improvement District (the "BID"). The BID's Board of Directors requested that we express their concerns about the City Commission's recent action to cancel the pending BID assessment referendum. Specifically, the action was taken without notice and without a reasonable opportunity for the public to be heard. Because the action was not noticed on the meeting agenda, BID members have not had the opportunity to express their views related to the vital importance of the BID, the assessment, and this election. Therefore, we would request that, in the best interest of the City, that the City Commission rescind the prior action to cancel the referendum, and allow the City and the BID to complete the referendum process.

Before taking any action at the upcoming August 24, 2022 meeting, we would also ask that the City Commission consider the following important factual and legal issues:

The Commission's Action was Taken without Proper Notice and should be Rescinded:

The City Commission's action on June 28, 2022 did not comply with Florida's legal requirements for municipal decision making. A review of the video recording of the meeting shows that the City Commission took action as a result of inaccurate assertions and information provided by one individual who owns a business condominium in Coral Gables. There was no prior notice nor meaningful opportunity for public comment, and the action was taken without any legal basis. BID supporters might have pointed out that the BID referendum was fair, legal, and consistent with all prior actions taken over the last 25 years in the City of Coral Gables and the prior approvals of this Commission.

Florida statutes Section 286.0114(2) requires that "Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission" prior to the City Commission

taking final action. Here, there was no opportunity for the public to voice any concern or comments prior to the City Commission's action because the public was not provided any prior notice. More specifically, the ninety-one (91) business and property owners who had already cast their votes in favor of the re-authorization, in addition to other property owners who had not yet cast their votes were not allowed to express their views to the City Comm. Therefore, the City Commission's June 28, 2022 action to cancel the referendum did not comply with Florida law, and should be rescinded.

The prospect that the BID, which has served as a national model of a well-run business district, could be dissolved by the actions of a single unit owner without the benefit of a full hearing is not consistent with how the City of Coral Gables operates. The facts are that an election was held, without objection, and according to the BID's by-laws and the methodology approved by the City on several occasions. The referendum passed by a significant majority. A single office condominium owner interposed a not terribly well researched or well supported objection at a City Commission meeting, leading the Commission to essentially disenfranchise the majority of business owners in the central business district with no notice and no legal authority.

We do not believe such action would survive judicial review; however, the BID believes that such judicial review should be unnecessary as the Commission should act on its own to correct this error and recognize the referendum ballots already received and direct City staff to continue with the referendum process. By recognizing the ballots and continuing with the referendum as originally authorized, the City Commission will not disenfranchise a majority of business owners in the BID, which was the goal of the original resolution adopted earlier this year.

The Election Results are Valid Because the Election was Specifically Authorized by the City Commission and Conducted According the Approved Process.

The City Commission's cancellation of the pending referendum conflicts with its own prior action. City Resolution 2022-95, which called for the re-authorization referendum, contemplates that the assessment would be made if adopted by the majority. It did not contemplate that the City Commission could or would take action to cancel the referendum once the referendum had commenced. As stated in Section 12 of Resolution 2022-95:

SECTION 12. That this Resolution shall become effective upon the date of its passage and adoption herein; provided however, that if the proposed assessment district does not receive the approval by a majority of the affected property owners through the electronic voting method to be duly conducted by the City Clerk, this Resolution shall be null and void.

By way of analogy, the City Commission could not cancel a referendum on a charter amendment or bond issue in midstream just because it may not like the political discourse that occurred during a campaign or debate. Similarly with respect to the BID referendum, the selected process should be allowed to conclude in a manner consistent with the prior referenda related to the BID, and as authorized by the City Commission's duly adopted Resolution.

In addition, there are no facts to support any assertion that the election was not being conducted properly. In fact, the election was being conducted in the same manner as the other BID referendum elections in 2007, 2012, and 2017. Therefore, the BID urges the City Commission to meet with its legal obligation, and acknowledge the votes for the BID that have been received (more than 50% in favor of re-authorization), and find that the BID is re-authorized for another five (5) years.

The Referendum should continue based upon Legally Established Methodology

By calling for a new referendum, the City Commission has unnecessarily confused the property owners that have already cast their ballot pursuant to Resolution 2022-95. The referendum which the City Commission authorized in 2022, took the same form and process that occurred during the prior referenda in 2007, 2012, and 2017. During those referenda, and during the 2022 referendum, all property owners within the boundaries of the BID had the ability to cast their vote. In fact, the methodology for the referendum election was extensively reviewed by the City and community stakeholders many years ago. As a result of the extensive review and analysis, the referendum methodology was implemented in 2007, and subsequently utilized in the 2012 and 2017 referendum elections. To simply disregard the extensive analysis that was used to establish the methodology based upon one business condominium unit owner's unsupported allegations is undemocratic and ignores the established history of the BID.

The previously adopted methodology should remain in place. The right to vote on the BID assessment is based on the relationship of property ownership to a parcel of land. The basis for the referendum methodology is based upon the existence of ground floor retail on each parcel of land within the BID. As such, pursuant to the established methodology, each parcel of land within the BID is entitled to one vote. This concept has been reflected in the prior referenda, where each condominium association has one vote. Similarly, the BID's bylaws reflect the concept that each condominium association is entitled to one vote. Any change to the BID's assessment methodology would be inconsistent with the BID's bylaws, which were presumably blessed by the City.

Separate from the assessment vote, the assessment itself is based upon square footage of the parcel reflected on the ground, and not a one-property-owner-one-assessment basis. For condominiums, the assessment is based on the square footage of the entire parcel, and then divided based upon the owner's interest in the condominium property. Thus, in order to conform to the BID's original concept, and the BID's current bylaws, the voting process and the assessment methodology should remain consistent with each other. Consequently, the City Commission should not alter the referendum process, and maintain the referendum process as one-parcel-one-vote.

The Assessment is not Taxation without Representation.

We would be remiss if we did not address the claim that the BID assessment is "taxation without representation." Representation is not a legal prerequisite for taxation. There are numerous examples of legal taxation without representation in the U.S., Florida and Coral Gables (i.e. minors paying federal taxes, prison inmates, tourists paying sales tax, gas taxes, cigarette taxes, highway tolls. There are hundreds of other examples, including, ironically, the many non-resident property owners within the

BID who pay property taxes to the City of Coral Gables but do not have a vote in regular City elections. Property owners and business owners do not all vote, but those property owners and business owners pay more taxes to the City than any other group, and their votes should not be ignored.

To baselessly claim that the BID assessment amounted to “taxation without representation” unnecessarily caused confusion at the City Commission resulting in the cancellation of the duly called referendum. All owners assessed under the BID have representation in the election. In this instance, and as previously explained, the methodology for the BID assessment is made on a per parcel basis. Each parcel is issued an assessment. The owners of portions of any parcel, such as a condominium owner is then assessed their portion of the total assessment for the parcel. The voting process follows the same methodology. The referendum ballots are provided to the owner of each parcel. Whether a condominium association, or a business owner. Each member of the condominium association has the ability to influence and work with its own association with respect to the vote submitted by the association. In that process, the condominium owner certainly has a voice regarding the assessment. Therefore, even if there were a legal right to representation, this process would have fully complied with such a right. The City Commission had the authority to adopt Resolution 2022-95, calling for a referendum, as it had on three prior occasions.

Referendum Option One is the only Practical Choice

If the City Commission does not recognize the valid ballots already cast pursuant to Resolution 2022-95, and calls for a new referendum, then the BID would request that the City Commission follow Option 1, as provided in the July 25, 2022 agenda package. Option one is the only practical choice as it follows the procedures previously established in prior referenda related to the BID. The property owners within the BID will still be able to voice their approval or disapproval for the re-authorization of the BID; however, the City will not have to spend the time and effort to re-compile the mailing list for the eligible voters. This will allow the referendum to move more quickly, and, if successful, ensure that the BID will be able to continue serving the businesses and residents of Coral Gables without interruption.

The BID is Necessary and Curtailing the Assessment is Detrimental to the City’s Best Interests

The BID is the driving force behind the City of Coral Gables re-invigorating a thriving retail district. The City’s thriving retail district is a part of the City’s DNA, and provides needed amenities to the businesses operating within the BID while helping to keep taxes low for residents. Not performing a timely assessment for the BID to ensure that the BID can continue to provide the services and programs for the businesses within the BID is not a viable option. If the BID assessment is terminated due to a failed referendum, then there will no longer be a BID to support many of the City’s public art improvements such as the Carlos Cruz Diaz Crosswalk. In addition, the loss of BID funding will impact the many popular events that take place annually which attract the many visitors to the City’s retail district. The BID sponsored events make Coral Gables a popular destination, and generate parking revenue, business revenue, and a positive buzz about the City. As a result of the loss of the BID assessment, the following events could be impacted:

- Murals on the Mile

- The Holiday Market
- The Giralda Plaza Christmas Tree Decoration and Lighting
- Miracle Mile Sidewalk String Lights
- The Annual Halloween on the Mile
- Encore! Concert Series
- Sip & Savor Culinary Program

If the BID is not reauthorized, the funding utilized for those events will no longer be available, and it will be up to the City to locate the funding if the City wishes for these events to continue.

The BID's total assessment amounts to slightly more than One-Million Dollars (\$1,000,000.00). The loss of those funds will force the City Commission to make budgetary decisions related to whether any of the BID sponsored events will continue. By way of example, the BID contributed over \$50,000 to the Halloween on the Mile event. The BID works with businesses who want to participate and supply them with candy, balloons, and children activities along Miracle Mile. In 2021 there were more than 10,000 traceable attendees, over 65 businesses participated, transient parking increased by more than 40% as compared to the 2019 event. The loss of the BID will result in the loss of any similar type of event in the future.

The BID funds social media platforms, newsletters, marketing and public relations in order to reach the same consumer audience that the BID has been able to reach over the years. The loss of the BID assessment will cause the City Commission to decide how those successful marketing and social media platforms will continue to be funded. Overall, the loss of the BID assessment will have a ripple effect, and negatively impact the re-invigorated retail district and potentially the City's tax base.

Finally, if the City Commission chooses Option 2, and provides that each condominium owner may cast a vote equal in value to each property owner, the City Commission risks the loss of the BID, and all it has accomplished over the nearly 25 years of its existence. The BID, as legally established, provides services to those individual business owners who own individual parcels within the BID. To grant each condominium unit owner a vote equal to the owner of a commercial parcel will place the BID at the mercy of individuals who have not, historically, been involved in the BID. Therefore, from a legal and policy perspective, there is no obligation to pursue Option 2 and provide each condominium unit owner with one vote.

Conclusion

Based on the foregoing, the BID requests that the City Commission recognize the referendum called for in Resolution 2022-95. If another referendum is authorized, then, at most, the City Commission should provide for the same referendum process with a clarified ballot and submittal procedures. Without the BID, the City of Coral Gables places its businesses, business owners, and patrons as well as its residents, at risk of losing what has been accomplished over the last 25 years. On behalf of the BID, we request that the Commission refrain from taking any additional hasty actions that could jeopardize the BID's future, and approve the authorized vote. The BID and the City can then work together over the next five years to put in place a better process, if needed.

Sincerely,

Joseph Hernandez

cc: Aura Reinhardt, Executive Director
Peter Iglesias, City Manager
Miriam Soler Ramos, City Attorney

From: Mari Gallet <galletmari@gmail.com>

Date: 8/24/22 12:23 AM (GMT-05:00)

To: Jillian Hornik <jill@jaesjewelers.com>

Subject: Support for BID of Coral Gables

I was saddened to hear that the city of Coral Gables commission is questioning the BID members' petition to reestablish itself. The BID's twenty-five year history of advocacy and marketing in service as an economic driver is a testament to its very success. To deny its own members the ability to continue would be to the detriment of the entire city, since the viability of the commercial district keeps taxes lower for all residents. I urge the Commission to allow the BID to continue its work for the betterment of Downtown Gables.

Mari Gallet

BID Executive Director 2004-2013

From: Marlin Ebbert marlinebbert@yahoo.com
Subject: G-6 on tomorrow's agenda
Date: Jul 24, 2022 at 11:52:38 PM
To: Rhonda Anderson randersonlaw@gmail.com,
Kirk Menendez
kmenendez@coralgables.com, Jorge Fors Jr.
jfors@coralgables.com, Michael Mena
mmena@coralgables.com, Julian Perez
jperez3@coralgables.com, Peter Iglesias
piglesias@coralgables.com, Miriam Ramos
mramos@coralgables.com

Good evening:

Sorry to be so late but I just want to write a few words in support of the Coral Gables BID.

As chair of the Coral Gables Art Cinema, I am well aware of the energy and enthusiastic support that the BID gives to the cultural entities in the downtown area. Through its additional advertising and unique programs like Sip&Savor, the downtown is alive and thriving!

Last Friday I attended the 8pm opening for "Hallelujah: Leonard Cohen, A Journey, A Song" at the Cinema and had dinner at Clutch Burger before - I have NEVER in 30+ years seen our downtown so crowded and busy - on a Friday evening in JULY!

Trust me - the BID is certainly doing something right!

Thank you -

Marlin Ebbert

305-665-5701 (H)

305-778-4928 (C)



Aura Reinhardt <areinhardt@shopcoralgables.com>

BID re-election question

1 message

Carol Damian <caroldamian9@gmail.com>

Sun, Jul 24, 2022 at 8:50 PM

To: "Lago, Vincente" <vlago@coralgables.com>, Kirk Menendez <kmenendez@coralgables.com>, "Mena, Michael" <mmena@coralgables.com>, "Anderson, Rhonda" <randerson@coralgables.com>, "Jorge L. Fors, Jr." <jfors@coralgables.com>, mramos@coralgables.com, burquia@coralgables.com

Cc: Aura Reinhardt <areinhardt@experiencecoralgables.com>, Vincent Damian <vdamian@skdrlaw.com>, Carol Damian <damianc@fiu.edu>

Mr. City Clerk, please include this correspondence as part of the record for the item G-6 on the 7/25 commission agenda.

To Coral Gables City Officials:

I am writing this letter in support of the BID of Coral Gables and its remarkable community outreach over the past few years. I have been involved with a number of BID projects and I am a long-time Coral Gables resident and participant in numerous cultural activities, including a member of the Board of the Coral Gables Museum; member of the Cultural Affairs Board; former Director and Chief Curator of the Frost Art Museum; key patron of the Lowe Art Museum, member of the Dade County Trust for Art in Public Places, and many other community projects. Under the directorship of Ms. Aura Reinhardt, and with the interest of Mayor Lago and his appreciation of the Arts, I am most grateful to see the ongoing efforts of the City and the BID to attract important art exhibits and cultural attractions to our Downtown. In 2020, I was part of an effort organized by the BID to curate a group of artists invited to create their own studio spaces in empty storefronts to activate Miracle Mile - ART ON THE MILE. People still ask me about it and we had a very long waiting list for future projects. It was very successful and greatly appreciated by local artists and the art interests of our City. Ms. Reinhardt and the BID are always looking for opportunities to enhance the cultural footprint of the Mile as a centerpiece of activity and recognize the importance of such efforts for everyone, especially for the image of the City Beautiful. I hope this letter of support serves as a reminder of the critical part the BID plays in our greater Gables community and encourages you to support the BID's renewal in the City. Thank you for your attention.

Sincerely,

Carol Damian

—
Carol Damian, Ph.D.
Art Historian
1010 Palermo Avenue
Coral Gables, FL 33134
305-607-5160 c

From: "mitchell@booksandbooks.com" <mitchell@booksandbooks.com>
Date: Monday, July 25, 2022 at 11:20 AM
Subject: **BID RE-ELECTION**

Dear Mayor, Commissioners, City Manager, City Attorney and City Clerk,

I've just learned that the Commission, meeting today, July 25, 2022, will propose a **new resolution providing an updated voting procedure to re-establishing the continuation of the BID.** I'm writing this email to address concerns I have.

I spent many years on the Board of Directors of the BID. I've been a retailer in Downtown Coral Gables since 1982 when I founded the first Books & Books on the corner Salzedo and Aragon. Today, I am a property owner and partner in the historic building that houses our anchor store. Working closely with the Business Improvement District since its inception, I can attest to the detailed work that went into developing the BID assessment process, and the petition process we have now.

This process, as I know you know, was proposed and approved by the City of Coral Gables and Miami-Dade County. Like many other property owners, my partners and I submitted our signed and notarized petition for BID renewal in 2022 and were pleased to hear that the majority of members had done the same.

I was, therefore, surprised when I learned that the Commission had overturned the finished election because of two dissenting voices. This raises some profound questions: what about the voices of the property owners who voted to re-establish the District? Why should their fair votes be thrown out? Why should all the organizing work of the BID to set up and to canvass votes for this year's election be thrown out?

The BID's importance is undeniable. I have witnessed how its efforts have helped develop Downtown Coral Gables into the vibrant, culturally diverse district that it's become. It's been a great partner to the city on city projects like *Murals on the Mile* and hosts many events and activities of all kinds, including public theater, the new *Encore!* Public music performance series, the downtown *Holiday Markets*, *Illuminate* and others. The BID also acts to encourage the businesses it works with to be in line with City ordinances and initiatives when it comes to concerns about the use, care and upkeep of the Downtown district. This is particularly helpful during the Holiday Season. The positive image it sends to the media, tourists and our residents I have witnessed first-hand, and its ability to amplify all the good work of the City and its business community is essential.

An alternative to the action today would be to certify the election that's already taken place and if changes are felt to be needed, they should be done in an orderly fashion, with feedback from the BID, property owners, residents and other stake holders. Any of the changes can then be implemented for the next reauthorization cycle.

Thanks for the opportunity to address you. I'm hoping that you'll take this into consideration today and give proper weight to the needs of local businesses and the ninety-one members who have already voted for the re-election. **If the Commission believes there is reason to re-evaluate the existing charter regarding the regular vote for re-establishment of the BID, any changes should be applied to the next vote in five years.**

Sincerely,

Mitchell Kaplan
Owner, Books & Books
265 Aragon Avenue
Coral Gables
305-609-7867



Aura Reinhardt <areinhardt@shopcoralgables.com>

Reconsider

1 message

Jillian Hornik <jill@jaesjewelers.com>

Tue, Jul 26, 2022 at 12:19 PM

To: "vлаго@coralgables.com" <vлаго@coralgables.com>, "mmena@coralgables.com" <mmena@coralgables.com>, "randerson@coralgables.com" <randerson@coralgables.com>, "jfors@coralgables.com" <jfors@coralgables.com>, "kmenendez@coralgables.com" <kmenendez@coralgables.com>, "cityattorney@coralgables.com" <cityattorney@coralgables.com>, "cityclerk@coralgables.com" <cityclerk@coralgables.com>

July 26, 2022

Dear Mayor Lago, Commissioners, City Manager, and City Attorney,

I am writing you today to ask for your assistance. At June's commission meeting, item G-9 was discussed regarding the re-election process of the BID. One outspoken and misinformed property owner publicly presented influential information that was incorrect. The BID was told not to bring an attorney to this meeting prior, and therefore was unable to provide a sufficient rebuttal to these claims. As a result, the commission made a judgement call to cancel the election.

This is despite following the same petition procedures that have been in place since 2012, developed over 5 years by an election consultant, as approved by the city and state attorneys, and under the direction of the city clerk. This is also despite already receiving the 91 notarized petitions needed from our property owners for the organization to proceed for another 5 years. Additionally, a city representative sits on our board, and was aware of the process before it begun. If there was any concern, it should have been addressed prior to the election beginning.

The voices of our voters have been heard, and need to be counted. Why are you listening to the complaints of 1, rather than the votes of the majority?

Due to this cancellation, the very existence of this valuable organization is in jeopardy. To further complicate this pressing issue, the agenda item on yesterday's commission meeting was delayed until the end of August. Due to BID's sunset provision, the timing of this particular election is of extreme importance. In order to prevent any disruptions to the day-to-day operations and planning of upcoming events, a supplemental election or complete re-vote would need to be completed by September 30th. This timeline would not be possible if a decision is left for the next commission meeting.

I urge you to please certify the results of this year's previous election. It was conducted properly. Any changes to the BID's election process should be thoroughly researched for future elections, which will take time...possibly years.

Your aid in overturning June's commission decision is greatly appreciated. The Coral Gables BID has proven to be an asset to not only the property owners and merchants, but to the community at large. Please allow this independent organization continue to conduct business as necessary, with your support.

Sincerely,

Jillian Hornik

Chair, Business Improvement District

Owner, Jae's Jewelers

JUDITH WEISSEL

August 22, 2022

City Commissioners
Coral Gables City Hall
405 Biltmore Way
Coral Gables, FL 33134

Dear Mayor Lago, Commissioners, City Manager, City Attorney, City Clerk,

My name is Judith Weissel. I reside at 626 Coral Way. I came before this commission body more than 20 years ago. The BID had just been established and we spoke about the partnership that we were going to have with the city, the Chamber and the property stakeholders.

Since then the BID has thrived, has been the "poster child" for other BIDS in the surrounding communities. We have always abided by the rules, our bylaws and the guidance of our professionals. We have always worked with the city clerk, the city attorney, and the economic development team in making decisions that would ensure the continuation of having a thriving downtown for its residents and others visiting the city beautiful.

Why is there a question now? Our method of voting has been established for many years with the approval of "our team" and also signed off by the city attorney at the time. I urge you to vote again and this time for the establishment of the BID in its current form.

Thank you,

Judith Weissel

626 Coral Way APT 502
Coral Gables, FL

My name is Judith S. Weissel - Lady
I reside at 626 CAROL WAY.

I came before this commission body
more than 20 years ago. The BID
had just been established and we
spoke about the partnership that we
were going to have with the city, the
Chamber and the property stakeholders.

Since then the BID has thrived,
has been the "Pastor Child" for other
BIDs in the surrounding communities.

We have always abided by the rules,
our bylaws and the guidelines set our
professionals. We have always worked with
the city clerk, the city attorneys, the
economic development team in making
decisions that would insure the continuation
of having a thriving downtown - for it's
residents and others visiting the city beautiful.

Why is there a question now - our model
of voting has been established for many years
with the approval of "our team" and also
signed off by the city attorneys at the time.

I urge you to vote again - and this
time for the establishment of the BID in
its current form. Thank you -

Judith Weissel

JUDITH WEISSEL

July 24, 2022


Mayor V Lago
City Commissioners
Coral Gables City Hall
405 Biltmore Way
Coral Gables, FL 33134

Dear Mayor Lago, Commissioners, City Manager, City Attorney, City Clerk

As you may know, I have had the privilege of being a property owner on Miracle Mile for many years. My family, who understood the importance of the success of the downtown area, developed among other things public parking, and were instrumental in turning the Miracle Theater into a regional live theater venue.

I continued the tradition of supporting the business district and in 1997 with two other women founded the Business Improvement District. Since its inception 25 years ago, the BID has been a partner of the City, and its integrity within the City has been 100%. Property owners and merchants who contribute to the existence of the organization, and who voted to re-establish for another 5 years deserve to be recognized and respected. I encourage you, the Commission, to authorize the continuation of the BID immediately. Make the right and only decision.

Thank you,


Judith Weissel

626 Coral Way APT 502
Coral Gables, FL

BID Election History Related to Tax Method and Voting Method

TAX METHODOLOGY

Property Value Assessment – When the BID was created in 1997, the tax formula was based on \$2.25 per \$1,000 of property value and remained this way until 2007. As property values increased, the BID tax increased proportionately (in some cases doubling year over year) to a point that it became a burden to many property owners. In fact, the tax increased so much the BID issued a rebate in 2005 and 2006 to offer some relief.

Leading up to **the 2007 Re-election, the BID created a Task Force comprised of BID** members who were charged with reviewing various tax methods and BID budget. [Refer to Task Force Folder for meeting Agendas, Minutes and Findings.]

The Task Force worked with the **assistance of the tax consultant Tom Dixon** (now Dixon Commercial Real Estate). They looked at linear feet, property size, modified property value, etc. The tax consultant prepared a file for the entire BID, including the proposed expanded area, [Refer to the Task Force Files called "Blocks North of Miracle Mile and Blocks South of Miracle Mile" for the property breakdown.]

Together they **determined that property lot size assessment** would generate the most benefit and savings to the majority of property owners. **Lot size does not fluctuate according to the market – it is fixed.** The only way to pay more tax is to buy more property. If the property value doubles from one year to the next (which happened to many properties...it no longer affected the BID tax). In addition, to keep up with rising prices, there would be an annual fixed increase of 4% per year. The findings were presented to the BID board in January 2007 [refer to Board Minutes].

The Task Force also studied the BID **expansion** which would add Giralda from Douglas to Le Jeune and changes within the newly proposed BID Boundary. This included properties that recently converted to condominiums.

BID Held a public meeting in May 2007 to answer any questions relating to the upcoming re-election. Refer to the presentation entitled "Property Owner Meeting May 16, 2007".

COMMERCIAL CONDOMINIUMS

As properties converted to **condominiums around 2006-2007** within the BID, the tax had to be addressed to ensure that it was divided fairly among the owners. The assessment for a condo is the same as it would be for a regular property with the same LOT Size. Furthermore, in any condominium, all unit owners are required to pay a portion of the common area maintenance (CAM) and the amount they pay is determined by the % ownership of the units. The BID Tax is treated in the same manor.

Each condo has its own set of **Condominium Documents** registered with Miami Dade Clerk of Courts, where their % ownership is established. Same information is registered with the Miami Dade Property Appraiser's office [Refer to 232 Andalusia Condo docs]. The tax consultant prepared a file for the entire BID, including the proposed expanded area, [Refer to the Task Force Files called "Blocks North of Miracle Mile and Blocks South of Miracle Mile" for the property breakdown.]

In this example (Jose Bolado's property) of a standard lot size of 30x100 =3,000 SF. The tax rate would be 3,000sf × \$0.644 = \$1,932. If another property of the same lot size happens to be a condo building with 5 unit owners each having equal % ownership, this is how the tax is broken down. The number of owners or floors is not a factor because the tax is based on the lot size.

| 1 Owner | 5 owners |
|---------|---------------|
| Pays | 20%(\$386.40) |
| 100% | 20%(\$386.40) |
| \$1,932 | 20%(\$386.40) |
| | 20%(\$386.40) |
| | 20%(\$386.40) |

Finalizing the new Tax Rate

The new tax method was changed and approved during the 2007 election process, which is the only time the BID can change the boundary, tax method, etc. BID property owners at the time voted for the continued existence of the BID under the new tax method.

- The BID worked with the City Clerk and the MD County Division of Elections during this election cycle. City should have copies of everything.
- The BID worked with the City Attorney at the time (Liz Hernandez and Asst. City Attorney Lourdes Alfonsin). City sent a letter to the State of Florida Attorney General inquiring about the tax assessment changes from property value to square footage. The City received a legal opinion from the Attorney General Charlie Christ answering questions regarding the expansion, change of formula, and voting method. They should have the original letter.
- Additional supporting documents include: BID Board Minutes from August 2006 and October 2006 – The executive director at the time presented the BID board the legal opinion of the State Attorney General.

VOTING METHOD

The BID election process originally mail ballots which included a Yes/No vote for 1997, 2002 and 2007. This process required working with both the City of Coral Gables and Miami Dade County on a 2-step mail ballot election. Step one was the owner verification, step 2 was the ballot.

In 2007 Board Approved (Jan.17 '07) Task Force Recommendations (Expand to Giralda, Establish equitable method for assessment formula, establish fixed cost per property on a fine year basis.

In 2012 VOTING METHOD CHANGED:

We changed to a mail ballot petition process starting in 2012 after Wynwood and MIMO, used that method for creating their BIDs. The petition combined the owner verification and vote into one petition form.

***Regardless of the method used, the FL statute Chapter 170 requires we get 50%+1 (majority) of affected owners in order to pass the election. The statute is silent to how you get the majority.*

The petition method was used by MIMO in the 2000's and by the original Lincoln Road BID in the 1990's.

During the entire process to switch from ballot to petition, the BID worked with the City Clerk, Walter Foeman and the City Attorney, Craig Leen. Various meetings took place in 2011 and 2012 leading up to the re-election of 2012. ALL Petition Documents were reviewed by both city departments in 2012. [Refer to Email on 5-29-12 to Walter and Craig and Scanned Revisions to BID Petition from Walter Foeman and Craig Leen 5-31-2012] The exact same documents were used in 2017 and now again in 2022. NO changes have been made to the petition documents.

Owners who approve of the continued existence of the BID must send in the notarized petition.

Owners who do NOT approve of the BID, need not sign and send the form.

Language: Provide for Electronic Voting

Language was added to Resolution in 2017 – However, the BID agreed not to adopt the electronic voting as it required a 2 step process, and it was more cumbersome to property owners. As The Petition method still required verification and notarization it was agreed that 2017 was using same method as 2012. [Refer Minutes July 12 2017 Re-Election Committee)

2022 had a conversation with City Clerk's office to get confirmation that keeping the 2017 wording did not eliminate the opportunity to maintain the 2012 process.