

RESOLUTION NO. 2009-81-1026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD ON JUNE 25, 2009, PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF TWO PROPOSED CHARTER AMENDMENTS; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR MAIL BALLOT ELECTION; PROVIDING FOR NOTICE; PROVIDING FOR RELATED MATTERS; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens (the "City") was incorporated in 2003, and

WHEREAS, as a prerequisite to incorporation, Miami-Dade County ("County") required the City to contract with the County for specialized police services, and

WHEREAS, the County is agreeable to removing the requirement that the City contract with the County for specialized police services from the City's Charter and amending the Favored Nations Status provision in the Charter,

WHEREAS, pursuant to Sections 6.1 and 6.2 of the City Charter and Section 6.03 of the Home Rule Charter of Miami-Dade, as applicable, the City Council is required to submit the Charter Amendments to the electors of the City for approval or rejection,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. PROPOSED CHARTER AMENDMENT: The City Council of the City of Miami Gardens in accordance with Section 6.1 of the City Charter and Section 6.03 of the Home Rule Charter of Miami-Dade County, hereby proposes the following amendment to Section 9.3 of the Charter - "Specialized Law Enforcement Services:"

~~Section 9.3 Specialized Law Enforcement Services.~~

~~The City shall pay from its municipal funds, for specialized law enforcement services to be exclusively provided by the Miami-Dade Police Department in perpetuity. Payment amounts and other pertinent terms relating to the provision of specialized police services shall be set forth in a contract between the City and Miami-Dade County. These specialized police services include, but are not limited to, tactical services, such as special response team, canine, helicopter, bomb squad investigations and central investigations, such as narcotics, criminal intelligence, economic crimes, homicide, robbery, sexual crimes, domestic violence, crime scene investigations and property and evidence. Specialized law enforcement services do not include police activities of a countywide nature such as warrants, crime lab, public corruption unit, communications, jail, court services, and all Sheriff's services as defined by state law. For as long as Miami Dade County continues to fund specialized police services from the countywide budget, the City shall receive a credit equivalent to the payment made through the countywide millage for specialized police services.~~

Section.3. PROPOSED CHARTER AMENDMENT: The City Council of the City of Miami Gardens in accordance with Section 6.1 of the City Charter and Section 6.03 of the Home Rule Charter of Miami-Dade County, hereby proposes the following amendment to Section 9.8 of the Charter - "Favored Nation Status:"

Section 9.8 Favored Nation Status

(A) *County Services.* If a subsequent incorporation is approved without the newly incorporated area being required to remain in the Miami-

Dade Fire Rescue District, Miami-Dade Library System, Miami-Dade Solid Waste collection service area, or without contracting with the Miami-Dade Police Department for local patrol and specialized police services, the City will be entitled to modify its relationship with the County consistent with the manner that each of the aforementioned services is provided to the new municipality.

The provisions of this section, apply only to the service or services modified, and in no way alter the agreement regarding the remaining services.

Section 4. CALL OF ELECTION.

A. A special election is hereby called, to be held on June 25, 2009, to present to the qualified electors of the City of Miami Gardens, the ballot question provided in Section 4 of this Resolution.

B. The City Council may by Resolution alter the date of the special election in the event that the Council finds that unforeseen circumstances require it to do so.

Section 5. FORM OF BALLOT

A. That the form of ballot for the Charter Amendments provided herein shall be substantially as follows:

Eliminating Requirement that the City Contract and Pay Separately for Specialized Police Services

The City Charter currently provides that the City is required to contract with and pay for specialized police services from Miami-Dade County. It is proposed that the Charter be amended to eliminate this requirement and to eliminate the "favored nation" status for specialized police services.

Shall the above-described Charter Amendment be adopted?

Yes

No

B. That the City Council may revise the ballot form which is set forth above by Resolution.

Section 6. **BALLOTING:** Mail ballots, as prescribed by Section 101.6101-101.6107, Florida Statutes, shall be used in this special election. All qualified City electors who are timely registered in accordance with law shall be entitled to vote. The City Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County Supervisor of Elections. The County registration books shall remain open at the Office of the County Supervisor of Elections through June 25, 2009, at which date the registration books shall close in accordance with the provisions of the general election laws. The City Clerk and the Miami-Dade County Supervisor of Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the electoral provisions of this Resolution. This special election shall be canvassed pursuant to City Charter Section 5.4. The City Clerk is hereby authorized to take any action which is necessary or expedient to implement this section or to comply with any applicable law.

Section 7. **NOTICE OF ELECTION:** Notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the City at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing May 14, 2009,

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and the second publication to be in the third week prior to the election (to-wit: during the week commencing May 28, 2009), and shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. _____ ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA (THE "CITY") A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON THE 25th DAY OF JUNE 2009, BY MAIL BALLOT, AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY FOR APPROVAL OR REJECTION.

Section 8. COPIES: Copies of this Resolution proposing the Charter Amendments are on file at the offices of the City Clerk located at City of Miami Gardens 1515 N.W. 167th Street, Building 5, Suite 200, Miami Gardens, FL 33169, and are available for public inspection during regular business hours.

Section 9 EFFECTIVENESS:

A. That each of the Charter amendments which are provided for in Sections 2 and 3 above shall become effective only if the majority of the qualified electors voting on the specific Charter amendment vote for its adoption, and it shall be considered adopted and effective upon certification of election results.

B. That the City Attorney is authorized to revise the ballot title and question to the extent necessary to assure that any amendments adopted conform to one another and are properly included in the publication of the revised City Charter. Further, that in

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the event that some, but not all, of the Charter amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the City Attorney is authorized to reflect and implement such revisions of the Charter, including the revision of transitional provisions, to the extent necessary to assure that all amendments adopted conform to one another and to all remaining Charter provisions. If conflicting Charter amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

C. That following the adoption of the Charter amendments, the City Clerk shall file the adopted Charter amendments with the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 10. INCLUSION IN CHARTER. It is the intention of the City Council and it is hereby provided that the Charter amendments shall become and be made a part of the Charter of the City of Miami Gardens, and that the Sections of this Resolution may be renumbered or re-lettered to accomplish such intention.

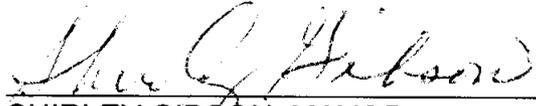
Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON APRIL 8, 2009.

ATTEST:



RONETTA TAYLOR, MMC, CITY CLERK



SHIRLEY GIBSON, MAYOR

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PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Councilman Bratton
SECONDED BY: Councilwoman Pritchett

VOTE: 7-0

Mayor Shirley Gibson	<u> x </u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u> x </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> x </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	<u> </u> (No)
Councilman André Williams	<u> x </u> (Yes)	<u> </u> (No)



1515 NW 167 Street, Building 5 Suite 200
Miami Gardens, Florida 33169

City of Miami Gardens Agenda Cover Memo

Council Meeting Date: <i>(Enter Date)</i>			Item Type: <i>(Enter X in box)</i>	Resolution x	Ordinance	Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
	x			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
Funding Source:			Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
						x	
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	n/a			
		x					
Sponsor Name	Danny O. Crew City Manager		Department:	n/a			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE HELD ON JUNE 25, 2009, PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF TWO PROPOSED CHARTER AMENDMENTS; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR MAIL BALLOT ELECTION; PROVIDING FOR NOTICE; PROVIDING FOR RELATED MATTERS; PROVIDING FOR EFFECTIVE DATE.

Staff Summary:

In order to formally resolve the City's assumption of police specialized, the County is requesting a Charter referendum be held on the issue. They have tentatively set June 25th as the mail-out election date. This resolution adopts that date and authorizes the vote. All costs for the referendum will be borne by the County.

Recommendation:

Recommend that City Council approve the resolution authorizing the referendum.

Attachment:

**ITEM J-7) CONSENT AGENDA
RESOLUTION
Calling a Special Election to be held
on June 25, 2009**