Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 10(A)(8)
3-11-03

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-243-03

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, MAY 13, 2003, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE PROPOSED CITY OF MIAMI GARDENS THE QUESTION OF WHETHER THE CHARTER PROPOSED BY THE NORTH DADE CHARTER COMMISSION SHOULD BE ADOPTED AS THE MUNICIPAL CHARTER FOR THE CITY OF MIAMI GARDENS

WHEREAS, on February 20, 2003, this Board adopted Resolution No. R-121-03 which created and established the North Dade Charter Commission with the responsibility of drafting a proposed municipal charter to be submitted to the electors residing within the boundaries of the proposed City of Miami Gardens; and

WHEREAS, the North Dade Charter Commission has presented to this Board, a proposed municipal charter for the City of Miami Gardens, a copy of which is attached to this resolution and incorporated herein by reference; and

WHEREAS, this Board wishes to submit the proposed charter to the electors of the proposed City of Miami Gardens pursuant to the provisions of Sections 5.03 and 5.05 of the Dade County Home Rule Charter and Resolution No. R-121-03,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitations are hereby incorporated herein as a portion of this resolution.

Section 2. A special election is hereby called and shall be held in Miami-Dade County, Florida, on Tuesday, May 13, 2003, for the purpose of submitting to the qualified

electors residing within the boundaries of the proposed City of Miami Gardens, the question of whether the charter proposed by the North Dade Charter Commission should be adopted as the municipal charter for the City of Miami Gardens.

Section 3. Notice of such special election shall be published in accordance with Section 100.342, Florida Statutes (2002).

Section 4. The result of such election shall be determined by a majority of the qualified electors of the proposed City of Miami Gardens voting upon the question. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors residing within the boundaries of the proposed City of Miami Gardens, Florida, shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such special election, at which time the registration books will close in accordance with the provisions of the general election laws. Touch Screen Voting machines shall be used in such special election, and the question shall appear on the ballot in substantially the following form:

CITY OF MIAMI GARDENS

SHALL THE CHARTER PROPOSED BY THE NORTH DADE CHARTER COMMISSION BE ADOPTED AS THE MUNICIPAL CHARTER FOR THE CITY OF MIAMI GARDENS?

YES ☐

NO ☐

Section 5. Optical scan or touch screen systems may be used for absentee voting by qualified electors residing within the boundaries of the proposed City of Miami Gardens for voting on this question at said election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general election laws, and shall have printed thereon the question or proposal hereinabove set forth, with proper place for voting either "YES" or "NO". Absentee paper ballots may be used by qualified electors residing within the boundaries of the proposed City of Miami Gardens for voting on this question at said special election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general election laws, and shall have printed thereon the question or proposal hereinabove set forth, with proper place for voting either "YES" or "NO" following the statement of the question or proposal aforesaid.

Section 6. A sample ballot showing the manner in which the question or proposal aforesaid will appear on the touch screen system at this election shall be published and provided in accordance with the applicable provisions of the general election laws.

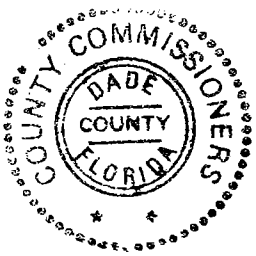
Section 7. This special election on the question aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to special elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This special election shall be a nonpartisan election. Election Inspection Boards, inspectors and clerks to serve as election officials in connection with this special election shall be appointed in accordance with the provisions of the general election laws.

Section 8. This special election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was sponsored by Commissioner Betty T. Ferguson and offered by Commissioner **Betty T. Ferguson**, who moved its adoption. The motion was seconded by Commissioner **Dr. Barbara Carey-Shuler** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro	**aye**	Dr. Barbara Carey-Shuler	**aye**
Jose "Pepe" Diaz	**aye**	Betty T. Ferguson	**aye**
Sally A. Heyman	**absent**	Joe A. Martinez	**aye**
Jimmy L. Morales	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
	Sen. Javier D. Souto **aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 11th day of March, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Cynthia Johnson-Stacks

MEMORANDUM

Substitute
Agenda Item No. 10(A)(8)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: March 11, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution calling special election on May 13, 2003 regarding the proposed City of Miami Gardens

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Betty T. Ferguson.

This substitute as recommended by the Budget and Finance Committee of the Board of County Commissioners is different from the original in that it:

1. Sets forth the specific schedule for election of officers.
2. Modifies the language relating to the stadium properties within the boundaries of the city to reflect the language agreed upon by the North Dade Charter Commission and the owners of the stadium and attaches the maps which depict these properties.

Robert A. Ginsburg
County Attorney

MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: March 11, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Substitute Agenda Item No. 10(A)(8)

Please note any items checked.

_____ **"4-Day Rule" (Applicable if raised)**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of private business sector impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **"Sunset" provision required**

_____ **Legislative findings necessary**

2

RESOLUTION

RESOLUTION OF THE NORTH DADE CHARTER COMMISSION APPROVING AND SUBMITTING TO THE BOARD OF COUNTY COMMISSIONERS A CHARTER FOR THE PROPOSED CITY OF MIAMI GARDENS

WHEREAS, the Charter Commission was formed pursuant to Section 5.05 of the Miami-Dade County Home Rule Charter and Resolution No. R-121-03; the Charter Commission has met in duly advertised public meetings, has heard from the public, and fully deliberated all relevant issues;

WHEREAS, the Charter Commission voted on February 26, 2003 to approve the proposed charter as attached hereto and submit it to the Board of County Commissioners;

WHEREAS, the Charter Commission is requesting that a special election be set for a vote on the proposed charter in the manner required by Section 5.03 of the Miami-Dade County Home Rule Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION:

Section 1. The matters set forth above are hereby incorporated by reference in this Resolution.

Section 2. The attached Charter is approved by the Charter Commission and is hereby submitted to the Board of County Commissioners for submission to the electors in the manner required by the Miami-Dade County Home Rule Charter.

The foregoing resolution was moved by Thomas McGuire and seconded by Euthera Neal. Upon being put to a vote, the resolution was unanimously approved by the Charter Commission.

The Chairperson thereupon declared the resolution duly passed and adopted. This resolution becomes effective this day of February 26, 2003.

NORTH DADE CHARTER
COMMISSION

BY: _____
Alphonso Brewster, Chair

By: _____
Patricia Braynon, Vice-Chair

Approved for legal form and sufficiency:

_____
BY: Reginald Clyne, Esq.
For: Clyne & Self, P.A. and
Cynthia A. Everett, P.A.