

RESOLUTION NO. 2008-3423

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS CALLING FOR THE HOLDING OF A SPECIAL ELECTION FOR THE CITY ON TUESDAY, APRIL 7, 2009; DELINEATING CHARTER QUESTION FOR THE BALLOT OF THE MIAMI SPRINGS GENERAL MUNICIPAL ELECTION; PROVIDING AUTHORIZATION AND DIRECTIONS TO THE CITY CLERK; EFFECTIVE DATE.

WHEREAS, in accordance with the provisions contained in the Miami-Dade County Charter and related Code of Ordinance sections, electors of the City may propose amendments to the City Charter by securing the required number of elector signatures on Petitions to be submitted to the City Council; and,

WHEREAS, on November 6, 2008, the City Clerk was presented with 154 Charter Amendment Petitions containing 1,359 signatures; and,

WHEREAS, upon submission of the Petitions and signatures to the Miami-Dade County Elections Department for verification, it was determined and certified that the Petitions contained 1,126 valid signatures of City of Miami Springs electors; and,

WHEREAS, on December 5, 2008, the Department of Elections officially certified the Petition signature verification results which were provided to the City Council on December 8, 2008; and,

WHEREAS, at its regular City Council meeting of December 8, 2008, the City Council reviewed and considered the Charter Amendment Petition documentation and was advised by the City Clerk that a Special City Election on the proposed Charter Amendment could be scheduled by the Miami-Dade County Elections Department for the electors of the City to consider the adoption of the proposed Charter Amendment as part of the April 7, 2009 Miami Springs General Municipal Election; and,

WHEREAS, the City Clerk, as provided in City Charter Sections 3.03 and 8.02, is the Supervisor of Elections for the City and is charged with the responsibilities of preparing the ballot and conducting all City elections; and,

WHEREAS, all City elections are conducted in accordance with City Ordinance Section 11.01 which provides:

' 11.01 STATE ELECTION CODE ADOPTED FOR MUNICIPAL ELECTIONS.

All General and Special Elections held in the City shall be held and conducted in accordance with the provisions of state law as nearly as practicable where state law is applicable to municipalities by reasonable construction, except as provided by the City Charter, this Chapter, or other Ordinance of the City. The City Council shall perform all acts in relation to such General and Special Election which by the state law is made the duty of the County Commission; and,

WHEREAS, the City Clerk has been advised by the Miami-Dade County Elections Department that the City may place the proposed Charter Amendment question on the ballot of the Miami Springs General Municipal Election to be conducted on Tuesday, April 7, 2009, so long as all information and documentation is submitted to the Elections Department prior to February 6, 2009; and,

WHEREAS, the City Council of the City of Miami Springs has determined that it is both proper and appropriate to conduct a Special City Election for the proposed Charter Amendment contained herein to be placed upon the ballot of the Miami Springs General Municipal Election to be conducted on April 7, 2009 for consideration by the electors of the City:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:

Section 1: That a Special City Election shall be conducted for the proposed Charter Amendment submitted to the City by citizen Petitions on November 6, 2008, which shall be placed on the Miami Springs General Municipal Election April 7, 2009 ballot for consideration by the electors of the City.

Section 2: That the purpose of the Special City Election is for the placement of the proposed Charter Amendment on the Miami Springs General Municipal Election ballot of April 7, 2009 and to allow the electors of the City of Miami Springs to determine if the City Charter should be amended.

Section 3: That the Miami-Dade County Elections Department is hereby requested to schedule a Miami Springs Special Election and to include the following question on the ballot for the Miami Springs General Municipal Election to be conducted on Tuesday, April 7, 2009:

PROPOSED AMENDMENT TO MIAMI SPRINGS CHARTER

Annexation Amendment:

Shall the Charter of the City of Miami Springs be amended to read as follows:

“The City of Miami Springs shall not Annex any lands outside of the existing boundaries of The City of Miami Springs, without first being approved and authorized by a majority of qualified city electors voting in a election to consider any such action”

YES []

NO []

Section 4: That the City Clerk, as the Supervisor of Elections for the City, is hereby authorized and directed to forward this Resolution to the Miami-Dade County Elections Department to insure that the Charter Amendment question is properly placed on the Miami Springs General Municipal Election Ballot of April 7, 2009, to conduct the Election in accordance with all the requirements of law, and to cooperate with and assist the Miami-Dade County Elections Department in the conduct of this Election.

Section 5: That the provisions of this Resolution shall become effective on the 10th day of December, 2008.

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 8th day of December, 2008.

The motion to adopt the foregoing resolution was offered by Councilman Best, seconded by Councilman Garcia, and on roll call the following vote ensued:

Vice Mayor Youngs	“aye”
Councilman Best	“aye”
Councilman Dotson	“aye”
Councilman Garcia	“aye”
Mayor Bain	“aye”

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO LEGALITY AND FORM:

Jan K. Seiden, City Attorney