

**RESOLUTION NO. 2009-3427**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS CALLING FOR THE HOLDING OF A SPECIAL ELECTION FOR THE CITY ON APRIL 7, 2009; SPECIFYING THE PURPOSE OF THE SPECIAL ELECTION; SETTING FORTH THE BALLOT QUESTION FOR THE SPECIAL ELECTION; DELINEATING AUTHORIZATION AND DIRECTION TO THE CITY CLERK; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Springs has been involved in the proposed annexation of property located within the Miami-Dade County unincorporated areas west of the City for many years; and,

**WHEREAS**, the seated City Councils governing the City during the aforesaid periods have all supported and encouraged the annexation efforts of the City; and,

**WHEREAS**, during open public meeting discussions of annexation with citizens, there have been various inquiries and discussions regarding the submission of the question of annexation to a vote of the people; and,

**WHEREAS**, on the election ballot for the City General Municipal Election of April 7, 2009, is a proposed Charter Amendment that would require that any proposed annexation by the City be approved by a vote of the citizens; and,

**WHEREAS**, there remain questions as to whether an affirmative vote on the aforesaid Charter Amendment would require a citizen vote on the long-standing and currently pending proposed annexation efforts of the City; and,

**WHEREAS,** the current status of the City=s annexation efforts are as close as ever to submission to Miami-Dade County for official consideration and approval; and,

**WHEREAS,** the City Council is desirous of providing its citizens an opportunity to vote on the pending proposed annexation in accordance with the prior City Council discussions regarding voter approval, to eliminate any questions as to the impact of a potential affirmative result on the proposed Charter Amendment requiring citizen approval for annexation, and to satisfy any questions by Miami-Dade County or any of the other governmental entity participating in the current annexation process with the City, as to the City=s position on the pending proposed annexation; and,

**WHEREAS,** a City General Municipal Election is currently scheduled for April 7, 2009, and the City has been advised that it may submit an additional question to be included on the election ballot by February 6, 2009; 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 Council of the City of Miami Springs has requested that the City Clerk take any and all necessary actions and steps to schedule a Special Election for the question contained in this Resolution to be included on the official ballot of the City General Municipal Election scheduled for April 7, 2009:

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

**Section 1:** That a Special Election shall be called and held in the City of Miami Springs on Tuesday, April 7, 2009 for consideration of the additional ballot question set forth herein.

**Section 2:** That the purpose of the Special Election is to permit the citizens of the City of Miami Springs an opportunity to vote for or against the City=s proposed current annexation of certain unincorporated areas of Miami-Dade County located west of the City.

**Section 3:** That the Miami-Dade County Elections Department is hereby requested to include the following question on the ballot for the City General Municipal Election to be conducted on April 7, 2009:

**ANNEXATION BALLOT QUESTION**

Shall the City of Miami Springs annex the property contained within the area from north of the center line of NW 36<sup>th</sup> Street on the south, to south of the center line of NW 74<sup>th</sup> Street on the north, except for certain small “out parcel” areas, to the westernmost pavement of Ludlam Drive on the east, to the pavement of the service road parallel to the Palmetto Expressway on the west?

**YES** [    ]

**NO** [    ]

**Section 4:** That the City Clerk, as 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 Special Election Ballot is properly prepared, to conduct the Special Election in accordance with the requirements of law, and to cooperate with and assist the Miami-Dade County Elections Department in the conduct of this Special Election.

**Section 5:** That the City Clerk shall prepare all required notices, publications and documentation in order to conduct the City Special Election and to carry out and comply with the intent of this Resolution.

**Section 6:** That the provisions of this Resolution shall be effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida, this 26<sup>th</sup> day of January, 2009.

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

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

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Billy Bain  
Mayor

**ATTEST:**

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Magalí Valls, CMC  
City Clerk

**APPROVED AS TO LEGALITY AND FORM:**



Jan K. Seiden, City Attorney