



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Billy Bain

**Vice Mayor Mara Zapata, Ph.D.
Councilwoman Maria Puente Mitchell**

**Councilman Bob Best
Councilman Jaime Petralanda**

Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium."

CITY COUNCIL SPECIAL COUNCIL MEETING AGENDA

Thursday, May 28, 2020 – 6:00 p.m.

Virtual Council Meeting see p.2-3

- 1. Call to Order/Roll Call**
- 2. RESOLUTION - A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, CALLING A SPECIAL ELECTION ON TUESDAY, AUGUST 18, 2020; ESTABLISHING A QUALIFYING PERIOD; PROVIDING FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE**
- 3. Adjourn**



CITY OF MIAMI SPRINGS VIRTUAL PUBLIC MEETING NOTICE

The City of Miami Springs will hold a virtual special call meeting on:
Thursday, May 28, 2020 at 6:00 p.m.

The topic of discussion will be:
CALLING A SPECIAL ELECTION

The meeting agenda is available online at:
<https://www.miamisprings-fl.gov/meetings>

Elected officials and City staff will participate through video conference.

Members of the public may watch or call in to the virtual public meeting live by following these instructions:

WATCH THE VIRTUAL PUBLIC MEETING

- **Comcast/Xfinity:** Channel 77 (Meeting will not be live broadcast)
- **YouTube: LIVE**
<https://www.youtube.com/channel/UC2at9KNnqUxZRSw1UkhdHLQ/featured>
- **From your computer/mobile device: LIVE** <https://www.miamisprings-fl.gov/meetings>

CALL IN TO THE VIRTUAL PUBLIC MEETING

Dial 305-805-5151 then input the Meeting ID: 847-8430-0889, followed by #.
There is no participant ID. Press # again.

Any person requiring special accommodations to access this proceeding is asked to advise the City
at least 2 days before the proceeding by contacting the City Clerk at cityclerk@miamisprings-fl.gov

PUBLIC COMMENTS WILL BE ACCEPTED BY THE FOLLOWING MEANS:

EMAILED COMMENTS: Members of the public may email their public comments to the City in advance of the meeting. Please email the City at cityclerk@miamisprings-fl.gov by 12:00 p.m. on the day of the meeting with the subject line "PUBLIC COMMENT" and the following information in the body of the email: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization. Please limit your comments to no more than 350 words. Public comments received via email may be read into the record during the public comment portion of the agenda, if any.

LIVE REMOTE & TELEPHONE COMMENTS: *If there is a public comment portion of the agenda or the City Council opens a matter for public comment, live remote public comments will be accepted as follows:*

By telephone: To ask to speak during the meeting, please press *9 from your telephone. You will be called on to speak during public comments and identified by the last 4-digits of your telephone number.

During the virtual meeting, when your name or last 4-digits of your telephone number is called, you will be unmuted and you may deliver your comments.

Please be sure to be in a quiet area to avoid unnecessary noise. Please provide the following information before delivering your comments: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization.

A time limit may be imposed for each speaker during public comment.

Your cooperation is appreciated in observing the time limit.

Decorum: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments when addressing the Council during public comments.

PUBLIC RECORDS

The meeting will be recorded for later viewing and is a public record. The virtual chat, if any, will be saved and is a public record. Minutes of the meeting will be taken and will be made available.

NOTICE PURSUANT TO §286.0105, FLORIDA STATUTES

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AMERICANS WITH DISABILITIES ACT

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the City at least 2 days before the proceeding by contacting the City Clerk's Office at 305-805-5006.

LOBBYING ACTIVITIES

In accordance with Section 33-01 of the City Code, adopting Section 2-11.1(s) of the Miami-Dade County Code, any person engaging in lobbying activities, as defined therein, must register at the City Clerk's Office before addressing the City Council on the agenda items or engaging in lobbying activities. Specifically, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk and online at: <https://www.miamisprings-fl.gov/cityclerk/lobbyist-registration-form-0>.

Have questions or need additional information?

Write: cityclerk@miamisprings-fl.gov

Call: 305-805-5006

Mail: 201 Westward Drive, Miami Springs, FL 33166

RESOLUTION NO. 2020-3860

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, CALLING A SPECIAL ELECTION ON TUESDAY, AUGUST 18, 2020; ESTABLISHING A QUALIFYING PERIOD; PROVIDING FOR THE CONDUCT OF THE ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a vacancy has been created on the City of Miami Springs (the “City”) Council due to the resignation of Vice Mayor Mara Zapata (Group III) effective Friday, May 29, 2020; and

WHEREAS, Section 3.07 of the City Charter provides the method of filling a vacancy; and

WHEREAS, as of Friday, May 29, 2020, there will be more than 120 days remaining in Vice Mayor Zapata’s unexpired term of office and no regular City election is scheduled within 120 days; and

WHEREAS, accordingly, pursuant to Section 3.07(3)(b) of the City Charter, a Special Election is required to elect a successor Councilmember to serve the remaining term of Vice Mayor Zapata’s term of office; and

WHEREAS, Section 100.151, Florida Statutes, requires the governing authority of a municipality to obtain approval from the Supervisor of Elections in the County in which the municipality is located for the date of any scheduled special election; and

WHEREAS, in coordination with the Miami-Dade County Supervisor of Elections, the City Council wishes to call a Special Election on Tuesday, August 18, 2020; and

WHEREAS, the City Council wishes to establish the qualifying dates for the Special Election pursuant to Section 3.04(3) of the City Charter; and

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

WHEREAS, all City elections are conducted in accordance with Section 11.01 of the City Code of Ordinances (“Code”), which provides that “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 commissioner”; and

WHEREAS, on March 9, 2020, a State of Emergency was declared Florida Governor Ron DeSantis by Executive Order No. 2020-52, due to the risks posed by the novel coronavirus disease 2019 (“COVID-19”), a severe acute respiratory illness that can spread among humans through respiratory transmission and presents symptoms similar to those of influenza; and

WHEREAS, Executive Order No. 2020-52 and other orders and guidance limit person-to-person contact in various ways to prevent the spread of the virus, which makes it more difficult for candidates to collect and submit the necessary items to qualify for ballot placement; and

WHEREAS, on April 2, 2020, due to COVID-19, the Florida Department of State Division of Elections promulgated Emergency Rules 1SER20-1 and 1SER20-2 to remove the requirement that qualifying items be “original[s] and signatures thereon...be made in ink” so that these items can be collected, notarized, and submitted with limited person-to-person contact, to revise notary statements on required forms accordingly, and to remove the requirement that the voter’s signature on a candidate petition be an “original, ink signature” so that signed petitions can be collected without person-to-person contact; and

WHEREAS, Section 3.04 of the City Charter provides the process for nominations for office of Mayor and/or Councilmember and requires that signatures on the nominating petition be executed in ink or indelible pencil, and that the signature of the circulator of the petition, including the place of his residence shall be notarized in the manner provided by law; and

WHEREAS, in light of the state of emergency and risks posed by COVID-19, the City Council desires to provide an alternative to the Charter requirement that the nominating petition be executed in ink or indelible pencil and authorize voter signatures by original signature or image of the voter’s original signature that can be utilized by the Supervisor of Elections to compare and verify the signature of the voter on record, thereby allowing the nominating petition to be collected, notarized, and submitted with limited person-to-person contact and authorize that notary statements on required forms be revised accordingly; and

WHEREAS, the City Council further desires to authorize the submission of candidate qualifying documents, except for qualifying fees, through PDF via e-mail to limit person-to-person contact in light of COVID-19; and

WHEREAS, the City Council finds that this Resolution is in the best interest of the City and that it is necessary and appropriate to conduct a Special Election to fill the vacancy on the City Council.

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

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Calling a Special Election. That a Special Election is hereby called for Tuesday, August 18, 2020 for the purpose of electing a person to the City Council to fill the vacancy created by the resignation of Vice Mayor Mara Zapata (Group III), and to serve the remaining portion of the unexpired term of Vice Mayor Mara Zapata.

Section 3. Qualifying. That it shall be the duty of any person desiring to become a candidate for election to the office of the City Council for the Council seat vacancy sought to be filled by this Special Election to file a nominating petition as required by Section 3.04 of the City Charter and a written notice of candidacy with the City Clerk during the qualifying period (the “Qualifying Period”) commencing at 8:30 a.m. on Tuesday, June 9, 2020, and expiring at 4:00 p.m. on Thursday, June 11, 2020, accompanied by the qualification fee required by Section 3.04 of the City Charter and the additional election assessment (if any) imposed by Florida Statutes. Only qualified electors of the City who have resided continuously in the City for at least six (6) months preceding the date of such filing shall be eligible to hold the office of Councilmember, as provided by Section 3.04 of the City Charter. The place of qualification shall be the Office of the City Clerk which is temporarily located at Miami Springs Community Center, 1401 Westward Drive, Miami Springs, Florida 33166, and the hours of qualifying during the Qualifying Period shall be from 8:30 a.m. to 4:00 p.m. during each day of the Qualifying Period, excluding Saturday and Sunday. Due to the current state of emergency and the guidance limiting person-to-person contact to prevent the spread of the COVID-19 virus, in lieu of submitting qualifying documents in person or via U.S. Mail or delivery service, candidates may submit their qualifying documents in PDF format at cityclerk@miamisprings-fl.gov. Any qualifying fee cannot be

submitted by email and must be submitted by U.S. Mail or delivery service to the Office of the City Clerk which is temporarily located at Miami Springs Community Center, 1401 Westward Drive, Miami Springs, Florida 33166. In addition, due to the current state of emergency and the guidance limiting person-to-person contact to prevent the spread of the COVID-19 virus, the City Council desires to provide an alternative to the requirement set forth in Section 3.04 of the City Charter that signatures on the nominating petition be executed in ink or indelible pencil by authorizing voter signatures by original signature or image of the voter's original signature that can be utilized by the Supervisor of Elections to compare and verify the signature of the voter on record, thereby allowing the nominating petition to be collected, notarized, and submitted with limited person-to-person contact and by authorizing that notary statements on required forms be revised accordingly. The Supervisor of Elections shall not verify as valid a signature on a candidate petition form unless all of the following information is contained on the petition form: 1. The voter's name; 2. The voter's address (including city and county); 3. The voter's complete voter registration number or date of birth (to include the month, day, and year) that matches the date of birth on the voter's registration application; 4. The voter's original signature or image of voter's original signature that can be utilized by the Supervisor of Elections to compare and verify the signature of the voter on record; and, 5. The date the voter signed the petition (to include the month, day, and year) as recorded by the voter.

Section 4. Election Procedure. That the Special Election shall be held and conducted in the manner prescribed by law for holding elections. Places of voting in such Special Election shall be the designated places of voting within the City for general elections, unless otherwise provided by the City Council or the Miami-Dade County Supervisor of Elections. The polls shall be open at such voting places on the date of such Special Election from 7:00 a.m. to 7:00 p.m. on said day. All qualified electors residing within the City shall be entitled, qualified and permitted to vote at such Special Election.

Section 5. Registration Books. That the registration books of the City, under the supervision of the Miami-Dade County Supervisor of Elections, shall be closed for a period of twenty-nine (29) days before said Special Election and shall remain closed subsequent to the Special Election as provided by law.

Section 6. City Clerk. That the City Clerk, acting as the local supervisor of elections, is hereby authorized and directed to file and cause to be published a notice of election

as provided by law, and to take all other action necessary for the designation of election inspectors and clerks, printing and delivery of ballots and other actions. The City Clerk is further authorized and directed to make appropriate arrangements with the Miami-Dade County Supervisor of Elections for the use of the necessary voting machines and for the preparation, printing and delivery of the official ballots for use in said voting machines and any additional service necessary for the conduct of the election.

Section 7. Notice of Election. That the notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least thirty (30) days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be accomplished by publication in substantially the following form:

CITY OF MIAMI SPRINGS
NOTICE OF SPECIAL ELECTION

All interested persons are hereby advised that the City Council of the City of Miami Springs, Florida (the "City") has called a Special Election to be held in the City on Tuesday, August 18, 2020, for the election of a Councilmember to fill a vacancy in the Council. The polls will open from 7:00 a.m. to 7:00 p.m. on the date of the election.

A copy of the Resolution calling the Special Election is available for inspection at the Office of the City Clerk which is temporarily located at Miami Springs Community Center, 1401 Westward Drive, Miami Springs, Florida 33166 during regular business hours.

Section 8. Test of Equipment. That pursuant to Section 101.5612, Florida Statutes, a logic and accuracy test will be conducted on the automatic tabulating equipment to be used in this Special Election as determined by the Miami-Dade County Supervisor of Elections.

Section 9. Effective Date. That this Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Vice Mayor Mara Zapata _____
Councilman Bob Best _____
Councilwoman Maria Puente Mitchell _____
Councilman Jaime Petralanda _____

Mayor Billy Bain _____

PASSED AND ADOPTED this 28th day of May, 2020.

BILLY BAIN
MAYOR

ATTEST:

ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY