RESOLUTION NO. 2012-3539

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, AUGUST 14, 2012; DELINEATING THE CITY CHARTER QUESTIONS FOR THE ELECTION BALLOT; PROVIDING AUTHORIZATIONS AND DIRECTIONS TO THE CITY CLERK; EFFECTIVE DATE

WHEREAS, there has been much public discussion and debate regarding proposed Charter Amendments related to the City's election procedures; and,

WHEREAS, a City Election is required to secure the approval of any Amendment of the City Charter by the electors of the City; and,

WHEREAS, at the Regular City Council meeting of March 26, 2012, the City Council considered and approved two proposed Charter Amendments to be submitted for approval by the electors of the City; and,

WHEREAS, the proposed Charter Amendments provide for changing the election terms of City Council Members, excluding the Mayor, and for approving staggered election terms for City Council Members, excluding the Mayor, beginning with the General Municipal Election of April 2013; and,

WHEREAS, although no General City Election is currently scheduled for the year 2012, the City has been advised that it may place questions on the ballot of the Miami-Dade County Primary Election scheduled for August 14, 2012; 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 conduct a Special Election on Tuesday, August 14, 2012, so long as an appropriate Resolution calling the Special Election, and all other required information and documentation is submitted to the Elections Department prior to May 25, 2012; 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 Amendments contained herein, which will be placed upon the ballot of the Miami-Dade County Primary Election to be conducted on August 14, 2012, for consideration by the electors of the City:

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

Section 1: That the City Special Election shall be called for and conducted on August 14, 2012.

Section 2: That the purpose of the Special City Election is for the placement of the proposed City Charter Amendments on the Miami-Dade County Primary Election ballot of August 14, 2012, 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 questions on the ballot for the Miami-Dade County Primary Election to be conducted on Tuesday, August 14, 2012:

PROPOSED AMENDMENTS TO MIAMI SPRINGS CHARTER

AMENDMENT NO. 1

Shall Charter Section 3.06(4)(a) be amended to change the terms of office for all Council Members, excluding the mayor, beginning with the General Municipal Election of April 2013, from two (2) year terms to four (4) year terms?

YES [ ]

NO [ ]

AMENDMENT NO. 2

Shall Charter section 3.06(4)(b) be amended to change the proposed four (4) year terms of Council Members to staggered terms, beginning with the General Municipal Election of April 2013, by requiring the Council Members elected in Groups 1 and 2 to serve only two (2) year initial terms and four (4) year terms in each subsequent election, while the Council Members elected in Groups 3 and 4 to begin serving four (4) year terms with the 2013 election and thereafter?

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 Special City Election Charter Amendment questions are properly placed on the Miami-Dade County Primary Election Ballot of August 14, 2012, to conduct the Special City 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 immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 26th day of March, 2012.

The motion to adopt the foregoing resolution was offered by Councilwoman Ator, seconded by Vice Mayor Espino, and on roll call the following vote ensued:

Vice Mayor Espino	"aye"
Councilman Best	"aye"
Councilman Lob	"aye"
Councilwoman Ator	"aye"
Mayor Garcia	"aye"

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO LEGALITY AND FORM:

Jan K. Seiden, City Attorney

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