

**Charter Amendments**  
**November 3, 1998**

0.0.1564

Agenda Item No. 13(B)8  
December 15, 1998

CERTIFICATE OF COUNTY CANVASSING BOARD

98 NOV -6 PM 2:45  
CLERK, CHIEF  
ELECTIONS

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

We, the undersigned, County Court Judge LINDA SINGER STEIN, Chairperson, County Commissioner JAVIER SOUTO, Member of the Board of County Commissioners, and Supervisor of Elections DAVID C. LEAHY, Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 3rd day of November, A.D., 1998, and proceeded to publicly canvass the votes cast for the MIAMI-DADE COUNTY QUESTIONS herein specified at the SPECIAL ELECTION held on the 3rd day of November, A.D., 1998, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

**"AMENDMENTS TO THE COUNTY HOME RULE CHARTER, ARTICLE 6,  
"PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS"**

To help provide safe, affordable and quality services for youth, senior, cultural and other parks and recreational programs, shall the Charter be amended to permit the County and municipalities, without a further referendum, to:

- Contract with federally tax-exempt not-for-profit, youth, adult, and senior, cultural, conservation and parks and recreation program providers, and
- Increase the number of spectator seats at recreation facilities from less than 1,000 to a maximum of 3,000 seats?

The whole number of votes cast was 298,276, of which number:

YES received 231,938 Votes

NO received 66,338 Votes

Page 1 of 2

"Exhibit"  
12-15-98 1308

0.0.1565

**IMPROVED FIRE AND RESCUE SERVICE AND PARK IMPROVEMENT:  
S.W. 127 AVENUE AND 6 STREET**

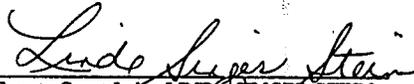
To reduce the time for Miami-Dade Fire Rescue to respond to life threatening medical emergencies and to reduce property loss due to fire within two miles of a 3.65 acre unimproved park (Tamiami Trail Park North), at the southwest corner of S.W. 127 Avenue and S.W. 6 Street, shall approximately 1.2 acres of the park be utilized for a fire rescue station in exchange for park improvements to parks in the immediate area?

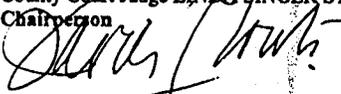
The whole number of votes cast was 7,180 of which number:

YES received 6,198 Votes

NO received 982 Votes

**MIAMI-DADE COUNTY CANVASSING BOARD:**

  
County Court Judge LINDA SINGER STEIN  
Chairperson

  
Commissioner JAVIER SOUTO  
Board of County Commissioners  
Member

  
Supervisor of Elections DAVID C. LEAHY  
Member

Date Certified: November 5, 1998

Total ballots cast in Miami-Dade County were 397,625 for a 47.66 percent turnout.

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Substitute  
Agenda Item No. (6)(L)(1)(E)  
7-21-98

RESOLUTION NO. R-966-98

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, NOVEMBER 3, 1998, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER ARTICLE 6 OF THE HOME RULE CHARTER SHOULD BE AMENDED TO PROVIDE THAT TO HELP PROVIDE SAFE, AFFORDABLE AND QUALITY SERVICES FOR YOUTH, SENIOR, CULTURAL AND OTHER PARKS AND RECREATIONAL PROGRAMS, SHALL THE CHARTER BE AMENDED TO PERMIT THE COUNTY AND MUNICIPALITIES, WITHOUT A FURTHER REFERENDUM, TO 1) CONTRACT WITH FEDERALLY TAX-EXEMPT NOT-FOR-PROFIT YOUTH, ADULT, AND SENIOR, CULTURAL, CONSERVATION AND PARKS AND RECREATION PROGRAM PROVIDERS, AND 2) INCREASE THE NUMBER OF SPECTATOR SEATS AT RECREATION FACILITIES FROM LESS THAN 1,000 TO A MAXIMUM OF 3,000 SEATS

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

Section 1. A county-wide special election is hereby called and shall be held in Miami-Dade County, Florida, on Tuesday, November 3, 1998, for the purpose of submitting to the qualified electors of Miami-Dade County, a proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such special election shall be published in accordance with Section 100.342, Florida Statutes 1997.

Section 3. The result of such special election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such special election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors of Miami-Dade County, Florida, shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade

MEMORANDUM

Substitute  
Agenda Item No. 6(L)(1)(E)

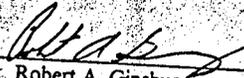
To: Hon. Chairperson and Members  
Board of County Commissioners

Date: July 21, 1998

Subject: Resolution calling special election  
amend Article 6 of Home Rule  
Charter relating to Parks, Aquatic  
Preserves, and Preservation Lands

From: Robert A. Ginsburg  
County Attorney

This substitute, in addition to providing minor textual amendments, deletes reference to food service facilities.

  
Robert A. Ginsburg  
County Attorney

RAG/rk  
Attachment

The foregoing resolution was offered by Commissioner Dennis C. Moss  
, who moved its adoption. The motion was seconded by Commissioner Gwen Margolis  
and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	absent	Bruno A. Barreiro	aye
Dr. Barbara M. Carey	aye	Miguel Díaz de la Portilla	absent
Betty T. Ferguson	absent	Gwen Margolis	aye
Natacha Seijas Millán	absent	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorin D. Rolle	aye	Katy Sorenson	aye
		Javier D. Souto	absent

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day  
of July, 1998. 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.

666

ARTICLE - 6  
PARKS, AQUATIC PRESERVES, AND PRESERVATION  
LANDS

SECTION 6.01. POLICY.<sup>1</sup>

Parks, aquatic preserves, and lands acquired by the County for preservation shall be held in trust for the education, pleasure and recreation of the public and they shall be used and maintained in a manner which will leave them unimpaired for the enjoyment of future generations as a part of the public's irreplaceable heritage. They shall be protected from commercial development and exploitation and their natural landscape, flora and fauna, and scenic beauties shall be preserved. In lands acquired by the County for preservation and in parks along the Ocean or the Bay the public's access to and view of the water shall not be obstructed or impaired by buildings or other structures or concessions which are in excess of 1500 square feet each. Adequate maintenance shall be provided.

SECTION 6.02. RESTRICTIONS AND EXCEPTIONS.

In furtherance of this policy parks shall be used for public park purposes only, and subject to the limited exceptions set forth in this Article, there shall be no permanent structures or private commercial advertising erected in a public park or private commercial use of a public park or renewals, expansions, or extensions of existing leases, licenses, or concessions to private parties of public park property, unless each such structure, lease, license, renewal, expansion, extension, concession or use shall be approved by a majority vote of the voters in a County-wide referendum. >>Nothing in this Article shall prevent any contract with federally tax-exempt not-for-profit youth, adult, and senior cultural conservation and parks and recreation program providers.<< To ensure aquatic preserves, lands acquired by the County for preservation, and public parks or parts thereof which are nature preserves, beaches, natural forest areas, historic or archeological areas, or otherwise possess unique natural values in their present state, such as Matheson Hammock, Greynolds Park, Redlands Fruit and Spice Park, Castellow Hammock, Crandon Park, Trail Glades Park, Deering Estate Park, Pine Shore Park, Old Cutler Hammock, Chapman Field, Tamiami Pinelands, Wainright Park, Larry and Penny Thompson Park, Whispering Pines

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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. Votomatics shall be used in such special election, and the question shall appear on the votomatic in substantially the following form:

AMENDMENTS TO THE COUNTY HOME RULE CHARTER,  
ARTICLE 6, "PARKS, AQUATIC PRESERVES, AND  
PRESERVATION LANDS"

TO HELP PROVIDE SAFE, AFFORDABLE AND QUALITY SERVICES FOR YOUTH, SENIOR, CULTURAL AND OTHER PARKS AND RECREATIONAL PROGRAMS, SHALL THE CHARTER BE AMENDED TO PERMIT THE COUNTY AND MUNICIPALITIES, WITHOUT A FURTHER REFERENDUM, TO:

- CONTRACT WITH FEDERALLY TAX-EXEMPT NOT-FOR-PROFIT, YOUTH, ADULT, AND SENIOR, CULTURAL, CONSERVATION AND PARKS AND RECREATION PROGRAM PROVIDERS, AND
- INCREASE THE NUMBER OF SPECTATOR SEATS AT RECREATION FACILITIES FROM LESS THAN 1,000 TO A MAXIMUM OF 3,000 SEATS?

YES

NO

Section 4. Such question shall appear on the votomatic ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to punch out the black dot on the ballot card immediately opposite the number on the ballot page designated "YES." Those qualified electors desiring to reject or disapprove the proposal shall be instructed to punch out the black dot on the ballot card immediately opposite the number on the ballot page designated "NO."

Section 5. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this proposal 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 votomatic at this special election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 7. This special election on the proposal aforesaid shall be held and conducted in accordance with the 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.

Hammock, Mangrove Preserve, Owaissa Bauer Park, Fuchs Hammock, Black Point Marina, Simpson Park, Sewell Park, Barnes Park, Virginia Key, mangrove preserves and all other natural or historical resource based parks do not lose their natural or historical values. any structure, lease, license, renewal, extension, concession or use in any of this class of public parks or in aquatic preserves and preservation lands must be approved by an affirmative vote of two-thirds of the voters in a County-wide referendum. No park shall be designed to be used beyond its appropriate carrying capacity and to the extent required by law all parks and facilities and permitted special events and concessions operating in the parks shall be fully accessible to persons with disabilities. Nothing contained in this Article shall prevent the maintenance of existing facilities or the construction, operation, maintenance, and repair by government agencies or private operators of or issuance of temporary permits for:

\* \* \*

C. User-participation non-spectator recreation and, playground facilities, golf courses and golf-course related facilities, and ~~[[athletic facilities and]]~~ bandstands and bandshells containing less than 1,000 spectator seats >>and athletic facilities, sports fields and arenas containing less than 3,000 spectator seats;<<

\* \* \*

J. Advertising in connection with sponsorship of events or facilities in the park, provided however all such facilities and uses are compatible with the particular park and are scheduled so that such events do not unreasonably impair the public use of the park or damage the park.

>>K. Programming partnerships with qualified federally tax exempt not-for-profit youth, adult, and senior cultural, conservation, and parks and recreation program providers;<<

No park facilities, golf courses, or County lands acquired for preservation shall be converted to or used for non-park offices, purposes, or uses. The County, the municipalities, and agencies or groups receiving any public funding shall not expend any public money or provide any publicly funded services in kind to any project which does not comply with this Article. No building permit or certificate of occupancy shall be issued for any structure in violation of this Article. The restrictions applying to parks in

this Article shall not apply to the Dade County Youth Fair site, MetroZoo, Tamiami Stadium, Haulover Fishing Pier, the Dade County Auditorium, the Museum of Science, the Gold Coast Railroad Museum, Vizcaya Museum and Gardens, Trail Glade Range, the Orange Bowl, the Commodore Ralph Munroe Marine Stadium, the Seaquarium, Curtis Park track and stadium, Fairchild Tropical Gardens, and mini and neighborhood parks except that no mini or neighborhood park may be leased or disposed of unless a majority of the residents residing in voting precincts any part of which is within 1 mile of the park authorize such sale or lease by majority vote in an election.

\* \* \*