

**Charter Amendments
October 3, 2000**

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Agenda Item No. 14(B)1
November 14, 2000

CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

We, the undersigned, County Court Judge LAWRENCE D. KING, Chairperson, County Court Judge LINDA DAKIS, Substitute 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 October, A.D., 2000, and proceeded to publicly canvass the votes cast for the several offices and persons herein specified at the **NONPARTISAN ELECTION** held on the 3rd day of October, A.D., 2000, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

For **MEMBER, BOARD OF COUNTY COMMISSIONERS, DISTRICT ELEVEN**, the whole number of votes cast was 4,306, of which number

ROBERT CURBELO JR. received 2,072 votes
JOE MARTINEZ received 2,234 votes

For **FIRE BOARD MEMBER, DISTRICT THREE**, the whole number of votes cast was 2,207, of which number

TERESA EVERETT received 1,174 votes
WALTER B. LEBOWITZ received 1,033 votes

14(B)1
Page 1 of 4 11-14-2000

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For FIRE BOARD MEMBER, DISTRICT FIVE, the whole number of votes cast was
6,153, of which number

SCOTT MURPHY received 2,686 votes

MARILYN SMITH received 3,467 votes

COUNTY QUESTIONS

LIMITATIONS ON CHARTER POWERS OF NEW MUNICIPALITIES

Shall the Miami-Dade County Home Rule Charter be amended to provide that with regard to municipalities created after September 1, 2000, the pre-agreed conditions between the County and the municipality which are included in the municipal charter can only be changed if approved by a two-thirds (2/3) vote of the County Commissioners then in office, prior to a vote of qualified municipal electors?

YES received 14,509 votes

NO received 13,263 votes

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

To enhance the visitor experience, shall the Charter be amended to permit the county and municipalities, without further referendum, to allow concessionaires and food service providers at parks to utilize or construct complementary outdoor or covered areas, provided their enclosed spaces are limited to 1,500 square feet?

YES received 14,657 votes

NO received 12,348 votes

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

To improve customer service and to increase operating efficiencies, shall the Charter be amended to permit the county and municipalities, without further referendum, to competitively select and contract with private food service providers to renovate and operate existing restaurant facilities at golf courses and marinas, subject to limited initial terms?

YES received 15,961 votes
NO received 11,503 votes

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

To provide additional consumer services, shall the Charter be amended to permit the county and municipalities, without further referendum, to contract with cable, internet, telephone, electric or other similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities and uses?

YES received 15,475 votes
NO received 11,062 votes

**INVESTMENT IN THE DEVELOPMENT OF RECREATIONAL FACILITIES
AT EXISTING PARKS FROM THE SALE OF VACANT PARK LAND**

Shall Miami-Dade County be allowed to sell +/- 5.6 acres vacant park land at S.W. 8th Street and S.W. 127th Avenue and invest the proceeds equally in the development of much-needed recreational facilities at existing parks within one mile north and south of the subject property?

YES received 328 votes
NO received 293 votes

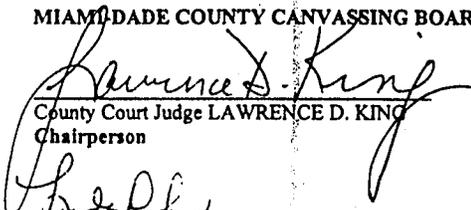
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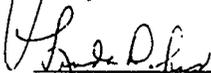
**NEW PARK AT SOUTHWEST 75th AVENUE AND SOUTHWEST 104th STREET
AND MUNICIPAL CENTER AT VETERANS WAYSIDE PARK**

To provide for efficient municipal services, shall the Village of Pinecrest build, own and operate a village municipal center on two acres of Veterans Wayside Park, preserve and improve remaining park land at Veterans Wayside Park in exchange for establishing a park on two acres of land located at 7551 Southwest 104th Street and an adjacent vacant lot?

YES received 885 votes
NO received 1,054 votes

MIAMI-DADE COUNTY CANVASSING BOARD:


County Court Judge LAWRENCE D. KING
Chairperson


County Court Judge LINDA DAKIS
Substitute Member
for Board of County Commissioners


Supervisor of Elections DAVID C. LEAHY
Member

Date Certified: October 4, 2000

Total ballots cast in Miami-Dade County were 31,365 for a 3.64 percent turnout.

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 9(A)(9)
7-6-00

CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI COUNTY, FLORIDA

RESOLUTION NO. R-746-00

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, OCTOBER 3, 2000, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER SHOULD BE AMENDED TO PROVIDE THAT WITH REGARD TO MUNICIPALITIES CREATED AFTER SEPTEMBER 1, 2000, THE PRE-AGREED CONDITIONS BETWEEN THE COUNTY AND THE PROSPECTIVE MUNICIPALITY WHICH ARE INCLUDED IN THE MUNICIPAL CHARTER CAN ONLY BE CHANGED IF APPROVED BY A TWO-THIRDS (2/3) VOTE OF THE COUNTY COMMISSIONERS THEN IN OFFICE, PRIOR TO A VOTE OF QUALIFIED MUNICIPAL ELECTORS

WHEREAS, on June 20, 2000, this Board passed Resolution 651-00 entitled "RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, OCTOBER 3, 2000, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER SHOULD BE AMENDED TO PROVIDE THAT WITH REGARD TO MUNICIPALITIES CREATED AFTER SEPTEMBER 1, 2000, THE PRE-AGREED CONDITIONS BETWEEN THE COUNTY AND THE PROSPECTIVE MUNICIPALITY WHICH ARE INCLUDED IN THE MUNICIPAL CHARTER CAN ONLY BE CHANGED IF APPROVED BY THE COUNTY COMMISSION PRIOR TO A VOTE OF QUALIFIED MUNICIPAL ELECTORS;" and

WHEREAS, this Board desires to amend said resolution,

NOW, THEREFORE, 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, October 3, 2000, 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 1999.

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 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:

LIMITATIONS ON CHARTER POWERS
OF NEW MUNICIPALITIES

Shall the Miami-Dade County Home Rule Charter be amended to provide that with regard to municipalities created after September 1, 2000, the pre-agreed conditions between the County and the municipality which are included in the municipal charter can only be changed if approved by a two-thirds (2/3) vote of the County Commissioners then in office, prior to a vote of qualified municipal electors?

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.

The foregoing resolution was sponsored by Commissioner Dennis C. Moss, and 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-Shuler	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	absent	Gwen Margolis	aye
Natacha Seijas Millán	absent	Jimmy L. Morales	nay
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorrian D. Rolle	aye	Katy Sorenson	aye
	Javier D. Souto		aye

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of July, 2000. 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.

MEMORANDUM

Substitute
Agenda Item No. 9(A)(9)

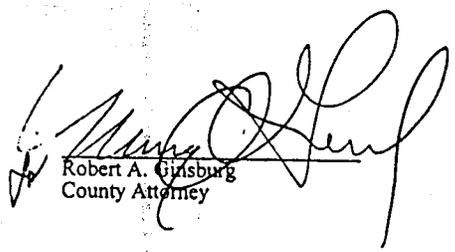
TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: July 6, 2000

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution calling special
election to amend Home R
Charter regarding locking in
municipal language

The accompanying resolution was prepared and placed on the agenda at the request
of Commissioner Dennis C. Moss.


Robert A. Ginsburg
County Attorney

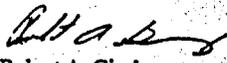
RAG/bw

MEMORANDUM

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: July 6, 2000
Substitute

SUBJECT: Agenda Item No. 9(A)(9)

FROM: 
Robert A. Ginsburg
County Attorney

Please note any items checked.

- "4-Day Rule" (Applicable if raised)
- 6 weeks required between first reading and public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of private business sector impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires a detailed County Manager's report for public hearing
- "Sunset" provision required
- Legislative findings necessary

ARTICLE - 5

MUNICIPALITIES

SECTION 5.05 CREATION OF NEW MUNICIPALITIES.¹

The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. >>Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter can only be changed if approved by an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office, prior to a vote of qualified municipal electors.<<

¹ 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.

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI COUNTY, FLORIDA
Substitute
Agenda Item No. 6(L)(1)(I)
7-25-00

Approved _____ Mayor
Veto _____
Override _____

RESOLUTION NO. _____ R-828-00

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH THE SECOND PRIMARY ELECTIONS ON OCTOBER 3, 2000, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE COUNTY'S HOME RULE CHARTER SHOULD BE AMENDED TO PERMIT THE COUNTY AND MUNICIPALITIES, WITHOUT FURTHER REFERENDUM, TO ALLOW CONCESSIONAIRES AND FOOD SERVICE PROVIDERS AT PARKS TO UTILIZE OR CONSTRUCT COMPLEMENTARY OUTDOOR OR COVERED AREAS, PROVIDED THEIR ENCLOSED SPACES ARE LIMITED TO 1,500 SQUARE FEET, ALL IN AN EFFORT TO ENHANCE THE VISITOR EXPERIENCE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. A special election is hereby called in Miami-Dade County, in conjunction with the second primary election on Tuesday, October 3, 2000, for the purpose of submitting to the qualified electors of Miami-Dade County the question of whether the County's Home Rule Charter should be amended to permit the county and municipalities, without further referendum, to allow concessionaires and food service providers at parks to utilize or construct

MEMORANDUM

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: July 25, 2000
Substitute
SUBJECT: Agenda Item No. 6(L)(1)(

FROM: *RAG*
Robert A. Ginsburg
County Attorney

Please note any items checked.

- "4-Day Rule" (Applicable if raised)
- 6 weeks required between first reading and public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of private business sector impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires a detailed County Manager's report for public hearing
- "Sunset" provision required
- Legislative findings necessary

complementary outdoor or covered areas, provided their enclosed spaces are limited to 1,500 square feet.

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 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors of Miami-Dade County shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to October 3, 2000, 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 enhance the visitor experience, shall the Charter be amended to permit the county and municipalities, without further referendum, to allow concessionaires and food service providers at parks to utilize or construct complementary outdoor or covered areas, provided their enclosed spaces are limited to 1,500 square feet?

Yes

No

Section 4. Such question shall appear on the votomatic ballot as a separate question. Those qualified electors desiring to 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 as "YES." Those qualified electors desiring to disapprove the proposal shall be instructed to punch out the black dot on the ballot card immediately opposite 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 hereinabove set forth, with proper place for voting either "YES" or "NO" following the statement of the question aforesaid.

Section 6. A sample ballot showing the manner in which the question 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 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.

The foregoing resolution was offered by Commissioner **Jimmy L. Morales** 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	aye	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	absent	Miguel Díaz de la Portilla	absent
Betty T. Ferguson	aye	Gwen Margolis	aye
Natacha Seijas Millán	absent	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorrian D. Rolle	aye	Katy Sorenson	aye
	Javier D. Souto		absent

MEMORANDUM

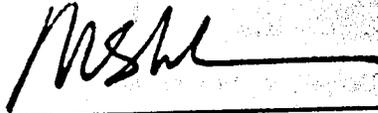
Substitute
Agenda Item No. 6(L)(1)(I)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 25, 2000

FROM: Merrett R. Stierheim
County Manager

SUBJECT: Call for Special Election to
Amend Article 6 of the Miami-
Dade County Home Rule Charter
Regarding Concessions and Food
Services



RECOMMENDATION

It is recommended that the Board approve the attached resolution, which calls for a special election to be held in conjunction with the second primary elections on October 3, 2000, for the purposes of submitting to the electors of Miami-Dade County the question of whether the Home Rule Charter should be amended to permit the county and municipalities, without further referendum, to allow concessionaires and food service providers at parks to utilize or construct complementary outdoor or covered areas, provided their enclosed spaces are limited to 1,500 square feet.

BACKGROUND

During the past year, the Park and Recreation Department has made a concerted effort to examine how it does business with the private sector in an effort to improve customer satisfaction, increase public recreational opportunities and enhance the visitor experience. From its efforts thus far, the department has developed a Special Events Administrative Order, the successful Marinas RFP and the upcoming Programming Partnerships Process.

However, the department has encountered roadblocks as a result of limitations mandated by Article 6, the "Save Our Parks" Amendment to the Home Rule Charter, which restricts the county's entering into agreements with private operators without approval first through a countywide referendum. While this measure protects against over-commercialization of public parks it also discourages creative alliances that broaden the menu of recreational opportunities available to the public; the ability to generate revenues for reinvestment into park upkeep, facilities and programs; and responsiveness to public demand for convenient leisure services. Staff does not believe these results were the intention of the framers of Article 6.

One of the major restrictions affects food service operations and recreational equipment services. Article 6 does not distinguish between food service concessions and recreational equipment services and limits facility size to no more than 1,500 square feet. If a vendor wished to sell food and drinks as well as rent in-line skates and

Honorable Chairperson and Members
Board of County Commissioners
Page 2

bicycles, 1,500 square feet would not afford enough space. Likewise, without the exception to offer recreational equipment sales or rentals, it may be interpreted that this activity is not allowed.

The department presently is conducting an operational assessment of its food services operations with business and design consultants, Cine-Little. This international firm specializes in the food service and hospitality industries. Ultimately, this assessment will inform the county of park patrons' attitudes toward and perceptions of existing concessions; what park patrons would like to see in the future; and, site-by-site recommendations for improvement. As part of this study, Behavioral Science Research, Inc. (BSR) has conducted both park visitor and household surveys.

Preliminary results of these surveys reveal almost 90 percent of park visitors support the idea that concessions include items other than food, specifically beach-related items such as chair/umbrellas and sun block lotion, and recreational equipment such as canoe/kayak/sailboat, in-line skate and bicycle rentals. A majority of beach park visitors said they would visit parks more often if these concessions were available.

Almost 52 percent of survey participants suggest that food service operations provide more covered outdoor seating, which would increase visitation to parks by almost 40 percent. Therefore, this proposal recommends that the 1,500-square-foot limitation apply to only "enclosed" space.

Early recommendations from Cine-Little suggest that "bundling" concessions – both food and recreational equipment together – provides high customer satisfaction, and provides the county with better operators and higher revenues. The proposal also recommends clearly delineating between food and recreational concessions, specifically that the 1,500-square-foot limitation apply to each separately and only to enclosed space. A single concessionaire could offer both a snack bar with light fare and beverages, as well as provide bicycle and skate, or umbrella and chair rentals. Examples of where food service and recreational equipment concessions have been successfully accomplished abound in numerous state parks (Bill Baggs), and Broward (Hollywood Boardwalk) and Collier (Naples Fishing Pier) counties.

This item was among five separate issues presented to the Charter Review Task Force at its July 17, 2000 meeting. While the Task Force was one person short of reaching quorum and could not provide an official vote, the issues were debated in full. Members present at the meeting expressed support for the thoughtful approach taken to reach solutions of current problems as well as their willingness that these issues be put before voters. While five items were discussed, it was decided that only three questions would be offered to avoid overburdening the October ballot and to address immediate operational concerns.

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of July, 2000. 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. 40

7

ARTICLE 6 -

PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS

Note: This Article does not apply to municipal property in Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater and West Miami. See Section 6.04.

SECTION 6.01. POLICY.

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. 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 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 in this Article shall prevent the maintenance of existing

SUBULT

ARTICLE 6 -

PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS

Note: This Article does not apply to municipal property in Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater and West Miami. See Section 6.04.

SECTION 6.01. POLICY.

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. 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 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 in this Article shall prevent the maintenance of existing

facilities, the maintenance, operation, and renovation of existing golf course and marina restaurants at their existing square footage by government agencies or private operators, provided such private operators are chosen as a result of competitive selection and their initial contract terms are limited to no more than ten years, or the construction, operation, maintenance, and repair by government agencies or private operators of or issuance of temporary permits for:

A. Appropriate access roads, bridges, fences, lighting, flag poles, entrance features, picnic shelters, tables, grills, benches, irrigation systems, walls, erosion control devices, utilities, trash removal, parking and security and fire facilities for the primary use of the park system;

B. Food and concession facilities each not in excess of 1,500 square feet each of enclosed space, with and any complementary outdoor or covered areas needed to service park patrons;

R-
828-00

C. User-participation non-spectator recreation and, playground facilities, golf courses and golf-course related 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;

D. Facilities for marinas, that support sightseeing and fishing boats, and visiting military vessels, and fishing;

E. Park signage and appropriate plaques and monuments;

F. Rest rooms;

G. Fountains, gardens, and works of art;

H. Park service facilities, senior, day care and pre-school facilities, small nature centers with not more than one classroom;

I. Film permits, temporary fairs, art exhibits, performing arts, concerts, cultural and historic exhibitions, regattas, athletic contests and tournaments, none of which require the erection of permanent structures;

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;

>>I.M. Agreements with cable, internet, telephone, electric or similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities, and uses:

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, Metro Zoo, 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.

SECTION 6.03. ENFORCEMENT AND CONSTRUCTION.

All elections required by this Article shall be held either in conjunction with state primary or general elections or as part of bond issue elections. The provisions of this Article may be enforced in the same manner as provided in Section (C) of the Citizens' Bill of Rights of this Charter. The provisions of this Article shall be liberally construed in favor of the preservation of all park lands, aquatic preserves, and preservation lands. If any provision of this Article shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.

SECTION 6.04. JURISDICTION.

Except as otherwise provided herein the provisions of this Article shall apply to all County and municipal parks, aquatic preserves, and lands acquired by the County for preservation now in existence or hereafter acquired, provided that if this Article was not favorably voted upon by a majority of the voters voting in any municipality at the time of the adoption of this Article the municipal parks of such municipality shall be excluded from the provisions of this Article.

Approved _____ Mayor

Veto _____

Override _____

Substitute
Agenda Item No. 6(L)(1)(J)
7-25-00

RESOLUTION NO. R-829-00

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH THE SECOND PRIMARY ELECTIONS ON OCTOBER 3, 2000, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE COUNTY'S HOME RULE CHARTER SHOULD BE AMENDED TO PERMIT THE COUNTY AND MUNICIPALITIES, WITHOUT FURTHER REFERENDUM, TO COMPETITIVELY SELECT AND CONTRACT WITH PRIVATE FOOD SERVICE PROVIDERS TO RENOVATE AND OPERATE EXISTING RESTAURANT FACILITIES AT GOLF COURSES AND MARINAS SUBJECT TO LIMITED INITIAL TERMS, ALL IN AN EFFORT TO IMPROVE CUSTOMER SERVICE AND TO INCREASE OPERATING EFFICIENCIES

WHEREAS, his Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. A special election is hereby called in Miami-Dade County, in conjunction with the second primary election on Tuesday, October 3, 2000, for the purpose of submitting to the qualified electors of Miami-Dade County the question of whether the County's Home Rule Charter should be amended to permit the county and municipalities, without further referendum, to competitively select and contract with private food service providers to renovate and operate

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existing restaurant facilities at golf courses and marinas subject to limited initial terms, all in an effort to improve customer service and to increase operating efficiencies.

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 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors of Miami-Dade County shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to October 3, 2000, 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 improve customer service and to increase operating efficiencies, shall the Charter be amended to permit the county and municipalities, without further referendum, to competitively select and contract with private food service providers to renovate and operate existing restaurant facilities at golf courses and marinas, subject to limited initial terms?

Yes

No

Section 4. Such question shall appear on the votomatic ballot as a separate question. Those qualified electors desiring to 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 as "YES." Those qualified electors desiring to disapprove the proposal shall be instructed to punch out the black dot on the ballot card immediately opposite 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 hereinabove set forth, with proper place for voting either "YES" or "NO" following the statement of the question aforesaid.

Section 6. A sample ballot showing the manner in which the question 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 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.

The foregoing resolution was offered by Commissioner **Jimmy L. Morales** 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	aye	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	absent	Miguel Diaz de la Portilla	absent
Betty T. Ferguson	aye	Gwen Margolis	aye
Natacha Seijas Millan	absent	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboledo	absent
Dorrian D. Rolle	aye	Katy Sorenson	aye
	Javier D. Souto	absent	

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of July, 2000. 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

Approved by County Attorney as
to form and legal sufficiency. AO

BY: KAY SULLIVAN
Deputy Clerk

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MEMORANDUM

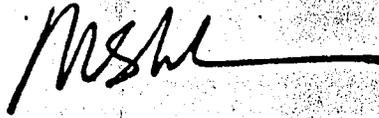
Substitute
Agenda Item No. 6(L)(1)(J)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 25, 2000

FROM: Merrett R. Stierheim
County Manager

SUBJECT: Call for Special Election to
Amend Article 6 of the Miami-
Dade County Home Rule Charter
Regarding Existing Restaurant
Facilities at Marinas and Golf
Courses



This item is being substituted to include revised ballot language and the attachment that incorporates the amended language as it will appear in Article 6 of the Home Rule Charter.

RECOMMENDATION

It is recommended that the Board approve the attached resolution, which calls for a special election to be held in conjunction with the second primary elections on October 3, 2000, for the purposes of submitting to the electors of Miami-Dade County the question of whether the Home Rule Charter should be amended to permit the County and municipalities, without further referendum, to competitively select and contract with private food service providers to renovate and operate existing restaurant facilities at golf courses and marinas, subject to limited initial terms.

BACKGROUND

Article 6, the Save Our Parks Amendment to Miami-Dade County's Home Rule Charter, was approved by voters in 1993 as an effort to curb and prevent any further commercialization of public park lands. While it provided limited exceptions for existing park and recreation facilities and programs, it strictly curtailed the county's ability to partner through agreement with private organizations for pursuits that complement the overall menu of recreational opportunities at public park sites - including restaurants.

When it comes to existing restaurants at the county's marinas and golf courses, the provisions of Article 6 present a number of problems that render the county unable to respond to park patrons' demands as well as execute agreements with qualified and reputable operators:

- As Article 6 reads, continuing or entering into new lease agreements at existing restaurants at marinas and golf courses would require, at a minimum, majority approval through a countywide referendum for each agreement and, in most

Honorable Chairperson and Members
Board of County Commissioners
Page 2

cases, two-thirds approval. Effectively, the county neither has the ability to renegotiate existing contracts or negotiate new contracts at existing facilities.

- The alternatives for the county, then, are to either allow leases to expire without a new agreement to take their places, continue with poorly performing operators, or get into the restaurant business itself. The county basically now has no ability to ensure the continuance of quality food services at these existing locations: Haulover Marina, Pelican Harbor Marina, the Golf Club of Miami, Crandon Marina and Golf Course, Black Point Marina, Palmetto Golf Course or the Concession Building at the Matheson Hammock Park atoll pool.
- Article 6 restricts food concessions to no more than 1,500 square feet. In order to comply with this limitation, the county would have to demolish existing structures and rebuild them to this restriction once a current lease agreement expires.

This proposal recommends amending the Charter to allow the county to continue contracting with private operators at its existing restaurant facilities at its marinas and golf courses, with the stipulation that the initial contract terms are reasonably necessary to amortize capital improvements which benefit the public and that they do not exceed their existing square footage. Any successive renewals of leases would depend upon the performance of the operator and the significance of the investment made by the operator in the upgrading of the facility.

Public sentiment leans overwhelmingly toward this course of action. As part of a larger assessment of the Parks Department's restaurants, which is being conducted by the international food service and hospitality consulting firm of Cine-Little, Behavioral Science Research, Inc. (BSR) has performed household and park visitor surveys to measure attitudes toward and perceptions of existing restaurants and what they would like to see in the future:

- Approximately 89 percent agree that the existing food service facilities should remain at their current size and be upgraded;
- Almost 75 percent favor the county's being allowed to continue to contract with qualified private operators for its existing food services at its marinas and golf courses; and
- Approximately 67 percent suggest the duration of agreements with private operators should be minimized but should be adequate to allow private organizations to effectively amortize their investments.

The final product from Cine-Little will recommend a food service strategic plan on a site-by-site basis, which will further enable the county to provide the types of food

Honorable Chairperson and Members
Board of County Commissioners
Page 3

services desired by park patrons as well as improve its potential to generate revenues that can be reinvested in park upkeep, facilities, programs and events.

This item was among five separate issues presented to the Charter Review Task Force at its July 17, 2000 meeting. While the Task Force was one person short of reaching quorum and could not provide an official vote, the issues were debated in full. Members present at the meeting expressed support for the thoughtful approach taken to reach solutions of current problems as well as their willingness that these issues be put before voters. While five items were discussed, it was decided that only three questions would be offered to avoid overburdening the October ballot and to address immediate operational concerns.



MEMORANDUM



TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: July 25, 2000

SUBJECT: Substitute
Agenda Item No. 6(L)(1)

FROM:

Robert A. Ginsburg
Robert A. Ginsburg
County Attorney

Please note any items checked.

- "4-Day Rule" (Applicable if raised)
- 6 weeks required between first reading and public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of private business sector impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires a detailed County Manager's report for public hearing
- "Sunset" provision required
- Legislative findings necessary

SUB 6415

ARTICLE 6 -

PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS

Note: This Article does not apply to municipal property in Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater and West Miami. See Section 6.04.

SECTION 6.01. POLICY.

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. 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 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 in this Article shall prevent the maintenance of existing

facilities, the maintenance, operation, and renovation of existing golf course and marina restaurants at their existing square footage by government agencies or private operators, provided such private operators are chosen as a result of competitive selection and their initial contract terms are limited to no more than ten years, or the construction, operation, maintenance, and repair by government agencies or private operators of or issuance of temporary permits for:

R-
829-00

A. Appropriate access roads, bridges, fences, lighting, flag poles, entrance features, picnic shelters, tables, grills, benches, irrigation systems, walls, erosion control devices, utilities, trash removal, parking and security and fire facilities for the primary use of the park system;

B. Food and concession facilities each not in excess of 1,500 square feet each of enclosed space, with and any complementary outdoor or covered areas needed to service park patrons;

C. User-participation non-spectator recreation and, playground facilities, golf courses and golf-course related 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;

D. Facilities for marinas, that support sightseeing and fishing boats, and visiting military vessels, and fishing;

E. Park signage and appropriate plaques and monuments;

F. Rest rooms;

G. Fountains, gardens, and works of art;

H. Park service facilities, senior, day care and pre-school facilities, small nature centers with not more than one classroom;

I. Film permits, temporary fairs, art exhibits, performing arts, concerts, cultural and historic exhibitions, regattas, athletic contests and tournaments, none of which require the erection of permanent structures;

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;

>> 1.4. Agreements with cable, internet, telephone, electric or similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities, and uses;

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, Metro Zoo, 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.

SECTION 6.03. ENFORCEMENT AND CONSTRUCTION.

All elections required by this Article shall be held either in conjunction with state primary or general elections or as part of bond issue elections. The provisions of this Article may be enforced in the same manner as provided in Section (C) of the Citizens' Bill of Rights of this Charter. The provisions of this Article shall be liberally construed in favor of the preservation of all park lands, aquatic preserves, and preservation lands. If any provision of this Article shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.

SECTION 6.04. JURISDICTION.

Except as otherwise provided herein the provisions of this Article shall apply to all County and municipal parks, aquatic preserves, and lands acquired by the County for preservation now in existence or hereafter acquired, provided that if this Article was not favorably voted upon by a majority of the voters voting in any municipality at the time of the adoption of this Article the municipal parks of such municipality shall be excluded from the provisions of this Article.

>>L.M. Agreements with cable, internet, telephone, electric or similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities, and uses;

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, Metro Zoo, 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.

SECTION 6.03. ENFORCEMENT AND CONSTRUCTION.

All elections required by this Article shall be held either in conjunction with state primary or general elections or as part of bond issue elections. The provisions of this Article may be enforced in the same manner as provided in Section (C) of the Citizens' Bill of Rights of this Charter. The provisions of this Article shall be liberally construed in favor of the preservation of all park lands, aquatic preserves, and preservation lands. If any provision of this Article shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.

SECTION 6.04. JURISDICTION.

Except as otherwise provided herein the provisions of this Article shall apply to all County and municipal parks, aquatic preserves, and lands acquired by the County for preservation now in existence or hereafter acquired, provided that if this Article was not favorably voted upon by a majority of the voters voting in any municipality at the time of the adoption of this Article the municipal parks of such municipality shall be excluded from the provisions of this Article.

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Substitute
Agenda Item No. 6(L)(1)(K)
7-25-00

Approved _____ Mayor
Veto _____
Override _____

RESOLUTION NO. _____ R-830-00

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH THE SECOND PRIMARY ELECTIONS ON OCTOBER 3, 2000, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE COUNTY'S HOME RULE CHARTER SHOULD BE AMENDED TO PERMIT THE COUNTY AND MUNICIPALITIES, WITHOUT FURTHER REFERENDUM, TO CONTRACT WITH CABLE, INTERNET, TELEPHONE, ELECTRIC OR OTHER SIMILAR SERVICE PROVIDERS OR UTILITIES, SO LONG AS ANY INSTALLATIONS ARE UNDERGROUND OR DO NOT ADVERSELY IMPACT NATURAL RESOURCES, OR PARKS FACILITIES AND USES

WHEREAS, this Board desires to accomplish the purposed outlined in the accompanying memorandum, a copy of which is incorporated herein be reference,

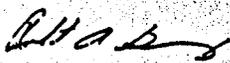
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. A special election is hereby called in Miami-Dade County, in conjunction with the second primary election on Tuesday, October 3, 2000, for the purpose of submitting to the qualified electors of Miami-Dade County the question of whether the County's Home Rule Charter should be amended to permit Miami-Dade County to permit the county and municipalities, without further referendum, to contract with cable, internet, telephone, electric, or

 **MEMORANDUM** 

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: July 25, 2000
Substitute
SUBJECT: Agenda Item No. 6(L)(1)(K)

FROM: 
Robert A. Ginsburg
County Attorney

Please note any items checked.

- "4-Day Rule" (Applicable if raised)
- 6 weeks required between first reading and public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of private business sector impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires a detailed County Manager's report for public hearing
- "Sunset" provision required
- Legislative findings necessary

other similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities and uses.

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 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors of Miami-Dade County shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to October 3, 2000, 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 provide additional consumer services, shall the Charter be amended to permit the county and municipalities, without further referendum, to contract with cable, internet, telephone, electric or other similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities and uses?

Yes

No

Section 4. Such question shall appear on the votomatic ballot as a separate question. Those qualified electors desiring to 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 as "YES." Those qualified electors desiring to disapprove the proposal shall be instructed to punch out the black dot on the ballot card immediately opposite 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 hereinabove set forth, with proper place for voting either "YES" or "NO" following the statement of the question aforesaid.

Section 6. A sample ballot showing the manner in which the question 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 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.

The foregoing resolution was offered by Commissioner **Jimmy L. Morales** 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	aye	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	absent	Miguel Díaz de la Portilla	absent
Betty T. Ferguson	aye	Gwen Margolis	aye
Natacha Seijas Millán	absent	Jimmy L. Morales	aye
Dennis C. Moss	aye	Pedro Reboredo	absent
Dorrin D. Rolle	aye	Katy Sorenson	aye
Javier D. Souto		absent	

MEMORANDUM

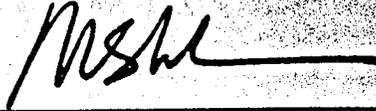
Substitute
Agenda Item No. 6(L)(1)(K)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 25, 2000

FROM: Merrett R. Stierheim
County Manager

SUBJECT: Call for Special Election to
Amend Article 6 of the Miami-
Dade County Home Rule Charter
to Allow for Underground
Utilities through Park Lands



RECOMMENDATION

It is recommended that the Board approve the attached resolution, which calls for a special election to be held in conjunction with the second primary elections on October 3, 2000, for the purposes of submitting to the electors of Miami-Dade County the question of whether the Home Rule Charter should be amended to permit the county and municipalities, without further referendum, to contract with cable, internet, telephone, electric or other similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities and uses.

BACKGROUND

Historically, the county has authorized both underground and overhead utilities to cross park lands where justifiable and where important park resources and uses are not hindered. These utilities encompass electrical transmission for Florida Power and Light (FPL); wells, and water and sewer transmission by the county's Water and Sewer Department (WASD) as well as municipal public service agencies; and telephone transmission lines for various telecommunications companies.

Since 1993, however, Article 6 of the Miami-Dade County Charter - Parks, Aquatic Preserves and Preservation Lands - has prohibited this allowance because the utilities do not necessarily constitute public park use.

In an effort to provide more efficient and cost-effective delivery of consumer services by sharing resources and infrastructure, the proposed Charter amendment provides for this allowance with the limitation that no park, recreational, natural, cultural or historical resource or facility would be adversely impacted nor the public's use. Furthermore, this allowance requires compensation to be made to the county parks system. Compensation may include a direct payment for use of park land by utilities, discounts or credits for future utility connections and service for park facilities, land swaps and/or future park improvements.

Honorable Chairperson and Members
Board of County Commissioners
Page 2

This item was among five separate issues presented to the Charter Review Task Force at its July 17, 2000 meeting. While the Task Force was one person short of reaching quorum and could not provide an official vote, the issues were debated in full. Members present at the meeting expressed support for the thoughtful approach taken to reach solutions of current problems as well as their willingness that these issues be put before voters. While five items were discussed, it was decided that only three questions would be offered to avoid overburdening the October ballot and to address immediate operational concerns.

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of July, 2000. 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.



Approved by County Attorney as
to form and legal sufficiency. AO

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

BY: KAY SULLIVAN
Deputy Clerk

SUB 6L1K

ARTICLE 6 -

PARKS, AQUATIC PRESERVES, AND PRESERVATION LANDS

Note: This Article does not apply to municipal property in Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater and West Miami. See Section 6.04.

SECTION 6.01. POLICY.

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. 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 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 in this Article shall prevent the maintenance of existing

facilities, the maintenance, operation, and renovation of existing golf course and marina restaurants at their existing square footage by government agencies or private operators, provided such private operators are chosen as a result of competitive selection and their initial contract terms are limited to no more than ten years, or the construction, operation, maintenance, and repair by government agencies or private operators of or issuance of temporary permits for:

- A. Appropriate access roads, bridges, fences, lighting, flag poles, entrance features, picnic shelters, tables, grills, benches, irrigation systems, walls, erosion control devices, utilities, trash removal, parking and security and fire facilities for the primary use of the park system;
- B. Food and concession facilities each not in excess of 1,500 square feet each of enclosed space, with and any complementary outdoor or covered areas needed to service park patrons;
- C. User-participation non-spectator recreation and, playground facilities, golf courses and golf-course related 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;
- D. Facilities for marinas, that support sightseeing and fishing boats, and visiting military vessels, and fishing;
- E. Park signage and appropriate plaques and monuments;
- F. Rest rooms;
- G. Fountains, gardens, and works of art;
- H. Park service facilities, senior, day care and pre-school facilities, small nature centers with not more than one classroom;
- I. Film permits, temporary fairs, art exhibits, performing arts, concerts, cultural and historic exhibitions, regattas, athletic contests and tournaments, none of which require the erection of permanent structures;
- 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;

>> I.M. Agreements with cable, internet, telephone, electric or similar service providers or utilities, so long as any installations are underground or do not adversely impact natural resources, or parks facilities, and uses;

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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, Metro Zoo, 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.

SECTION 6.03. ENFORCEMENT AND CONSTRUCTION.

All elections required by this Article shall be held either in conjunction with state primary or general elections or as part of bond issue elections. The provisions of this Article may be enforced in the same manner as provided in Section (C) of the Citizens' Bill of Rights of this Charter. The provisions of this Article shall be liberally construed in favor of the preservation of all park lands, aquatic preserves, and preservation lands. If any provision of this Article shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.

SECTION 6.04. JURISDICTION.

Except as otherwise provided herein the provisions of this Article shall apply to all County and municipal parks, aquatic preserves, and lands acquired by the County for preservation now in existence or hereafter acquired, provided that if this Article was not favorably voted upon by a majority of the voters voting in any municipality at the time of the adoption of this Article the municipal parks of such municipality shall be excluded from the provisions of this Article.