

MEMORANDUM

Agenda Item No. 11(A)(1)

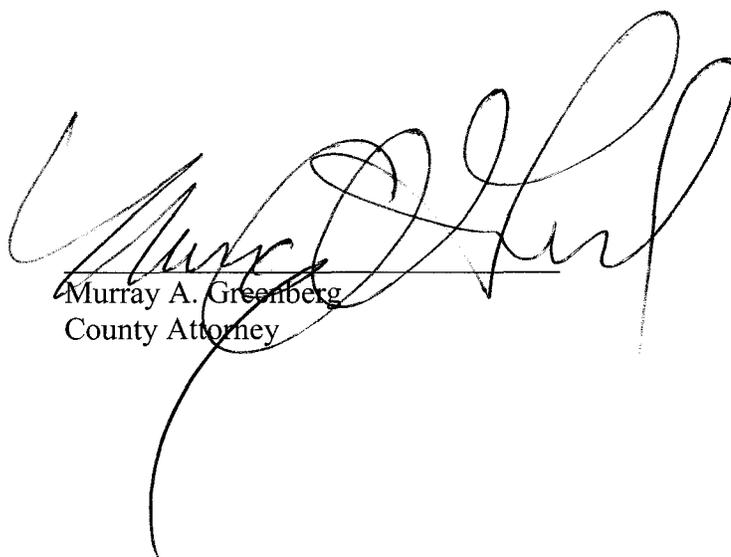
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution calling special
election with regard to the
City of Sweetwater
annexation

The accompanying resolution was placed on the agenda by the Board of County Commissioners.



Murray A. Greenberg
County Attorney

MAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
12-6-05

RESOLUTION NO. _____

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, _____, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES AS SET FORTH HEREIN THE QUESTION OF WHETHER THE DESCRIBED AREA SHOULD BE ANNEXED TO THE CITY OF SWEETWATER

WHEREAS, on _____, this Board passed Ordinance No. _____ entitled:

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF SWEETWATER, FLORIDA, AND AMENDING THE CHARTER OF SUCH MUNICIPALITY BY PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS, UNDER AND PURSUANT TO PROCEEDINGS PRESCRIBED BY SECTION 5.04(B) OF THE HOME RULE CHARTER; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE, UTILITY TAX AND CIGARETTE TAX REVENUES; PROVIDING FOR RETENTION OF GARBAGE AND REFUSE COLLECTION AND DISPOSAL; PROVIDING THAT THE ORDINANCE WILL ONLY BECOME EFFECTIVE UPON THE OCCURRENCE OF CERTAIN EVENTS; PROVIDING INTERDEPENDENCY INCLUSION IN THE CODE AND AN EFFECTIVE DATE;

and

WHEREAS, such ordinance provides that it shall take effect only if approved by a majority vote of the electors residing within the area and voting in an election to be called by this Board,

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

Section 1. In accordance with the provisions of the Miami-Dade County Home Rule Charter and the Code of Miami-Dade County, a special election is hereby called and shall be held within the boundaries of the area described in this Resolution on Tuesday,

_____, for the purpose of submitting to the qualified electors residing therein the question of whether the area described in this Resolution should be annexed to the City of Sweetwater. The boundaries of the unincorporated area proposed for annexation to the City of Sweetwater are:

The unincorporated portion of Miami-Dade County, Florida lying within the following described bounds:

Bounded on the NORTH by NW 25th Street;
Bounded on the SOUTH by Flagler Street;
Bounded on the WEST by the Homestead Extension of the Florida Turnpike; and
Bounded on the EAST by NW 107th Avenue;

As said portion of Miami-Dade County is more particularly described, as follows:

All of Section 31, Township 53 South, Range 40 East, and all of Excess Government Lot 6 between Townships 53 and 54 South, Range 40 East, and the North 1/2 of Section 6 Township 54 South, Range 40 East, in Miami-Dade County, Florida, LESS the West 1/2 of Tracts 1 through 8 inclusive in Block 24, and LESS the East 1/2 of Tracts 7 and 8 in Block 25 of SWEETWATER GROVES according to the plat thereof recorded in Plat Book 8 at Page 50 of the Public Records of Miami-Dade County, Florida, as previously incorporated and approved on March 11, 1986.

The Supervisor of Elections is authorized to take all actions necessary, including modifying the boundaries of any precinct, to assure that only the qualified electors residing in the boundaries of the proposed annexed area to the City of Sweetwater vote on the annexation question set forth herein.

Section 2. Notice of such special election shall be published in accordance with Section 100.342, Florida Statutes (2004).

Section 3. The results of such special election shall be determined by a majority of the qualified electors residing within the said area voting at such special election. All qualified electors residing within the said area shall be entitled to vote at said special election. The polls at

such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors residing within the boundaries of the proposed annexed area to the City of Sweetwater 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. Touch Screen Voting machines shall be used in such special election, and the question shall appear on the ballot in substantially the following form:

Annexation to the City of Sweetwater

Shall the area within the boundaries generally described below be annexed to the City of Sweetwater:

Bounded on the NORTH by NW 25th Street;
Bounded on the SOUTH by Flagler Street;
Bounded on the WEST by the Homestead Extension of the Florida Turnpike; and
Bounded on the EAST by NW 107th Avenue?

YES

NO

Section 4. Such question shall appear on the ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to vote “YES”. Those qualified electors desiring to reject or disapprove the proposal shall be instructed to vote “NO”.

Section 5. Optical scan or touch screen systems may be used for absentee voting by qualified electors residing within the boundaries of the proposed annexation to the City of



Sweetwater for voting on this question at said 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 regarding approval of the proposed annexation, with proper place for voting either "Yes" or "No". Absentee paper ballots may be used by qualified electors residing within the boundaries of the proposed annexation to the City of Sweetwater for voting on this question at said 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 questions set forth above regarding approval of the proposed annexation.

Section 6. A sample ballot showing the manner in which the question or proposal aforesaid will appear on the touch screen system at this election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 7. This special election on the question aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to special elections and the provisions of the Miami-Dade County Home Rule Amendment and 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 ordinance. This special election shall be a nonpartisan election. Election Boards, composed of 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 as provided under the election laws of this State, and in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was sponsored by the Board of County Commissioners and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|-------------------------------|--------------------------|
| Joe A. Martinez, Chairman | |
| Dennis C. Moss, Vice-Chairman | |
| Bruno A. Barreiro | Dr. Barbara Carey-Shuler |
| Jose "Pepe" Diaz | Carlos A. Gimenez |
| Sally A. Heyman | Barbara J. Jordan |
| Dorin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 2005. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Cynthia Johnson-Stacks/Craig H. Coller