MEMORANDUM

Agenda Item No. 14(A)(2)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	June 17, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution calling Special Election for the purpose of submitting to the electors the question of whether the County shall be allowed to construct a Community Arts Center Facility at Tropical Park

The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: June 17, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(2)

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. 14(A)(2)
6-17-08

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATE PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 26, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE COUNTY SHALL BE ALLOWED TO CONSTRUCT A PERMANENT STRUCTURE, A COMMUNITY ARTS CENTER, AT TROPICAL PARK TO INCREASE COMMUNITY PARTICIPATION IN, AND APPRECIATION OF, DIVERSE CULTURAL ARTS AND RECREATION PROGRAMS FOR CHILDREN AND ADULTS, AND BY CREATING CULTURAL ARTS PROGRAMMING SPACE, EXHIBITION SPACE, AND PERFORMANCE SPACE

WHEREAS, Miami-Dade County owns and operates Tropical Park, located at 7900 SW 40th Street, Miami, Florida; and

WHEREAS, on November 2, 2004, voters overwhelmingly approved eight referendum questions to fund more than 300 capital improvement projects throughout Miami-Dade County as part of the Building Better Communities General Obligation Bond program; and

WHEREAS, the funding for the construction of the Westchester Arts Center at Tamiami Park located at 11201 SW 24th Street, Miami, Florida and a Hispanic Heritage Center and black box theatre at the Miami-Dade County Auditorium located at 2901 W. Flagler Street, Miami, Florida were among those approved projects; and

WHEREAS, this Board has determined that Tropical Park, instead of Tamiami Park and the Miami-Dade County auditorium, is the most appropriate location for these projects; and

WHEREAS, the Board desires to construct one community arts center facility at Tropical Park to consist of a studio theatre, black box theatre, and a Hispanic Heritage Center; and

WHEREAS, this Board finds that the construction of a community arts center facility at Tropical Park will benefit the community and will add to the quality of life of the citizens of Miami-Dade County as a whole; and

WHEREAS, Article 7 of the Miami-Dade County Home Rule Charter (the "County Charter") restricts the erection of permanent structures in a public park without first being approved by a majority vote of the voters in a Countywide election; and

WHEREAS, the Board of County Commissioners of Miami-Dade County, Florida finds it necessary and appropriate and in the best interest of the County to place before voters a Countywide referendum to approve the construction of a community arts center facility at Tropical Park,

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

Section 1. A countywide special election, to be held in conjunction with a state primary election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, August 26, 2008 for the purpose of submitting to the qualified electors of Miami-Dade County the ballot item to approve the construction of a permanent structure pursuant to Article 7 of the County Charter.

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

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said 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 election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

REFERENDUM ALLOWING THE CONSTRUCTION OF A COMMUNITY ARTS CENTER AT TROPICAL PARK

SHALL THE COUNTY BE ALLOWED TO CONSTRUCT A PERMANENT STRUCTURE, A COMMUNITY ARTS CENTER, AT TROPICAL PARK TO INCREASE COMMUNITY PARTICIPATION IN, AND APPRECIATION OF, DIVERSE CULTURAL ARTS AND RECREATION PROGRAMS FOR CHILDREN AND ADULTS, AND BY CREATING CULTURAL ARTS PROGRAMMING SPACE, EXHIBITION SPACE, AND PERFORMANCE SPACE?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor, 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 election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The foregoing resolution was sponsored by Sen. Javier D. Souto 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:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 17th day of June, 2008. 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. MR

Monica Rizo