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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Special Item No. 1

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 10, 2013

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

SUBJECT: Resolution calling a countywide special election in Miami-Dade County, Florida, to be held on May 14, 2013, for the purpose of submitting to the electors of Miami-Dade County the question of whether to approve the proposed use of additional tourist room taxes for modernization of Sun Life Stadium

R#278-13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Bruno A. Barreiro and Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

DATE: April 10, 2013

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Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Amended
Special Item No. 1
4-10-13

RESOLUTION NO. R- 278-13

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, MAY 14, 2013, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO APPROVE THE PROPOSED USE OF ADDITIONAL TOURIST ROOM TAXES FOR MODERNIZATION OF SUN LIFE STADIUM

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

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, May 14, 2013, for the purpose of submitting to the qualified electors of Miami-Dade County the ballot question contained herein.

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:

MODERNIZATION OF SUN LIFE STADIUM USED BY DOLPHINS AND HURRICANES

RESOLUTION 279-13 PROPOSES USING 7,500,000 DOLLARS A YEAR, ADJUSTED ANNUALLY FOR GROWTH, FROM ADDITIONAL TOURIST ROOM TAXES TO BE LEVIED TO MODERNIZE STADIUM CONDITIONED ON:

- DOLPHINS' REMAINING LONG-TERM IN COUNTY;
- PRIVATE FUNDING FOR MAJORITY OF COSTS;
- STADIUM OWNERS PAYING COUNTY AT LEAST 112,000,000 DOLLARS IN 30 YEARS;
- STADIUM OWNERS PAYING PENALTIES UP TO 120,000,000 DOLLARS FOR NOT BRINGING PREMIER FOOTBALL AND SOCCER EVENTS TO STADIUM; AND
- AWARD, IN MAY 2013, OF SUPER BOWL.

FOR THE PROPOSED USE ☐

AGAINST THE PROPOSED USE ☐

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. There shall be twenty early voting sites whose locations and dates and times of operation shall be at the discretion of the Supervisor of Elections.

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 or his or her designee, the Finance Director, 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. 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.

Section 10. Consistent with the Florida Department of State's Advisory Opinion D.E. 13-06, issued pursuant to Section 106.23(2), Florida Statutes, South Florida Stadium LLC shall deposit with the Board of County Commissioners, within two (2) business days of the effective date of this Resolution, $4,784,337 in currency or by check certified by a bank licensed to do business in the state to pay the expenses of holding this election. Such payment represents the reasonable costs for conducting this election and shall be non-refundable for any reason, including, but not limited to, the cancellation of the election pursuant to the provisions of Section 11. South Florida Stadium LLC shall not be responsible for any election costs in excess of the amounts set forth herein and may not recover any unspent election costs from the County.

Section 11. This Resolution shall sunset and the special election called herein shall be cancelled in the event that either: (1) South Florida Stadium LLC fails to deposit the funds required by Section 10; (2) the Florida legislature fails to pass SB 306, HB 135 or similar legislation authorizing the County to levy an additional tax development room tax and use the revenues generated to renovate Sun Life Stadium subject to a referendum approving the proposed use before the legislature adjourns *sine die*; or (3) the Governor vetoes such legislation on or before May 14, 2013.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsors are Commissioner Bruno A. Barreiro and Commissioner Jose "Pepe" Diaz. It was offered by Commissioner Barbara J. Jordan, who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman Aye
Lynda Bell, Vice Chair Absent

Bruno A. Barreiro	Aye	Esteban L. Bovo, Jr.	Nay
Jose "Pepe" Diaz	Aye	Audrey M. Edmonson	Absent
Sally A. Heyman	Aye	Barbara J. Jordan	Aye
Jean Monestime	Aye	Dennis C. Moss	Aye
Sen. Javier D. Souto	Aye	Xavier L. Suarez	Nay
Juan C. Zapata	Aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of April, 2013. This resolution shall become effective immediately upon the earlier of (1) 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 or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By: CHRISTOPHER AGRIPPA
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal