

MEMORANDUM

Agenda Item No. 11(A)(10)

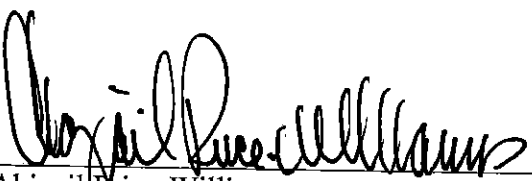
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing, by a two-thirds vote of the Board, an amendment to City of Miami Gardens' Charter which would delete Section 9.6 of the City's Charter, resulting in the transfer from Miami-Dade County to the City of Miami Gardens of zoning, permitting, and other land use jurisdiction over the area known as Stadium Properties and Dolphin Center subject to a vote of the electors of the City of Miami Gardens

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Audrey M. Edmonson, Chairman Jean Monestime and Commissioner Dennis C. Moss.


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 2, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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
- Statement of social equity 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 _____

Agenda Item No. 11(A)(10)
2-2-16

RESOLUTION NO. _____

RESOLUTION AUTHORIZING, BY A TWO-THIRDS VOTE OF THE BOARD, AN AMENDMENT TO CITY OF MIAMI GARDENS' CHARTER WHICH WOULD DELETE SECTION 9.6 OF THE CITY'S CHARTER, RESULTING IN THE TRANSFER FROM MIAMI-DADE COUNTY TO THE CITY OF MIAMI GARDENS OF ZONING, PERMITTING, AND OTHER LAND USE JURISDICTION OVER THE AREA KNOWN AS STADIUM PROPERTIES AND DOLPHIN CENTER SUBJECT TO A VOTE OF THE ELECTORS OF THE CITY OF MIAMI GARDENS

WHEREAS, the City of Miami Gardens has adopted a resolution proposing to delete Section 9.6 of the City's Charter so that zoning, permitting, and other land use jurisdiction over the area known as Stadium Properties and Dolphin Center could be transferred from Miami-Dade County to the City of Miami Gardens; and

WHEREAS, the City of Miami Gardens is able to exercise land use jurisdiction, including zoning, and permitting; and

WHEREAS, the uses associated with this area most directly affect the citizens within the City of Miami Gardens; and

WHEREAS, Section 6.05 of the Miami-Dade County Home Rule Charter requires, prior to a vote of the municipality's electorate, an affirmative vote of two-thirds of the members of the Board of County Commissioners then in office to approve an amendment of any pre-agreed condition contained in a municipal charter; and

WHEREAS, the City of Miami Gardens previously adopted Resolution No. 2014-125-2104 to place a ballot question before its electors to amend the City's Charter to remove Section 9.6 in its entirety, subject to a two-thirds vote of the Board of County Commissioners approving such an amendment and election,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board of County Commissioners, by an affirmative vote of two-thirds of its members, approves an amendment to the Charter of the City of Miami Gardens as set forth in City of Miami Gardens Resolution No. 2014-125-2104, attached hereto as Exhibit 1, which would delete Section 9.6 of the City's Charter, so that the City would have jurisdiction over such matters as building, zoning and other land use decisions regarding the properties described in Appendix C and Appendix D to the City's Charter.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsors are Commissioner Audrey M. Edmonson, Chairman Jean Monestime and Commissioner Dennis C. Moss. It was 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Cynthia Johnson-Stacks
Abbie Schwaderer-Raurell

Resolution No. 2014-125-2104

RESOLUTION NO. 2014-125-2104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUBMITTING A PROPOSED CHARTER CHANGE TO THE ELECTORATE OF THE CITY IN ACCORDANCE WITH SECTION 6.1 AND 6.2 OF THE CITY OF MIAMI GARDENS CHARTER AND SECTION 6.03 OF THE MIAMI-DADE COUNTY CHARTER; SUBMITTING A PROPOSED AMENDMENT PERTAINING TO SECTION 9.6 "STADIUM PROPERTIES, DOLPHIN CENTER DRI;" PROVIDING BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON TUESDAY, THE 4TH DAY OF NOVEMBER, 2014; PROVIDING A NOTICE OF ELECTION; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR AUTHORITY TO THE CITY ATTORNEY AND CITY CLERK; PROVIDING FOR AUTHORITY TO THE MAYOR; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has initiated litigation against Miami-Dade County in reference to Section 9.6 of the City's Charter relating to the Stadium Properties and the Dolphin Center DRI, and

WHEREAS, in that lawsuit, the City requests that among other things, that the Court strike Section 9.6 of the City's Charter, and

WHEREAS, by law, the litigation must be abated to allow the parties to resolve their issues, and

WHEREAS, irrespective of the litigation, Commissioner Barbara Jordan intends to sponsor an item before the Miami-Dade County Board of County Commissioners which would involve an Interlocal Agreement between the City and the County relating

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to Section 9.6 from the City's Charter, and

WHEREAS, in accordance with Section 9.10 of the City's Charter, this proposed Charter Amendment must be approved by 2/3rd vote of the Board of County Commissioners, and

WHEREAS, in accordance with Section 6.1 and 6.2 of the City Charter and Section 6.03 of the Home Rule Charter of Miami-Dade County, as applicable, the City Council is required to submit the Charter Amendment to the Electors of the City for approval or rejection,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

SECTION 2. CHARTER AMENDMENTS: Pursuant to Section 6.1 of the City Charter and Section 6.03 of the Home Rule Charter of Miami-Dade County, the Charter of the City of Miami Gardens, Florida, is hereby amended as follows:

~~Section 9.6 Stadium Properties; Dolphin Center DRI~~

~~In recognition of the fact that Stadium Properties, referenced in Appendix "C", has significant importance to the economy and well-being of all Miami-Dade County, jurisdiction over the Properties for purposes of zoning and building approvals, water and sewer installations (if applicable), compliance with environmental regulations, street~~

~~maintenance (including sidewalks, if applicable) and utility regulations shall remain with Miami-Dade County.~~

~~The City will preserve the rights and approvals of Stadium Properties, as referenced in Appendix "C", and its surrounding development which are laid out in the DRI Development Order Resolution Z-210-85, dated September 26, 1985, and zoning regulations and ordinances affecting Stadium Properties, as amended through December 31, 2012. Notwithstanding the foregoing, jurisdiction for the Dolphin Center DRI Development Order and any amendments thereto shall remain with Miami-Dade County. Commencing with the date of incorporation, the City shall have all other jurisdiction over the property described in Appendix "D".~~

~~Within one hundred eighty (180) days after the election of a municipal council, the City and Miami-Dade County will enter into an Interlocal agreement that includes the provisions of this Section.~~

~~SECTION 3. ELECTION CALLED:~~ A special election is hereby called, to be held on Tuesday, the 4th of November 2014, to present to the qualified electors of the City of Miami Gardens, the ballot question provided in Section 4. of this Resolution.

~~SECTION 4. FORM OF BALLOT:~~ The form of ballot for the Charter Amendments provided for in Section 2 of this Resolution shall be substantially, as follows:

~~PROVIDING THAT SECTION 9.6 OF THE CITY OF MIAMI GARDENS, BE DELETED~~

Shall Section 9.6 of the City of Miami Gardens Charter, wherein Miami-Dade County retained certain jurisdiction over the Stadium Properties and the Dolphin Center DRI, be amended to delete Section 9.6 in its entirety, so that the City of Miami Gardens has the jurisdiction it would otherwise have had if Section 9.6

had not been enacted?

Yes _____

No _____

SECTION 5. BALLOTING:

A. Balloting shall be conducted on Tuesday, November 4th, 2014, between the hours of 7:00 A.M. and 7:00 P.M. at the regular polling places provided for City elections. Absentee balloting shall be available as authorized by law. Early voting pursuant to Sec. 101.657, F.S. shall be provided. All qualified City electors who are timely registered in accordance with law shall be entitled to vote.

B. The City Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County Supervisor of Elections. The City Clerk and the County Supervisor of Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the electoral provisions of this Resolution.

SECTION 6. NOTICE OF ELECTION: Notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the City at least 30 days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election and shall be in substantially the following form:

"NOTICE OF SPECIAL ELECTION"

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. _____ ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA (THE "CITY") A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY ON TUESDAY, THE 26TH DAY OF AUGUST, 2014, BETWEEN THE HOURS OF 7:00 A.M.

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Underlined words are added. Deleted words are stricken.

AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY FOR APPROVAL OR REJECTION.

CITY OF MIAMI GARDENS AMENDMENTS

PROVIDING THAT SECTION 9.6 OF THE CITY OF MIAMI GARDENS, BE DELETED

Shall Section 9.6 of the City of Miami Gardens Charter, wherein Miami-Dade County retained certain jurisdiction over the Stadium Properties and the Dolphin Center DRI, be amended to delete Section 9.6 in its entirety, so that the City of Miami Gardens has the jurisdiction it would otherwise have had if Section 9.6 had not been enacted?

Yes _____

No _____

The full texts of the proposed Charter Amendments are available at the Office of the City Clerk located at 1515 N.W. 167th Street, Building 5, Suite 200 Miami Gardens, Florida 33169

CITY CLERK


SECTION 7. COPIES: Copies of this Resolution proposing the Charter Amendments are on file at the Office of the City Clerk located at 1515 N.W. 167th Street, Building 5, Suite 200 Miami Gardens, Florida 33169, and are available for public inspection during regular business hours.

SECTION 8. EFFECTIVENESS: The Charter Amendment provided for in Section 2 above shall become effective if the majority of the qualified electors voting

become and be made a part of the Charter as included in the Code of Ordinances of the City of Miami Gardens.


SECTION 14. EFFECTIVE DATE: This Resolution shall become immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON July 23, 2014.



OLIVER GILBERT, III, MAYOR

ATTEST:


FOR RONETTA TAYLOR, MMC, CITY CLERK
MARIO BATAILLE, CMC, DEPUTY CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: MAYOR OLIVER GILBERT, III

Moved by: COUNCILMAN IGHOBARO

VOTE: 7-0

Mayor Oliver Gilbert, III	<u>X</u> (Yes)	_____ (No)
Vice Mayor Lisa Davis	<u>X</u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	<u>X</u> (Yes)	_____ (No)
Councilman David Williams Jr	<u>X</u> (Yes)	_____ (No)
Councilwoman Felicia Robinson	<u>X</u> (Yes)	_____ (No)
Councilman Rodney Harris	<u>X</u> (Yes)	_____ (No)

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Councilman Erhabor Ighodaro, Ph.D. X (Yes) ____ (No)

Underlined words are added. Deleted words are stricken.



1515 NW 167 Street, Building 5 Suite 200
Miami Gardens, Florida 33169

City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	July 23, 2014		Item Type:	Resolution	Ordinance	Other	
			(Enter X in box)	X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>		1st Reading:		2nd Reading:
		X	Public Hearing: <i>(Enter X in box)</i>		Yes	No	Yes
					X		
Funding Source:	<i>(Enter Fund & Dept)</i> Ex: General Fund- Police		Advertising Requirement: <i>(Enter X in box)</i>		Yes		No
							X
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:		N/A		
		X					
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area:		Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i>		
		X	Enhance Organizational <input type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communcation <input type="checkbox"/>				
Sponsor Name	Mayor Oliver Gilbert, III		Department:		<i>Mayor and Council</i>		

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUBMITTING A PROPOSED CHARTER CHANGE TO THE ELECTORATE OF THE CITY IN ACCORDANCE WITH SECTION 6.1 AND 6.2 OF THE CITY OF MIAMI GARDENS CHARTER AND SECTION 6.03 OF THE MIAMI-DADE COUNTY CHARTER; SUBMITTING A PROPOSED AMENDMENT PERTAINING TO SECTION 9.6 "STADIUM PROPERTIES, DOLPHIN CENTER DRI;" PROVIDING BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON TUESDAY, THE 4TH DAY OF NOVEMBER, 2014; PROVIDING A NOTICE OF ELECTION; PROVIDING FOR BALLOTING AND ELECTION PROCEDURES; PROVIDING FOR AUTHORITY TO THE CITY ATTORNEY AND CITY CLERK; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN

CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

The City has initiated litigation against Miami-Dade County in reference to Section 9.6 of the City's Charter relating to the Stadium Properties and the Dolphin Center DRI. In that lawsuit, among other things, the City has requested that Section 9.6 of the City's Charter be stricken. Section 9.6 currently states the following:

Section 9.6 Stadium Properties; Dolphin Center DRI

In recognition of the fact that Stadium Properties, referenced in Appendix "C", has significant importance to the economy and well-being of all Miami-Dade County, jurisdiction over the Properties for purposes of zoning and building approvals, water and sewer installations (if applicable), compliance with environmental regulations, street maintenance (including sidewalks, if applicable) and utility regulations shall remain with Miami-Dade County.

The City will preserve the rights and approvals of Stadium Properties, as referenced in Appendix "C", and its surrounding development which are laid out in the DRI Development Order Resolution Z-210-85, dated September 26, 1985, and zoning regulations and ordinances affecting Stadium Properties, as amended through December 31, 2012. Notwithstanding the foregoing, jurisdiction for the Dolphin Center DRI Development Order and any amendments thereto shall remain with Miami-Dade County. Commencing with the date of incorporation, the City shall have all other jurisdiction over the property described in Appendix "D".

Within one hundred eighty (180) days after the election of a municipal council, the City and Miami-Dade County will enter into an Interlocal agreement that includes the provisions of this Section.

The City is required by law, to abate the litigation, to give the City and the County an opportunity to resolve the dispute. Irrespective of the litigation, Commissioner Barbara Jordan intends to sponsor an item before the Miami-Dade County Board of County Commissioners relating to Section 9.6 of the City's Charter. In accordance with Section 9.10 of the City's Charter, this proposed Charter Amendment must be approved by 2/3rd vote of the Board of County Commissioners. In addition, in

accordance with Section 6.1 and 6.2 of the City Charter and Section 6.03 of the Home Rule Charter of Miami-Dade County, as applicable, the City Council is required to submit the Charter Amendment to the Electors of the City for approval or rejection.

This resolution is being adopted as a part of an effort to resolve the issues presented in the litigation filed by the City against the County involving Section 9.6 of the City of Miami Gardens Charter; as such the City Council authorizes the Mayor to determine whether to pursue this resolution to that end.

Proposed Action:

That the City Council approves the attached Resolution.

Attachment: