

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution calling a countywide special election in Miami-Dade County, Florida, at the request of the City of Miami Beach, Florida to be held in conjunction with the primary election on Tuesday, August 20, 2024, for the purpose of submitting to the electors of Miami-Dade County, in accordance with Article 7 of the Miami-Dade Home Rule Charter, the question of whether to authorize the City of Miami Beach to construct a fire station at the western boundary of Flamingo Park on Alton Road between 11th Street and 12th Street in Miami Beach

Resolution No. R-457-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(6)
5-21-24

RESOLUTION NO. _____ R-457-24

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, AT THE REQUEST OF THE CITY OF MIAMI BEACH, FLORIDA TO BE HELD IN CONJUNCTION WITH THE PRIMARY ELECTION ON TUESDAY, AUGUST 20, 2024, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY, IN ACCORDANCE WITH ARTICLE 7 OF THE MIAMI-DADE HOME RULE CHARTER, THE QUESTION OF WHETHER TO AUTHORIZE THE CITY OF MIAMI BEACH TO CONSTRUCT A FIRE STATION AT THE WESTERN BOUNDARY OF FLAMINGO PARK ON ALTON ROAD BETWEEN 11TH STREET AND 12TH STREET IN MIAMI BEACH

WHEREAS, Article 7 of Miami-Dade County’s Home Rule Charter (“Article 7”) establishes a policy that “[p]arks, 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”; and

WHEREAS, Article 7 applies to both parks and lands owned by the County as well as to all municipal property, except municipal property owned by Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater and West Miami; and

WHEREAS, under Article 7, voter approval in a County-wide referendum is required prior to the construction of permanent structures in public parks, subject to certain exceptions; and

WHEREAS, on April 3, 2024, the City Commission of the City of Miami Beach adopted a resolution requesting that a County-wide referendum be placed before the electors of Miami-Dade County at the August 20, 2024 Primary Election regarding construction of a fire station in Flamingo Park on Alton Road in Miami Beach; and

WHEREAS, Alton Road is a major arterial thoroughfare in Miami Beach, and the location of a fire station along Alton Road would improve fire department levels of service and emergency response times for surrounding neighborhoods, thereby maximizing the fire department's execution of its duties to the public; and

WHEREAS, the alternative location identified for the construction of the fire station, the South Shore Community Center, located at 833 6th Street, would require the demolition of a building of considerable importance to the character of the surrounding neighborhood, as it was designed by renowned architect Morris Lapidus; and

WHEREAS, the South Shore Community Center holds tangible importance to its surrounding neighbors, as it has housed the Rainbow Childcare Center for over three decades, providing consistent, vital childcare services to nearby residents; and

WHEREAS, the South Shore Community Center also houses South Florida Seniors in Action, Inc. ("SFSIA"), which provides a variety of services to the elderly community in Miami Beach (e.g., food distribution, healthcare eligibility, etc.); and

WHEREAS, the South Shore Community Center also houses the Miami Dade County Community Action Agency ("CAA"), which operates the South Beach Community Enrichment Center, which empowers economically disadvantaged individuals, families, and communities to achieve self-sufficiency through resource mobilization, service delivery, education, and advocacy; and

WHEREAS, the construction of the fire station at the western edge of Flamingo Park would be upon an underutilized portion of the park that sits between a major roadway (Alton Road) and a portion of the track encircling Abel Holtz Stadium; and

WHEREAS, the proposed fire station would occupy approximately 40,000 square feet, which represents approximately 2.5 percent of the total area of Flamingo Park, and construction of the fire station there would provide maximum public benefit on a small and underutilized parcel; and

WHEREAS, per the Miami Beach Fire Department, the location of the proposed fire station would improve response times in the South of 5th area, which includes a densely populated high rise residential and commercial area, as well as improved response times to Star, Palm, and Hibiscus Islands, and the MacArthur Causeway; and

WHEREAS, the City of Miami Beach is committed to building its fire department a modern station that is National Fire Protection Association (“NFPA”) compliant, designed to meet the current needs for emergency services, and able to grow to meet future needs; and

WHEREAS, this Board desires to honor the City of Miami Beach’s request to place this measure on the August 20, 2024 Primary Election ballot,

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

Section 1. In accordance with Article 7 of the Miami-Dade County Home Rule Charter, a countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with the Primary Election on Tuesday, August 20, 2024, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal approved by the City of Miami Beach seeking authorization to construct a fire station at Flamingo Park in Miami Beach.

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 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 REGARDING CONSTRUCTION OF FIRE
STATION IN FLAMINGO PARK ON ALTON ROAD IN
MIAMI BEACH**

ARTICLE 7 OF HOME RULE CHARTER REQUIRES VOTER
APPROVAL PRIOR TO CONSTRUCTION OF PERMANENT
STRUCTURES IN PUBLIC PARKS, SUBJECT TO
EXCEPTIONS.

IN ACCORDANCE WITH ARTICLE 7, DO YOU APPROVE
CONSTRUCTION OF A NEW FIRE STATION AT FLAMINGO
PARK IN MIAMI BEACH, BETWEEN 11TH AND 12TH
STREETS, FROM WESTERN BOUNDARY OF PARK ON
ALTON ROAD EXTENDING 150 FEET TO THE EAST, TO
IMPROVE FIRE DEPARTMENT LEVELS OF SERVICE AND
EMERGENCY RESPONSE TIMES FOR SURROUNDING
NEIGHBORHOODS?

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. Vote-by-mail paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such vote-by-mail 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, and the Clerk of the Court and Comptroller 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. This Resolution shall sunset and the special election called herein shall be cancelled in the event that: (1) such resolution is either reconsidered and repealed by the City of Miami Beach; or (2) such resolution is invalidated by a court of competent jurisdiction.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. It was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	absent	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	absent	Eileen Higgins	aye
Kionne L. McGhee	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of May, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MBV

Michael B. Valdes