

ORDINANCE No. 2010-11-219

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, PROVIDING FOR AN AMENDMENT TO SECTION 2.3(C), OF THE CHARTER OF THE CITY OF MIAMI GARDENS, TO DELETE THE REFERENCE TO "N.W. 20TH AVENUE" FROM THE EASTERN BOUNDARY DESCRIPTION FOR RESIDENTIAL AREA ONE; SUBMITTING THE QUESTION FOR APPROVAL OF THE ELECTORATE OF THE CITY OF MIAMI GARDENS AT THE GENERAL ELECTION TO BE HELD IN AUGUST 2010; PROVIDING FOR THE CALL OF THE ELECTION ON THE ISSUE TO BE PRESENTED ON THE BALLOT; PROVIDING FOR AUTHORITY TO THE CITY ATTORNEY AND CITY CLERK; PROVIDING FOR REPRESENTATIONS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with §166.031, Florida Statutes, a municipality may amend its charter by adopting an ordinance and by placing the proposed amendment to a vote of the electors at the next general election held within the municipality or at a special election called for such a purpose, and

WHEREAS, Section 2.3(c) of the City's Charter, which describes the boundaries for the City's residential areas, makes reference to "N.W. 20th Avenue" in the Eastern Boundary description for Residential Area One, and

WHEREAS, the reference to "N.W. 20th Avenue" should be eliminated because the eastern boundary line for Residential Area One actually ends at N.W. 27th Avenue, and

WHEREAS, the reference to "N.W. 20th Avenue" should be removed to eliminate any confusion that constituents may have regarding their respective districts and voting precincts,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS 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 Ordinance.

SECTION 2. APPROVAL: The City Council hereby amends Section 2.3(C) of the Charter as follows:

(C) *Residential Areas. Seats 1-4.* The City shall be divided into four residential areas. Individually each is a "Residential Area" collectively "Residential Areas." One Council member shall be elected to a Seat from each Residential Area. Council members from Residential Areas are collectively the "Residential Area Council members." Individually each is a "Residential Area Council member." The Residential Areas corresponding to each Seat are formally set forth below:

Seat 1	Northern Boundary:	N.W. 215 th Street
	Eastern Boundary:	N.W. 27 th Avenue, N.W. 20th Avenue
	Southern Boundary:	N.W. 199 th Street, west to N.W. 37 th Avenue, south to N.W. 191 st Street, west to N.W. 42 nd Avenue, South to SR 826, west to 47 th Avenue.
	Western Boundary:	N.W. 47 th Avenue
Seat 2	Northern Boundary:	N.W. 215 th Street
	Eastern Boundary:	N.E. 2 nd Avenue, south to N.W. 199 th Street, west to North Miami Avenue, south to N.W. 183 rd Street
	Southern Boundary:	N.W. 183 Street
	Western Boundary:	Florida Turnpike, north to N.W. 199 th Street, west to N.W. 27 th Avenue, north to N.W. 215 th Street
Seat 3	Northern Boundary:	N.W. 199 th Street, south along Florida Turnpike, to N.W. 183 rd Street, east along N.W. 183 rd Street to North Miami Avenue.
	Eastern Boundary:	North Miami Avenue, South to SR 9,

		southwest on SR 9 to N.W. 151 st Street
	Southern Boundary:	N.W. 151 st Street to N.W. 27 th Avenue.
	Western Boundary:	N.W. 27 th Avenue
Seat 4	Northern Boundary:	N.W. 199 th Street, west to N.W. 37 th Avenue, south to N.W. 191 st Street, west to N.W. 42 nd Avenue, south to SR 826, west to 57 th Avenue.
	Eastern Boundary:	N.W. 27 th Avenue.
	Southern Boundary:	N.W. 151 st Street to N.W. 57 th Avenue.
	Western Boundary:	N.W. 57 th Avenue, north to SR 826, east to N.W. 47 th Avenue, north to N.W. 191 st Street, east to 37 th Avenue, north to N.W. 199 th Street, east to N.W. 27 th Avenue.

SECTION 3. ELECTION CALL: The Mayor and City Council hereby call for an election to be held concurrent with the general election to be held in the month of August 2010, at such time as may be convenient for, and determined in accordance with the procedure of the Supervisor of Elections in and for Miami-Dade County, Florida, the City Clerk and City Attorney are hereby directed and empowered to do such things as may be necessary and proper in accordance with the laws of the City of Miami Gardens and the laws of the State of Florida to provide for such election on the proposition herein contemplated; and there should be presented to the electorate of the City of Miami Gardens, the question of whether or not to amend Section 2.3(C) of the City Charter to eliminate the reference to "N.W. 20th Avenue" from the Eastern Boundary Description for Seat One.

SECTION 4. ELECTORATE APPROVAL NECESSARY: There shall be placed on the ballot of the General Election to be held in the month of August, 2010, in accordance with the call thereof by the City Council, the following proposition of whether to amend Section 2.3(C) of the Charter to eliminate the reference to "N.W. 20th Avenue"

from the description of the Eastern Boundary Line for Residential Area One; providing that each elector shall indicate such elector's approval for the proposition; providing further, that in the event the elector shall indicate both approval for and against such change, such elector's vote and ballot shall not be counted in determining the question presented on such ballot and in such election. One ballot shall be established and made available to each elector, by electronic or other means for the purpose of expression of such elector's approval or disapproval of the proposition and such proposition shall be summarized as follows:

ELIMINATE REFERENCE TO "N.W. 20TH AVENUE" FROM THE EASTERN BOUNDARY DESCRIPTION FOR RESIDENTIAL AREA ONE

Shall Section 2.3(C) of the City Charter be amended to eliminate any reference to "N.W. 20th Avenue" from the description of the Eastern Boundary line for Residential Area One?

For _____

Against _____

SECTION 5. AUTHORITY: The City Attorney and City Clerk are hereby authorized to make any such amendments to the ballot title and/or question based upon the rules, regulations and policies of the Miami-Dade Supervisor of Elections, and is hereby authorized to take all steps necessary to fulfill the intent of this Ordinance.

SECTION 6. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 7. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and

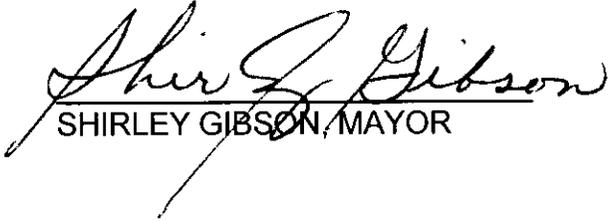
independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that in the event the ballot question presented herein is approved by the electors of the City that the provisions of this Ordinance shall become and be made a part of the Charter as included in the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed

SECTION 9. EFFECTIVE DATE: This Ordinance shall become immediately upon its passage.

PASSED ON FIRST READING ON THE 28TH DAY OF APRIL, 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 12TH DAY OF MAY, 2010.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

Prepared by SONJA K. DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: COUNCILMAN AARON CAMPBELL, JR.

MOVED BY: Vice Mayor Campbell
SECOND BY: Councilman Gilbert

VOTE: 7-0

Mayor Shirley Gibson	<u> X </u> (Yes)	<u> </u> (No)
Vice Mayor Aaron Campbell	<u> X </u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Barbara Watson	<u> X </u> (Yes)	<u> </u> (No)
Councilman Andre' Williams	<u> X </u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	<u> </u> (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	<u> </u> (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	<i>May 5, 2010</i>		Item Type: <small>(Enter X in box)</small>	Resolution	Ordinance	Other	
					x		
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading		2nd Reading	
		x					x
Funding Source:	N/A		Advertising Requirement: <small>(Enter X in box)</small>	Yes	No		
				x			
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	RFP/RFQ/Bid #:	N/A			
		x					
Sponsor Name	Vice Mayor Aaron Campbell		Department:	<i>Mayor and Council</i>			
Short Title:							

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Staff Summary:

Section 2.3(C) of the City’s Charter, which describes the boundaries for the City’s residential areas, makes reference to “N.W. 20th Avenue” in the Eastern Boundary description for Residential Area One. The reference to “N.W. 20th Avenue” should be eliminated because the eastern boundary line for Residential Area One actually ends and N.W. 27th Avenue. The reference to “N.W. 20th Avenue” should be removed to eliminate any confusion that constituents may have regarding their respective districts and voting precincts.

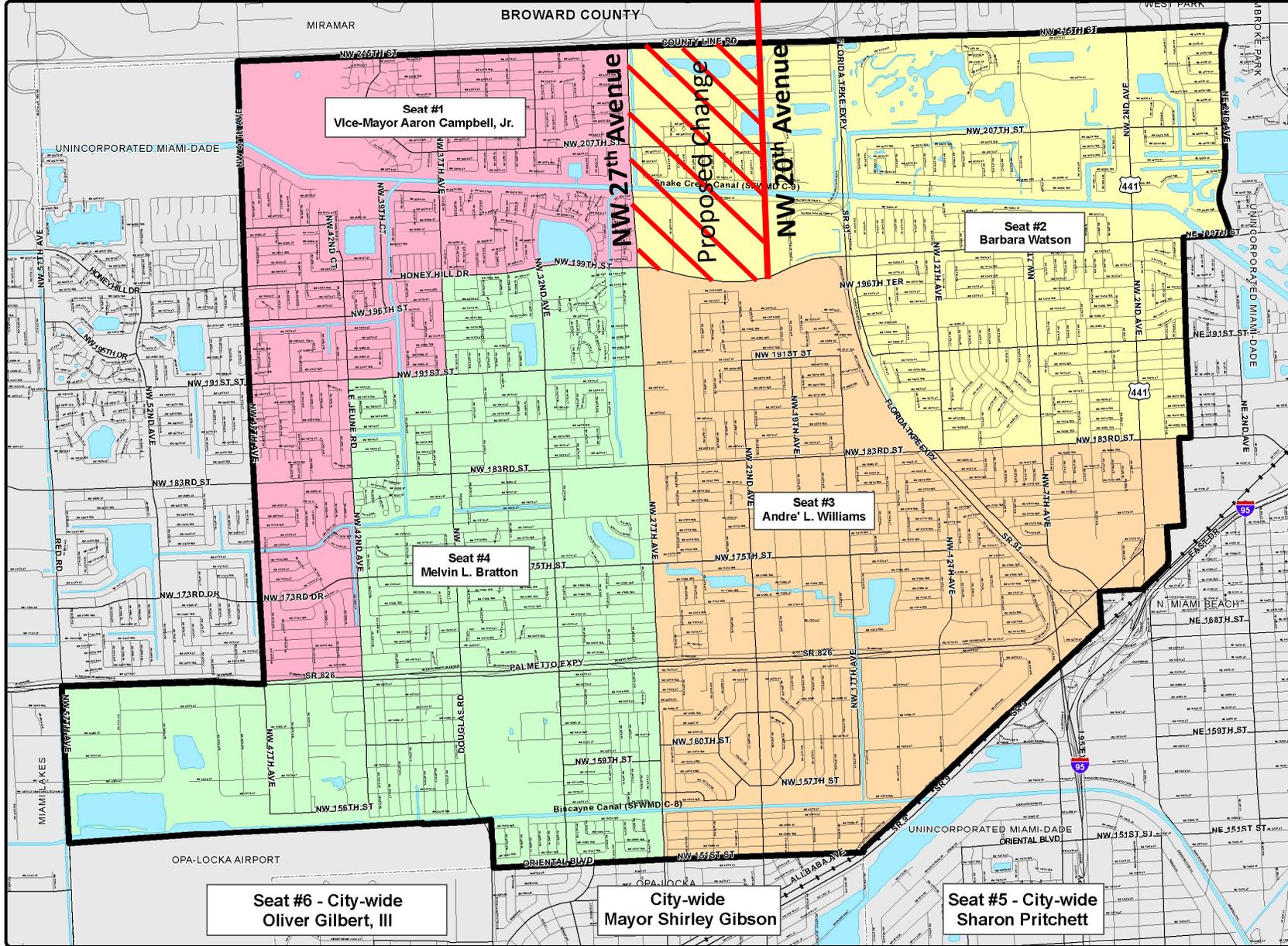
**ITEM I-1) ORDINANCE
SECOND READING/PUBLIC HEARING
Amendment to the boundary description for
Residential Area One**

Proposed Action:

It is the intention of the City Council of the City of Miami Gardens that in the event the ballot question presented herein is approved by the electors of the City that the provisions of this Ordinance shall become and be made a part of the Charter as included in the Code of Ordinances of the City of Miami Gardens.

Attachment:

Attachment: Map of Area





CITY OF MIAMI GARDENS
City Council Boundary Map

- ~ Major Roadways
- ~ Local Roadways
- ~ Water Bodies
- Mayor - Shirley Gibson*
- Seat 1 - Vice-Mayor Aaron Campbell, Jr.
- Seat 2 - Councilwoman Barbara Watson
- Seat 3 - Andre Williams
- Seat 4 - Melvin L. Bratton
- Seat 5 - Sharon Pritchett*
- Seat 6 - Oliver G. Gilbert, III*
- * = Citywide



0 0.3 0.6
Miles

April 2010

Prepared by:
Planning & Zoning Department

DISCLAIMER:
Every attempt has been made to ensure the accuracy of this map. This map is not to be construed as a survey instrument. The City of Miami Gardens does not assume any liability arising from the use of this map. Users of this map should consult the planning & zoning division for verification of information provided on this map.