

ORDINANCE No. 2011-28-270

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 REFERENCE TO RESIDENTIAL AREA BOUNDARY DESCRIPTIONS AND AUTHORIZE THE CITY COUNCIL TO AMEND RESIDENTIAL AREA BOUNDARY DESCRIPTIONS BY ORDINANCE AFTER EACH DECENNIAL CENSUS; SUBMITTING THE QUESTION FOR APPROVAL OF THE ELECTORATE OF THE CITY OF MIAMI GARDENS AT THE SPECIAL ELECTION TO BE HELD ON JANUARY 31, 2012; 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 ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, federal law mandates that a census be conducted every ten (10) years, and

WHEREAS, the 2010 census revealed a disparity between the populations of Residential Area Seats One and Four, and

WHEREAS, §166.031(3), Florida Statutes, authorizes the City Council to redefine its boundaries by Ordinance, however the Residential Area boundary descriptions are referenced in Section 2.3(c) of the Charter requiring a voter referendum for redistricting, and

WHEREAS, the proposed Charter amendment will eliminate the need for the City to present the question to the electorate at the conclusion of each decennial census,

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 as set out in the original Charter of the City of Miami Gardens, approved on May 13, 2003. 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 City Council shall have the authority to amend Residential Area boundary descriptions by Ordinance after each decennial census. ~~The Residential Areas corresponding to each Seat are formally set forth below:~~

Seat 1	Northern Boundary:	<u>N.W. 215th Street</u>
	Eastern Boundary:	<u>N.W. 27th Avenue, N.W. 20th Avenue</u>
	Southern Boundary:	<u>N.W. 199th Street, west to N.W. 37th Avenue, south to N.W. 191st Street, west to N.W. 42nd Avenue, South to SR 826, west to 47th Avenue.</u>
	Western Boundary:	<u>N.W. 47th Avenue</u>
Seat 2	Northern Boundary:	<u>N.W. 215th Street</u>
	Eastern Boundary:	<u>N.E. 2nd Avenue, south to N.W. 199th Street, west to North Miami Avenue, south to N.W. 183rd Street</u>
	Southern Boundary:	<u>N.W. 183 Street</u>

Language deleted is stricken through and language added is underlined.

	Western Boundary:	Florida Turnpike, north to N.W. 199th Street, west to N.W. 27th Avenue, north to N.W. 215th Street
Seat 3	Northern Boundary:	N.W. 199th Street, south along Florida Turnpike, to N.W. 183rd Street, east along N.W. 183rd Street to North Miami Avenue.
	Eastern Boundary:	North Miami Avenue, South to SR 9, southwest on SR 9 to N.W. 151st Street
	Southern Boundary:	N.W. 151st Street to N.W. 27th Avenue.
	Western Boundary:	N.W. 27th Avenue
Seat 4	Northern Boundary:	N.W. 199th Street, west to N.W. 37th Avenue, south to N.W. 191st Street, west to N.W. 42nd Avenue, south to SR 826, west to 57th Avenue.
	Eastern Boundary:	N.W. 27th Avenue.
	Southern Boundary:	N.W. 151st Street to N.W. 57th Avenue.
	Western Boundary:	N.W. 57th Avenue, north to SR 826, east to N.W. 47th Avenue, north to N.W. 191st Street, east to 37th Avenue, north to N.W. 199th Street, east to N.W. 27th Avenue.

SECTION 3. ELECTION CALL: The Mayor and City Council hereby call for an election to be held concurrent with the election to be held in the month of January 2012, 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

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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

SECTION 4. ELECTORATE APPROVAL NECESSARY: There shall be placed on the ballot of the Special Election to be held in the month of January 2012, 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 delete reference to residential area boundary descriptions and authorize the City Council to amend residential area boundary descriptions by ordinance after each decennial census; 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:

DELETING CHARTER REFERENCES TO RESIDENTIAL BOUNDARIES AND PERMITTING SUCH BOUNDARIES TO BE AMENDED BY ORDINANCE

Shall Section 2.3(C) of the City Charter be amended to delete Residential Area boundary descriptions and authorize the City Council to amend Residential Area boundary descriptions by Ordinance after each decennial census?

For _____

Against _____

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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 are 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.

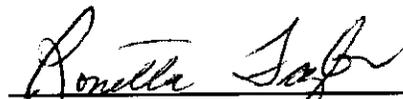
PASSED ON FIRST READING ON OCTOBER 26, 2011

Language deleted is stricken through and language added is underlined.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI
GARDENS AT ITS SPECIAL MEETING HELD ON NOVEMBER 7, 2011.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

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

SPONSORED BY: RONETTA TAYLOR, MMC, CITY CLERK

Moved by: Councilman Gilbert
Second by: Councilwoman Robinson

VOTE: 5-1

Mayor Shirley Gibson	<u> X </u> (Yes)	___ (No)
Vice Mayor Aaron Campbell, Jr.	___ (Yes)	___ (No) (not present)
Councilman David Williams Jr	<u> X </u> (Yes)	___ (No)
Councilwoman Lisa Davis	<u> X </u> (Yes)	___ (No)
Councilman Oliver Gilbert, III	<u> X </u> (Yes)	___ (No)
Councilwoman Felicia Robinson	___ (Yes)	<u> X </u> (No)
Councilman Andre' Williams	<u> X </u> (Yes)	___ (No)

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