ITEM 10A

To: Honorable Mayor and Village Council

Date: April 24, 2015

From: Meighan J. Alexander
Village Clerk

Re: Results of Special Election – Alexander Montessori School April 21, 2015

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL ELECTION OF APRIL 21, 2015; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS:

In 2009, following a Special Election, the electorate voted to amend the Village's Charter to include section 10.1 entitled "Private School Expansion", as follows:

> The number of enrolled students of any private school within the Village of Palmetto Bay shall not be increased without prior approval by a fourth-fifths (4/5) vote of the Village Council. No such approval shall be adopted by the Village Council until the request to increase enrolled students is submitted to a vote of Village of Palmetto Bay electors living within a 2,000 foot radius of the applicant school property by referendum, and 75 percent of the electors voting approve of such increase in enrolled students.
>
> A list of Village of Palmetto Bay registered voters within the 2,000-foot radius of the school property shall be prepared by the Village Clerk. Any elector who resides on property or a portion of property that is within the 2,000 foot radius of the school seeking to increase the number of its enrolled students shall be eligible to vote in the election required under this provision. The cost of the election (including reimbursement to the city for all costs relating to the preparation of the list of eligible electors) required under this provision shall be borne by the school seeking to increase the number of its enrolled students.

Through Resolution 2013-41, the date of the Special Election was set for April 21, 2015. Following the mandates of the Charter, Alexander School, Inc., was required to have this election in order to increase the number of enrolled students at its campus located at 14850 SW 67 Avenue. The representatives of the School came before the Council and requested that a polling location be opened in order for residents to vote in person. Absentee ballot voting was also available. Out of the registered 310 voters within the 2,000 foot radius, 46 absentee ballots were returned without any question as to validity. A total of 83 ballots were cast.

The Special Election was conducted. The Village's Canvassing Board met on the evening of the election and conducted their final meeting on April 24th. The results of this Special Election are attached to the Resolution.

FISCAL/BUDGETARY IMPACT: There is no budgetary impact associated with the adoption of the attached resolution.

RECOMMENDATION: Approval.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, CERTIFYING AND DECLARING THE RESULTS OF THE SPECIAL ELECTION OF APRIL 21, 2015; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2009 the electorate voted to amend the Village's Charter to include section 10.1 entitled "Private School Expansion"; and

WHEREAS, Section 10.1 of the Village Charter states in relevant part:

> The number of enrolled students of any private school within the Village of Palmetto Bay shall not be increased without prior approval by a fourth-fifths (4/5) vote of the Village Council. No such approval shall be adopted by the Village Council until the request to increase enrolled students is submitted to a vote of Village of Palmetto Bay electors living within a 2,000 foot radius of the applicant school property by referendum, and 75 percent of the electors voting approve of such increase in enrolled students.
>
> A list of Village of Palmetto Bay registered voters within the 2,000-foot radius of the school property shall be prepared by the Village Clerk. Any elector who resides on property or a portion of property that is within the 2,000 foot radius of the school seeking to increase the number of its enrolled students shall be eligible to vote in the election required under this provision. The cost of the election (including reimbursement to the city for all costs relating to the preparation of the list of eligible electors) required under this provision shall be borne by the school seeking to increase the number of its enrolled students.

and,

WHEREAS, the Council passed Resolution 2015-14 that established the date of the Special Election for the Alexander School, Inc., to be held on April 21, 2015; and

WHEREAS, the Special Election was conducted and canvassed; returns have been made by inspectors and the Supervisor of the Election; all ballots of registered voters have been tabulated; and, a determination of the total number of votes cast at such election was made.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA AS FOLLOWS:

Section 1. That the above and foregoing recitals are true and correct.

Section 2. The Council hereby declares and certifies that a total of 83 ballots were cast at the Special Election, and the following votes were cast as follows for the single ballot question below:

Student Enrollment Increase at Alexander Montessori School

Alexander Montessori School, located at 14850 SW 67th Avenue, wishes to increase student enrollment, from 270 to 329. The Village Charter requires a neighborhood vote. If successful, then the proposed increase will go to a public hearing before the Village Council. Should Alexander Montessori School be allowed to increase enrollment from 270 to 329?

YES 57 (68.67 %)
NO 26 (31.33 %)

Section 3. The Village of Palmetto Bay's Canvassing Board met, as mandated by law, and has received the Certification of the Official Results of the Election, following its meeting on April 24, 2015; therefore, the results of the Special Election are hereby certified.

Section 4. The Village Clerk is hereby authorized and directed to perform any and all incidental duties in connection herewith as required by law.

Section 5. This Resolution shall take effect immediately upon approval.

PASSED and ADOPTED this _____ day of May, 2015.

Attest: _____

Meighan Alexander
Village Clerk

_____

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

MIAMI-DADE COUNTY
miamidade.gov

Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-8683 F 305-499-8547
TTY 305-499-8480

CERTIFICATION

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, Penelope Townsley, Supervisor of Elections of Miami-Dade County, Florida, do hereby certify that the attached is a true and correct copy of the Official Results for the proposal listed below in the **Palmetto Bay Special Election** conducted on April 21, 2015:

Student Enrollment Increase at Alexander Montessori School

WITNESS MY HAND AND

OFFICIAL SEAL, AT MIAMI,

MIAMI-DADE COUNTY, FLORIDA,

ON THIS 24TH DAY OF APRIL, 2015

Penelope Townsley
Supervisor of Elections
Miami-Dade County

Enclosure

SUMMARY REPT-GROUP DETAIL

OFFICIAL SPECIAL ELECTION
PALMETTO BAY, FLORIDA
APRIL 21, 2015

OFFICIAL RESULTS

RUN DATE:04/24/15 10:06 AM

REPORT-EL45A PAGE 001

	TOTAL VOTES	%	ED OSS	ED IVO	ABSENTEE	PROV
PRECINCTS COUNTED (OF 2)	2	100.00				
REGISTERED VOTERS - TOTAL	310					
BALLOTS CAST - TOTAL.	83		37	0	46	0
VOTER TURNOUT - TOTAL		26.77				
QUESTION						
Vote for 1						
YES	57	68.67	29	0	28	0
NO.	26	31.33	8	0	18	0
Total	83		37	0	46	0
Over Votes	0		0	0	0	0
Under Votes	0		0	0	0	0

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BOARDS AND AGENCIES; APPOINTING MEMBERS TO THE CHARTER REVISION COMMISSION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Charter, Section 6.2 provides that at the Council shall appoint and fund a Charter Revision Commission (the "Commission") consisting of five persons, including one from each of the three Residential Areas; and

WHEREAS, the Charter dictates that the five appointments must be made by each of the members of the Council: one appointment by the Mayor, Vice-Mayor and each Council member. In addition, the Mayor shall appoint one person to the Commission who is the Vice-Mayor or Council member who is serving a second consecutive term, who shall serve as a non-voting Commission member; and

WHEREAS, the Commission shall commence its proceedings within 45 calendar days after appointment by the Council. If the Commission determines that an amendment or revision is needed, it shall submit the same to the Council no later than July 1st of the year following its appointment in order for the matter to be considered at the regularly scheduled election of November, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Council appoints the following to serve on the committee:

Mayor Eugene Flinn: _____
Residential Area:_____

Vice Mayor John DuBois: _____
Residential Area:_____

Councilwoman Karyn Cunningham: _____
Residential Area:_____

Councilman Tim Schaffer: _____
Residential Area:_____

Councilwoman Larissa Siegel Lara: _____
Residential Area:_____

Mayor-appointed non-voting Commission member: _____

Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this _____ day of May, 2015.

Attest: _____

Meighan J. Alexander
Village Clerk

_____

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____