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RESOLUTION NO. 2015-14

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DIRECTING THE VILLAGE CLERK TO COORDINATE A SPECIAL ELECTION WITH ONE OR MORE OPEN PRECINCTS ON APRIL 21, 2015, THROUGH UTILIZATION OF THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS, PURSUANT TO SECTION 10.1 OF THE VILLAGE CHARTER, AS REQUESTED BY ALEXANDER SCHOOL, INC.; APPROVING REQUISITE BALLOT LANGUAGE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alexander School, Inc., is a pre-k through grade 6 private school that has operated a location at 14850 SW 67th Avenue since 1969; and,

WHEREAS, in 2000, the school was permitted a total student population of 270 and is now requesting to increase the number of students to 329; and,

WHEREAS, the Village's Charter, Section 10.1, entitled "Private School Expansion", states:

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, due to the above referenced charter provision, the Alexander School, Inc., must first request that an election be held in accordance with Section 10.1 of the charter before a zoning application may be considered by the Mayor and Village Council at a quasi-judicial hearing; and,

1 **WHEREAS**, Alexander School, Inc., has submitted a request for special election with one
2 or more precincts open; therefore, the Village Council must seek consent from the Miami-Dade
3 County Supervisor of Elections for a special election in accordance with Florida Statute 100.151;
4 and,
5

6 **WHEREAS**, the Mayor and Village Council desire to follow the mandates of the Charter,
7 Section 10.1.
8

9 **BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE**
10 **VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

11 **Section 1.** The above whereas clauses are incorporated by reference into this
12 Resolution.
13

14 **Section 2.** In accordance with Florida Statute 100.151, "County commissioners or the
15 governing authority of a municipality shall not call any special election until notice is given to the
16 supervisor of elections and his or her consent obtained as to a date when the registration books can
17 be available", the Village Clerk is directed to transmit this Resolution to the Miami-Dade County
18 Supervisor of Elections to confirm authorization for the special election with one or more precincts
19 open. Alexander School, Inc., has requested the date of **April 21, 2015**, which has been approved by
20 Miami-Dade County Elections Department.
21

22 **Section 3.** The form of ballot shall be as follows:
23

24 **Student Enrollment Increase at Alexander Montessori School**
25

26 Alexander Montessori School, located at 14850 SW 67th Avenue, wishes to increase student
27 enrollment, from 270 to 329.
28

29 The Village Charter requires a neighborhood vote. If successful, then the proposed increase
30 will go to a public hearing before the Village Council. Should Alexander Montessori
31 School be allowed to increase enrollment from 270 to 329?
32

33 YES []

34 NO []
35

36 **Section 4.** The information and the full text of the proposed ballot question shall be
37 available at the office of the Village Clerk located at 9705 East Hibiscus Street, Palmetto Bay, Florida
38 33157. Copies of this resolution providing the ballot question subject to the referendum approval
39 pursuant to Section 10.1 of the Village Charter is on file in the office of the Village Clerk and
40 available for public inspection during regular business hours. Additionally, the Village Clerk's office
41 shall mail the Notice of Special Election to each registered voter, as listed on the voter's registration
42 list provided by Miami-Dade County Elections Department. The cost for this mailing shall be
43 reimbursed by Alexander School, Inc. The Village Clerk is authorized to utilize the services of

1 Miami-Dade County Supervisor of Elections for any assistance required in the administration of the
2 election.

3
4 **Section 5.** This resolution shall become effective upon adoption, and the ballot measure
5 being voted on will proceed to public hearing on the increase in the number of students only upon
6 75 percent approval of the electors voting on the measure within 2000 feet of the school, effective
7 upon certification of the election results.

8
9 **Section 6.** If any section, clause, sentence, or phrase of this resolution is for any reason
10 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
11 validity of the remaining portions of this resolution.

12
13 **Section 7.** This resolution shall take effect immediately upon enactment.

14
15 PASSED and ADOPTED this 5th day of January, 2015.

16
17
18 Attest: 
19 Meighan Alexander
20 Village Clerk


Eugene Flinn
Mayor

21
22
23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
24 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

25
26
27 
28 Dexter W. Lehtinen
29 Village Attorney

30
31
32 FINAL VOTE AT ADOPTION:

33
34 Council Member Katryn Cunningham YES

35
36 Council Member Tim Schaffer YES

37
38 Council Member Larissa Siegel Lara YES

39
40 Vice-Mayor John DuBois YES

41
42 Mayor Eugene Flinn YES

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This Resolution was filed in the Office of the Village Clerk on this ^{9th} day of January, 2015.



Meighan Alexander, Village Clerk