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RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 3, 2020, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO ALLOW REGIONAL PARKS IN BROWARD COUNTY TO BE USED FOR SITING AND OPERATING EMERGENCY COMMUNICATIONS INFRASTRUCTURE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Broward County ("County") invests more than \$40 million annually in the maintenance and operation of thousands of acres of parks, including Regional Parks and Natural Area Parks, and welcomes millions of visitors to County parks every year;

WHEREAS, under a 2011 amendment to the County Charter ("Charter"), County Regional Parks may be used only for outdoor leisure, athletic, or recreational activities;

WHEREAS, although the County is committed to preserving County Regional Parks for leisure, athletic, and recreational activities, the ongoing implementation of a multisite countywide regional public safety communications system was not anticipated in 2011 and was therefore not considered when limiting the permitted uses of the Regional Parks;

WHEREAS, some County Regional Parks are optimal locations to serve critical safety needs in an urban county such as Broward;

WHEREAS, certain locations in or near Regional Parks have historically been utilized to site critical public safety communications equipment for emergency communications by first responders and other public safety officials across Broward

1 County, which equipment must often be dispersed throughout the County to ensure
2 countywide coverage;

3 WHEREAS, the ability to use Regional Parks for these public safety needs is
4 critical to provide the necessary infrastructure to allow first responders to quickly, safely,
5 and reliably respond to emergencies, and to protect the health, safety, and lives of County
6 residents and visitors who rely upon such prompt and reliable emergency services;

7 WHEREAS, natural disasters such as hurricanes, and public safety emergencies
8 such as the Marjory Stoneman Douglas High School tragedy, present unpredictable risks
9 for every community in the County, and public health and safety would be enhanced by
10 the County being able to use its Regional Parks for siting critical infrastructure necessary
11 to respond to such emergencies;

12 WHEREAS, Section 2.06 of the Charter authorizes the Broward County Board of
13 County Commissioners (“Board”) to propose amendments and revisions to the Charter,
14 subject to a referendum of the general electorate;

15 WHEREAS, the Board desires to place an amendment to the Charter before the
16 voters at the November 3, 2020, General Election; and

17 WHEREAS, using Regional Parks where necessary for siting critical public safety
18 communications equipment when such use would not materially disrupt the public’s use
19 and enjoyment of the parks would provide a countywide benefit to the County’s residents,
20 visitors, and first responders, NOW, THEREFORE,

21

22 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
23 BROWARD COUNTY, FLORIDA:

24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 Section 1. Subject to an affirmative vote of the general electorate, Section 8.13
2 of the Charter of Broward County, Florida, titled Broward County park preservation, is
3 hereby amended to read as follows:

4 **Section 8.13. Broward County park preservation**

5 A. Definitions.

6 . . .

7 (4) “Public Health and Safety Purposes” shall mean the use of an area
8 of park property for emergency communications infrastructure,
9 provided the County Commission determines by a vote of a majority
10 plus one (1) of the total membership of the County Commission that
11 the proposed emergency communications infrastructure is
12 necessary to protect public safety and first responders, would not
13 have a material adverse effect on the public’s enjoyment of the park
14 or the park’s environmental condition, and uses the least amount of
15 park property reasonably necessary to effectuate the proposed use.

16 . . .

17 C. Regional Parks.

18 . . .

19 (2) ~~Regional Parks shall only be used for Park Purposes.~~ Regional
20 Parks may not be ~~sold, transferred, or~~ used for purposes other than
21 as a Regional Park Purposes or Public Health and Safety Purposes,
22 and may not be sold or transferred unless such ~~action~~ sale or transfer
23 is approved by an affirmative vote of no less than sixty percent (60%)
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1 of the electors of Broward County voting in a referendum at either a
2 general election or a special election called for that purpose.

3 . . .

4
5 Section 2. A referendum election is called for the General Election on
6 November 3, 2020, and at such other times as permitted for voting under Chapter 101,
7 Florida Statutes, to determine whether the Charter should be amended to permit
8 utilization of County Regional Parks for public safety communications infrastructure.

9
10 Section 3. In accordance with Section 100.342, Florida Statutes, at least thirty
11 (30) days' notice of the referendum election shall be published by the Broward County
12 Administrator in a newspaper of general circulation in Broward County. The publication
13 shall be made at least twice, including once in the fifth week and once in the third week
14 prior to the week in which the referendum is to be held. The notice is hereby attached as
15 Exhibit A and made a part hereof.

16
17 Section 4. Said referendum election shall be held between the hours of
18 7:00 a.m. and 7:00 p.m. on Tuesday, November 3, 2020, and at such other days and
19 times as provided under applicable law, including early voting as provided by
20 Section 101.657, Florida Statutes, at polling places established in Broward County. All
21 registered and qualified electors in Broward County shall be eligible to vote in the
22 referendum election. Vote-by-mail ballots and early voting access for the referendum
23 shall be made available as provided by law.

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1 Section 5. The election boards consisting of the clerks and inspectors
2 appointed to serve for the General Election on November 3, 2020, are hereby appointed
3 to serve in the referendum election in the manner provided by law.

4
5 Section 6. The Broward County Canvassing Board shall canvass the returns in
6 said election and shall certify the results of the referendum election as provided by law.

7
8 Section 7. The County Administrator shall timely furnish a certified copy of this
9 adopted Resolution to the Supervisor of Elections for Broward County.

10
11 Section 8. The title and summary of the referendum question to appear on the
12 General Election ballot on November 3, 2020, as embodied in this enabling Resolution,
13 shall be as follows:

14 **ABILITY TO USE REGIONAL PARKS WHEN NECESSARY FOR**
15 **SITING AND OPERATING EMERGENCY COMMUNICATIONS INFRASTRUCTURE**

16 "Amends the County Charter to enable Regional Park use without referendum for
17 siting and operating emergency communications infrastructure when the County
18 Commission, by supermajority vote, determines the infrastructure is necessary to protect
19 public safety and first responders, would not materially affect the public enjoyment or
20 environmental condition of the park, and uses the least amount of park property
21 necessary to effectuate the use."

22 YES _____

23 NO _____

24
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1 FINANCIAL IMPACT STATEMENT:

2 It is estimated that this amendment will have no financial impact to Broward
3 County.

4
5 Section 9. Inclusion in the Broward County Charter.

6 It is the intention of the Board of County Commissioners that the provisions of this
7 Charter amendment become part of the Broward County Charter as of the effective date.
8 The sections of the Charter may be renumbered or relettered to the extent necessary to
9 accomplish such intention.

10
11 Section 10. Severability.

12 If any portion of this Resolution is determined by any court to be invalid, the invalid
13 portion will be stricken, and such striking will not affect the validity of the remainder of this
14 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
15 legally applied to any individual, group, entity, property, or circumstance, such
16 determination will not affect the applicability of this Resolution to any other individual,
17 group, entity, property, or circumstance. If the County determines any part of the ballot
18 statement, including the fiscal impact statement, is contrary to state law, the County
19 Attorney is authorized to request that the Supervisor of Elections remove the applicable
20 language from the proposed ballot proposal and the Supervisor of Elections is authorized
21 to remove such language.

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Exhibit A

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 3, 2020, THE DATE OF THE GENERAL ELECTION, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO ALLOW REGIONAL PARKS IN BROWARD COUNTY TO BE USED FOR SITING AND OPERATING EMERGENCY COMMUNICATIONS INFRASTRUCTURE.

A countywide referendum election will be held on Tuesday, November 3, 2020, and at such other times as provided for by Chapter 101, Florida Statutes, for the purpose of determining whether to amend the Broward County Charter to permit Broward County Regional Parks to be used for siting emergency communications infrastructure.

As set forth in enabling Resolution No. 2020-___, adopted on ___, by the Board of County Commissioners of Broward County, Florida, the title and summary to appear on the referendum ballot shall be as follows:

ABILITY TO USE REGIONAL PARKS WHEN NECESSARY FOR SITING AND OPERATING EMERGENCY COMMUNICATIONS INFRASTRUCTURE

Amends the County Charter to enable Regional Park use without referendum for siting and operating emergency communications infrastructure when the County Commission, by supermajority vote, determines the infrastructure is necessary to protect public safety and first responders, would not materially affect the public enjoyment or environmental condition of the park, and uses the least amount of park property necessary to effectuate the use.

YES _____

NO _____

FINANCIAL IMPACT STATEMENT:

It is estimated that this amendment will have no financial impact to Broward County.

A complete copy of the proposed amendment is available at Broward.org/Charter.

The referendum shall be held on November 3, 2020, between the hours of 7:00 a.m. and 7:00 p.m., and at such other days and times as provided under applicable law, including for early voting as provided by Section 101.657, Florida Statutes, at the polling places established in Broward County. All registered and qualified electors of Broward County shall be eligible to vote in said referendum election. Vote-by-mail ballots for the referendum election shall be prepared and made available as provided by law.

The Broward County Canvassing Board shall canvass the returns and certify the results of the referendum election to the Board of County Commissioners of Broward County, Florida, the Broward County Administrator, and the Florida Department of State, to be recorded and filed in appropriate public records.

Instructions:

A. Publish two (2) times:

Once on: September 29, 2020
Once on: October 13, 2020

B. Furnish two (2) proofs of publication and invoice to:

Mary Ann Darby, Deputy Clerk
Records, Taxes and Treasury Division
Broward County Governmental Center
115 S. Andrews Avenue, Room 336-U
Fort Lauderdale, Florida 33301

C. Furnish one (1) proof of publication and invoice to:

Board County Attorney's Office
Broward County Governmental Center
115 S. Andrews Avenue, Room 423
Fort Lauderdale, Florida 33301