

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 LIMITED PUBLIC HEALTH AND SAFETY PURPOSES; 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, certain public health or safety circumstances, such as the ongoing worldwide pandemic of COVID-19 and the ongoing implementation of a multisite countywide regional public safety communications system, were not anticipated in 2011 and were therefore not considered when limiting the permitted uses of the Regional Parks;

WHEREAS, some County Regional Parks are optimal locations to serve critical public health and safety needs in an urban county like Broward, such as conducting medical testing, food distribution, and logistical staging during the COVID-19 pandemic;

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, public health emergencies such as COVID-19, natural disasters such
8 as hurricanes, and public safety emergencies such as the Marjory Stoneman Douglas
9 High School tragedy, present unpredictable risks for every community in Broward County,
10 and public health and safety would be enhanced by the County being able to use its
11 Regional Parks in response 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;

17 WHEREAS, the proposed amendment to the Charter would expressly enable the
18 County, when necessary, to use Regional Parks for limited public health and safety
19 purposes, such as medical testing sites during epidemics or pandemics, and food and
20 supply distribution sites following natural disasters like hurricanes, and enable the siting
21 of public safety emergency communications equipment to protect the health and safety
22 of both first responders and the residents and visitors they serve; and

23 WHEREAS, using Regional Parks for limited public health and safety purposes
24 would not materially disrupt the public’s use and enjoyment of the parks but would provide

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underscored type are additions.

1 a countywide benefit to the County’s residents, visitors, and first responders, NOW,
2 THEREFORE,

3
4 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
5 BROWARD COUNTY, FLORIDA:

6
7 Section 1. Subject to an affirmative vote of the general electorate, Section 8.13
8 of the Charter of Broward County, Florida, entitled Broward County park preservation, is
9 hereby amended to read as follows:

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

11 A. Definitions.

12 . . .

13 (4) “Public Health and Safety Purposes” shall mean use of an area of
14 park property:

15 (a) During a declared state of emergency, for public health and
16 safety purposes, such as medical testing, food and supply
17 distribution, or logistical staging; or

18 (b) For emergency communications infrastructure, provided the
19 County Commission determines by a vote of a majority plus
20 one (1) of the total membership of the County Commission
21 that the proposed emergency communications infrastructure
22 is necessary to protect public safety and first responders,
23 would not have a material adverse effect on the public’s
24 enjoyment of the park or the park's environmental condition,

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1 and uses the least amount of park property reasonably
2 necessary to effectuate the proposed use.

3 . . .

4 C. Regional Parks.

5 . . .

6 (2) ~~Regional Parks shall only be used for Park Purposes.~~ Regional
7 Parks may not be sold, transferred, or used for purposes other than
8 as a Regional Park Purposes or Public Health and Safety Purposes,
9 and may not be sold or transferred, unless such ~~action~~ sale or
10 transfer is approved by an affirmative vote of no less than sixty
11 percent (60%) of the electors of Broward County voting in a
12 referendum at either a general election or a special election called
13 for that purpose. If the County uses a Regional Park for Public
14 Health and Safety Purposes during a declared state of emergency
15 and such use changes the condition of the park, the County shall,
16 promptly upon expiration of the declared state of emergency, restore
17 all park property affected by such use to the condition that existed
18 prior to such use.

19 . . .

20 Section 2. A referendum election is called for the General Election on
21 November 3, 2020, and at such other times as permitted for voting under Chapter 101,
22 Florida Statutes, to determine whether the Charter should be amended to permit
23 utilization of County Regional Parks for limited public safety purposes.

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

7 Section 4. Said referendum election shall be held between the hours of
8 7:00 a.m. and 7:00 p.m. on Tuesday, November 3, 2020, and at such other days and
9 times as provided under applicable law, including early voting as provided by
10 Section 101.657, Florida Statutes, at polling places established in Broward County. All
11 registered and qualified electors in Broward County shall be eligible to vote in the
12 referendum election. Vote-by-mail ballots and early voting access for the referendum
13 shall be made available as provided by law.

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

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

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

21 Section 8. The title and summary of the referendum question to appear on the
22 General Election ballot on November 3, 2020, as embodied in this enabling Resolution,
23 shall be as follows:
24

1 **ABILITY TO USE REGIONAL PARKS TO PROTECT PUBLIC HEALTH**
2 **AND SAFETY, INCLUDING UNDER DECLARED EMERGENCIES**

3 “Amends County Charter to enable Regional Park use without referendum:
4 (1) during emergencies for public health and safety purposes such as medical testing,
5 food distribution, or logistical staging; or (2) for siting emergency communications
6 infrastructure when the County Commission, by supermajority vote, determines the
7 infrastructure is necessary to protect public safety and first responders, would not
8 materially affect public enjoyment or environmental condition of the park, and uses the
9 least amount of park property necessary.”

10 YES _____

11 NO _____

12 **FINANCIAL IMPACT STATEMENT:**

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

15 Section 9. Severability.

16 If any portion of this Resolution is determined by any court to be invalid, the invalid
17 portion will be stricken, and such striking will not affect the validity of the remainder of this
18 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
19 legally applied to any individual, group, entity, property, or circumstance, such
20 determination will not affect the applicability of this Resolution to any other individual,
21 group, entity, property, or circumstance. If the County determines any part of the ballot
22 statement, including the fiscal impact statement, is contrary to state law, the County
23 Attorney is authorized to request that the Supervisor of Elections remove the applicable
24

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Exhibit A

NOTICE OF REFERENDUM ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, AND AT SUCH OTHER TIMES AS PROVIDED FOR EARLY VOTING BY SECTION 101.657, FLORIDA STATUTES, TO DETERMINE WHETHER TO AMEND THE BROWARD COUNTY CHARTER TO ALLOW REGIONAL PARKS IN BROWARD COUNTY TO BE USED FOR LIMITED PUBLIC HEALTH AND SAFETY PURPOSES.

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 limited public health and safety purposes.

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 TO PROTECT PUBLIC HEALTH AND SAFETY, INCLUDING UNDER DECLARED EMERGENCIES

Amends County Charter to enable Regional Park use without referendum: (1) during emergencies for public health and safety purposes such as medical testing, food distribution, or logistical staging; or (2) for siting 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 public enjoyment or environmental condition of the park, and uses the least amount of park property necessary.

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:

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