

Charter Amendments
August 21, 1962

RESOLUTION NO. 7568

RESOLUTION CALLING SPECIAL ELECTION
IN DADE COUNTY, FLORIDA, ON TUESDAY,
AUGUST 21, 1962, FOR THE PURPOSE OF
SUBMITTING TO THE ELECTORS OF DADE
COUNTY CERTAIN CHARTER AMENDMENTS
PROPOSED BY INITIATORY PETITIONS FILED
BY CRANDON COMMITTEE

WHEREAS, pursuant to the provisions of Section 8.07 of the Home Rule Charter, the County Commission, by Resolution No. 7408, adopted March 9, 1962, approved as to form initiatory petition calling for an election for the purpose of submitting to the electors of Dade County certain proposed amendments to the Home Rule Charter set forth in said initiatory petition; and

WHEREAS, initiatory petitions signed by electors of Dade County were duly filed with the Clerk of the County Commission within the thirty day period specified by the Home Rule Charter, which initiatory petitions were referred to the Supervisor of Registration for a canvass to determine whether they contained the requisite number of signatures of qualified electors; and

WHEREAS, by certificates dated April 23, 1962, the County Manager and the Supervisor of Registration certified that said initiatory petitions had been duly canvassed and that they contained the signatures of qualified electors numbering more than five(5%) percent of the number of electors voting in Dade County for the office of Governor in the 1960 general election, and, therefore, complied with the requirements of the Charter; and

WHEREAS, the County Commission is required to call a special election on the proposed Charter amendments specified in said initiatory petitions on a date not less than sixty days nor more than one hundred twenty days from April 23, 1962; and

WHEREAS, the County Commission, in compliance with the requirements of the Home Rule Charter, has determined that such special election

shall be held and conducted on Tuesday, August 21, 1962 (which date is not less than sixty nor more than one hundred twenty days from the date upon which said initiatory petitions were certified) for the purpose of submitting to the electors of Dade County for adoption or rejection the Charter amendments proposed by said initiatory petitions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. In accordance with the provisions of Section 8.07 of the Home Rule Charter, a special election is hereby called and shall be held in Dade County, Florida, on Tuesday, August 21, 1962, for the purpose of submitting to the qualified electors of Dade County proposals for amendments to the Home Rule Charter, as follows:

1. Section 1.03 of Article 1 of the Home Rule Charter shall be amended to read as follows:

"Section 1.03 - COUNTY COMMISSION DISTRICTS.

A. There shall be nine County Commission districts. The boundaries of these districts shall be fixed by the Planning Advisory Board and submitted to the Board of County Commissioners for review and approval on or before January 1, 1964.

B. Upon the recommendation of the Planning Advisory Board, the Board of County Commissioners may, by ordinance adopted by two-thirds vote of the members of the Board, change the boundaries of the districts from time to time.

C. The initial boundaries of the districts, and all subsequent changes in boundaries, shall be fixed on the basis of geography, population and economics."

2. Section 1.04 of the Home Rule Charter shall be amended to read as follows:

"Section 1.04 - COMPOSITION OF THE COUNTY COMMISSION.

A. From each of the nine County Commission districts there shall be a County Commissioner who

shall be a qualified elector, residing within the district for one year before qualifying, who shall be elected by the qualified electors of his district. Beginning with the state primary elections in 1964, such Commissioners shall be elected for a term of four years.

B. The term of office of all County Commissioners elected prior to the state primary elections in 1964, shall end on the second Tuesday next succeeding the date provided for the 1964 state second primary election."

3. Subsection (B) of Section 3.04 of Article 3 of the Home Rule Charter shall be amended to read as follows:

"Section 3.04 - POWERS AND DUTIES OF COUNTY MANAGER.

(B) Unless otherwise provided for by Civil Service Rules and Regulations, the Manager shall have the power to appoint and suspend all administrative department heads of the major departments of the County, to-wit: Tax Collector, Tax Assessor, Department of Public Works, Department of Public Safety, Building and Zoning Department, Planning Department, Finance Department, Parks and Recreation and Internal Auditing Department, except that before any appointment shall become effective, the said appointment must be approved by the County Commission and if the same is disapproved the said appointment shall be void. In the event such appointment shall be disapproved by the County Commission the appointment shall forthwith become null and void and thereupon the County Manager shall make a new appointment or appointments, each of which shall likewise be submitted for approval by the County Commission. However, the right to suspend, remove or discharge any department head with or without cause, is reserved at all times to the County Manager."

4. Section 4.02 of Article 4 of the Home Rule Charter shall be amended to read as follows:

"Section 4.02 - ADMINISTRATIVE PROCEDURE.

The Manager shall have the power to issue and place into effect administrative orders, rules, and regulations. The organization and operating procedure of departments shall be set forth in administrative regulations which the Manager shall develop, place into effect by administrative orders, and submit to the Board. The Board may, by resolution, modify such orders, rules, or regulations providing, however, no such orders, rules or regulations creating, merging, or combining departments, shall become effective until approved by resolution of the Board."

5. Article 4, entitled "Administrative Organization and Procedure", of the Home Rule Charter shall be amended by adding thereto a new section to be known as Section 4.09, reading as follows:

"Section 4.09 - PORT AUTHORITY BOARD.

A. There is hereby created the Port Authority Board of Dade County which shall have exclusive jurisdiction, power and control over all property heretofore within the jurisdiction of the Board of County Commissioners acting as the Dade County Port Authority. The powers and functions conferred upon the Board of County Commissioners by the Port Authority Act (Chapter 22963, Acts of 1945, Laws of Florida, as amended) are hereby transferred to the Port Authority Board. The Port Authority Board shall have the authority to recommend to the County Commission the issuance of general obligation bonds or revenue bonds of Dade County for the purpose of applying all or part of the cost of any one or more projects as defined in the Port Authority Act. The annual budget of the Port Authority, after approval by the Port Authority Director, shall be submitted to the County Manager for review and presentation to the County Commission for approval or modification in the same manner as the County budget.

B. The Port Authority Board of Dade County shall consist of five members who shall be appointed by the Board of County Commissioners. The initial terms of office shall be for one, two, three, four and five years, respectively, and upon the expiration of the initial terms each succeeding term shall be for five years. No person who is a member of the Port Authority Board shall hold any other State, County or Municipal office. A member of the Port Authority Board may be removed only for cause by vote of two-thirds of the entire membership of the County Commission after public hearing. Any vacancy on the Port Authority Board shall be filled in the same manner hereinafter provided.

C. At least ten (10) days prior to the date of expiration of the term of any member of the Port Authority Board, or within ten (10) days after the death, resignation or removal of any such member, his successor shall be named and appointed by the remaining members of the Port Authority Board, subject to confirmation by the County Commission. In the event any such appointment shall be disapproved by the County Commission, the appointment shall forthwith become null and void, and thereupon the remaining members of the Port Authority Board shall make a new appointment or appointments, each of which shall likewise be subject to approval by the County Commission.

D. All expenses incurred by the department and by the Board in exercising their powers and performing their functions and duties shall be paid solely from the revenues of the Port Authority and no liability or obligation not payable from the revenues of said Port Authority shall at any time be incurred in connection with the operation thereof. The salaries of the Port Authority Board shall be determined by the County Commission and a sufficient sum shall be appropriated each year for this purpose."

6. Article 6, entitled "Metropolitan Court", of the Home Rule Charter shall be amended to read as follows:

**"ARTICLE 6. METROPOLITAN COURT
AND METROPOLITAN MUNICIPAL COURTS.**

**Section 6.01. METROPOLITAN COURT
ESTABLISHED**

A. A system of courts is hereby established to consist of the following, to-wit:

(1) A Court is hereby established, the name of which shall be the Metropolitan Court. There shall be as many judges of this Court as the Board shall deem necessary to administer promptly and expeditiously the business of this Court.

(2) In addition to the Metropolitan Court, there is hereby established in each municipality in Dade County with a population in excess of 2,500, according to the latest Federal census, a Court the name of which shall be the Metropolitan-Municipal Court. There shall be as many judges of this Court as the Board shall deem necessary, based upon such factors as population and case load, to administer promptly and expeditiously the business of the Court.

B. The judges of the Metropolitan Court shall be appointed by the Board by vote of two-thirds of the members of the Board to serve for six years. Terms of office of judges may be staggered. The senior judge shall be the administrative officer of the Court. All judges shall be attorneys who have been qualified for five years to practice law in the State of Florida. The compensation of the judges and all Court employees shall be fixed by ordinance.

C. Each judge of the Metropolitan-Municipal Court shall serve for a term of four years and shall be appointed, by a vote of two-thirds of the members of the Board, from a list of the names of three attorneys, who have been qualified for five years to practice law in the State of Florida, submitted by the legislative body of the affected municipality to the Board. Terms of offices of judges may be staggered. The revenues of each such Court shall be retained by the municipality of its jurisdiction and the compensation of the judges and all Court employees, court personnel

other than the judges, shall be municipal employees, and shall be paid by the respective municipalities. A Metropolitan-Municipal Court judge shall hold no other public office except that of Municipal Court Judge within the municipality he serves as a Metropolitan-Municipal Court judge.

D. There shall be appointed by the Board an Inspector of Metropolitan-Municipal Courts who shall serve at the will of the Board and whose duties and responsibilities shall be to make continuous investigations of such Courts and its personnel and submit monthly reports to the Board as to the efficiency and conduct of each such Court. His compensation shall be fixed by the Board and charged to the Metropolitan Municipal Courts as a court cost under a formula established by the Board.

E. Any judge may be removed for malfeasance, misfeasance or nonfeasance by an affirmative vote of two-thirds of the members of the Board after public hearing."

"Section 6.02. JURISDICTION AND PROCEDURE

A. Jurisdiction of the respective Courts shall be as follows:

(1) The Metropolitan Court shall have jurisdiction to try all cases arising under ordinances adopted by the Board provided said offenses occurred in the unincorporated areas of Dade County, Florida or within the municipal boundaries of cities, towns or villages having a population of less than 2,500 inhabitants according to the latest Federal census. Provided, however, any municipality, by ordinance, may have the jurisdiction of its Municipal Court transferred to the jurisdiction of the Metropolitan Court.

(2) Each Metropolitan-Municipal Court shall have jurisdiction to try all cases under ordinances adopted by the Board for offenses occurring within the corporate limits of the municipality of its location."

**"Section 6.03. MINIMUM STANDARDS
FOR ALL METROPOLITAN-MUNICIPAL COURTS**

A. Before any eligible municipality shall be entitled to maintain a Metropolitan-Municipal Court under the provisions of this article, it shall provide and comply with the following minimum standards, to-wit:

(1) At least one court room and suitable court facilities conforming to the minimum requirements fixed and established by the Traffic Court Committee of the American Bar Association shall be provided and made available for use by the court at all times.

(2) A sufficient number of salaried judges shall be provided and made available for the efficient performance of all judicial duties and functions at all times.

(3) There shall be a clerk of the court available to perform the administrative functions of the court at all times.

(4) Permanent, uniform records of all proceedings of the court shall be kept and maintained at all times under the direct supervision of the clerk.

(5) A prosecutor shall be provided and made available at all sessions of the court when deemed necessary or desirable by the presiding judge.

B. If any municipality fails to comply with any of the minimum standards prescribed by this section, and does not correct such failure after reasonable notice of the Board, then the Board shall abolish the Metropolitan-Municipal Court within such municipality by resolution adopted by two-thirds vote of its entire membership, and jurisdiction shall thereupon become vested in the Metropolitan Court.

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Section 2. Notice of such special election shall be published in newspapers of general circulation in Dade County, Florida, once a week for four consecutive weeks, the date of first publication to be at least thirty days prior to the date of said special election, by publishing this resolution in full, which shall constitute notice of such special election.

Section 3. The result of such special election shall be determined by a majority of the qualified electors of Dade County voting upon each proposed charter amendment. The polls at such special election shall be open from 7:00 o'clock A. M. until 7:00 o'clock P. M. on the day of such special election. All qualified electors of Dade County, Florida, shall be entitled to vote at said special election. The County registration books will remain open at the office of the Dade County Supervisor of Registration, 116 West Flagler Street, Miami, Florida, until thirty days prior to the date of such special election, at which time the registration books will close in accordance with the provisions of the general election laws. Voting machines shall be used in such special election, and the question which shall appear on the voting machines shall be substantially in the following form:

FIRST PROPOSED CHARTER AMENDMENT

WHETHER SECTIONS 1.03 AND 1.04 OF THE HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE FOR NINE COUNTY COMMISSION DISTRICTS, AND THAT THE BOARD OF COUNTY COMMISSIONERS SHALL BE REDUCED TO NINE COMMISSIONERS ELECTED FROM DISTRICTS BEGINNING WITH THE 1964 PRIMARY ELECTIONS, AND THAT THE TERMS OF OFFICE OF ALL PRESENT COMMISSIONERS SHALL EXPIRE UPON THE ELECTION OF SUCH NINE NEW COMMISSIONERS?

FOR PROPOSED CHARTER AMENDMENT ()
()
AGAINST PROPOSED CHARTER AMENDMENT ()
()

SECOND PROPOSED CHARTER AMENDMENT

WHETHER SECTION 3.04 OF THE HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE THAT APPOINTMENT OF MAJOR DEPARTMENT HEADS BY COUNTY MANAGER SHALL BE SUBJECT TO APPROVAL BY THE COUNTY COMMISSION?

FOR PROPOSED CHARTER AMENDMENT

AGAINST PROPOSED CHARTER AMENDMENT

THIRD PROPOSED CHARTER AMENDMENT

WHETHER SECTION 4.02 OF THE HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE THAT NO ADMINISTRATIVE ORDERS, RULES OR REGULATIONS CREATING, MERGING OR COMBINING DEPARTMENTS SHALL BECOME EFFECTIVE UNTIL APPROVED BY RESOLUTION OF THE COUNTY COMMISSION?

FOR PROPOSED CHARTER AMENDMENT

AGAINST PROPOSED CHARTER AMENDMENT

FOURTH PROPOSED CHARTER AMENDMENT

WHETHER THE HOME RULE CHARTER SHALL BE AMENDED BY ADDING A NEW SECTION CREATING A PORT AUTHORITY BOARD CONSISTING OF FIVE MEMBERS APPOINTED BY THE COUNTY COMMISSION FOR STAGGERED TERMS AT SALARIES FIXED BY THE COUNTY COMMISSION, WHICH BOARD SHALL HAVE EXCLUSIVE JURISDICTION, POWER AND CONTROL OVER PORT AUTHORITY PROPERTY, SUBJECT TO APPROVAL OF ANNUAL BUDGET BY COUNTY COMMISSION?

FOR PROPOSED CHARTER AMENDMENT

AGAINST PROPOSED CHARTER AMENDMENT

FIFTH PROPOSED CHARTER AMENDMENT

WHETHER ARTICLE 6 OF THE HOME RULE CHARTER RELATING TO THE METROPOLITAN COURT SHALL BE AMENDED TO PROVIDE FOR THE ESTABLISHMENT OF A NEW SYSTEM OF COURTS CONSISTING OF A METROPOLITAN COURT WITH JURISDICTION TO TRY ALL OFFENSES UNDER COUNTY ORDINANCES OCCURRING IN THE UNINCORPORATED AREAS AND WITHIN MUNICIPALITIES HAVING A POPULATION OF LESS THAN 2500, AND A METROPOLITAN-MUNICIPAL COURT IN EACH MUNICIPALITY HAVING A POPULATION IN EXCESS OF 2500 WITH JURISDICTION TO TRY OFFENSES UNDER COUNTY ORDINANCES OCCURRING WITHIN THE BOUNDARIES OF EACH SUCH MUNICIPALITY, AND TO PROVIDE FOR THE QUALIFICATIONS, METHOD OF APPOINTMENT, REMOVAL, TERMS, COMPENSATION AND NUMBER OF JUDGES OF SUCH COURTS, AND TO PROVIDE FOR APPOINTMENT OF AN INSPECTOR OF THE METROPOLITAN-MUNICIPAL COURTS, AND PRESCRIBING MINIMUM STANDARDS FOR ALL METROPOLITAN-MUNICIPAL COURTS?

FOR PROPOSED CHARTER AMENDMENT

AGAINST PROPOSED CHARTER AMENDMENT

applicable provisions of the general laws relating to special elections and in accordance with the provisions of Section 8.07 of the Home Rule Charter governing elections on proposed Charter amendments initiated by petitions of electors. The County Manager, the Finance Director, the Supervisor of Registration and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this Resolution. This special election shall be a non-partisan election. Election inspection boards, inspectors and clerks to serve as election officials in connection with this special election shall be appointed in accordance with the provisions of the general election laws.

Section 8. This special election shall be canvassed by the Board of County Commissioners, the Clerk of the Circuit Court, and one County Judge sitting as a canvassing board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing Resolution was offered by Commissioner

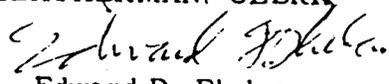
Winston W. Wynne, who moved its adoption. The motion was seconded by Commissioner Harold B. Spaet, and upon being put to a vote, the vote was as follows:

James H. Allen	Absent
Jack H. Beckwith	Absent
Joseph A. Boyd, Jr.	Aye
Charles F. Hall	Aye
Robert M. Haverfield	Absent
Ben C. McGahey	Aye
Arthur H. Patten, Jr.	Absent
Frank O. Pruitt	Aye
Harold B. Spaet	Aye
Milton E. Thompson	Aye
Walter Weiss	Absent
Winston W. Wynne	Aye
Alexander S. Gordon	Aye

The Chairman thereupon declared the Resolution duly passed
and adopted this 15th day of May, 1962.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

E. B. LEATHERMAN, CLERK

By: 
Edward D. Phelan
Deputy Clerk.

