

**Charter Amendments**  
**March 9, 2004**

CERTIFICATE OF COUNTY CANVASSING BOARD

CLERK OF THE BOARD

STATE OF FLORIDA

MARCH 12 PM 4:34

Miami-Dade County

CLERK OF THE COUNTY COURTS  
DADE COUNTY, FLA.  
D.

We, the undersigned, County Court Judge SHELLEY J. KRAVITZ, Chairperson, County Commissioner BETTY FERGUSON, Member, and Supervisor of Elections CONSTANCE A. KAPLAN, Member, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 9<sup>th</sup> day of March, A.D., 2004, and proceeded to publicly canvass the votes given for the question herein specified at the COUNTY OF MIAMI-DADE SPECIAL ELECTION held on the 9<sup>th</sup> day of March, A.D., 2004, as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

County Question

Charter Amendment Relating to Commencement of Terms of Office of the Mayor and County Commissioners

Whether the Charter shall be amended to provide that beginning in 2004, the term of office of the mayor and county commissioners shall commence on the second Tuesday after the general election in November rather than after any second state primary election?

The whole number of votes cast was 65,234, of which number:

YES received 50,127 Votes

NO received 15,107 Votes

MIAMI-DADE COUNTY CANVASSING BOARD:

*Shelley J. Kravitz*

County Court Judge SHELLEY J. KRAVITZ  
Chairperson

*Betty J. Ferguson*

County Commissioner BETTY FERGUSON  
Member

*Constance A. Kaplan*

Supervisor of Elections CONSTANCE A. KAPLAN  
Member

Date Certified: March 10, 2004

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 10(A)(2)  
12-4-03

OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA

RESOLUTION NO. R-1346-03

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, MARCH 9, 2004 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE CHARTER SHALL BE AMENDED TO PROVIDE THAT BEGINNING IN 2004, THE TERM OF OFFICE OF THE MAYOR AND COUNTY COMMISSIONERS SHALL COMMENCE ON THE SECOND TUESDAY AFTER THE GENERAL ELECTION IN NOVEMBER RATHER THAN AFTER ANY SECOND STATE PRIMARY ELECTION

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. A Countywide special election is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, March 9, 2004 for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for revision to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes 2002.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of

Miami-Dade County, Florida, shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of the general election laws. Touch Screen Voting machines shall be used in such special election, and the question shall appear on the ballot in substantially the following form:

CHARTER AMENDMENT RELATING TO  
COMMENCEMENT OF TERMS OF OFFICE OF THE MAYOR  
AND COUNTY COMMISSIONERS

WHETHER THE CHARTER SHALL BE AMENDED TO PROVIDE THAT BEGINNING IN 2004, THE TERM OF OFFICE OF THE MAYOR AND COUNTY COMMISSIONERS SHALL COMMENCE ON THE SECOND TUESDAY AFTER THE GENERAL ELECTION IN NOVEMBER RATHER THAN AFTER ANY SECOND STATE PRIMARY ELECTION?

YES

NO

Section 4. Such question shall appear on the ballot as a separate question or proposal. Those qualified electors desiring to adopt or approve such proposal shall be instructed to vote "YES". Those qualified electors desiring to reject or disapprove the proposal shall be instructed to vote "NO."

Section 5. Optical scan or touch screen systems may be used for absentee voting by qualified electors of Miami-Dade County for voting on this question at said election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general

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election laws, and shall have printed thereon the question or proposal hereinabove set forth, with proper place for voting either "YES" or "NO".

Section 6. A sample ballot showing the manner in which the question or proposal aforesaid will appear on the touch screen system at this election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 7. This special election on the question aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to special elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections 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 nonpartisan 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 County Canvassing Board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

Section 9. Any resolution or resolutions which are inconsistent with the terms of the preceding sections of this resolution shall be rescinded and repealed as if specifically designated herein.

The foregoing resolution was sponsored by Commissioner Betty T. Ferguson and Chairperson Barbara Carey-Shuler, Ed.D. and offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Dr. Barbara Carey-Shuler** and upon being put to a vote, the vote was as follows:

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|                                       |        |
|---------------------------------------|--------|
| Dr. Barbara Carcy-Shuler, Chairperson | aye    |
| Katy Sorenson, Vice-Chairperson       | aye    |
| Bruno A. Barreiro                     | aye    |
| Betty T. Ferguson                     | absent |
| Joe A. Martinez                       | aye    |
| Dennis C. Moss                        | aye    |
| Natacha Scijas                        | aye    |
| Sen. Javier D. Souto                  | aye    |
| Jose "Pepe" Diaz                      | aye    |
| Sally A. Heyman                       | aye    |
| Jimmy L. Morales                      | aye    |
| Dorin D. Rolle                        | aye    |
| Rebecca Sosa                          | aye    |

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of December, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

**KAY SULLIVAN**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

*CJS/RAG*

Cynthia Johnson-Stacks

THE HOME RULE CHARTER

ARTICLE-2<sup>1</sup>

Section 2.01. Election And Commencement Of  
Terms Of County Commissioners.

A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections.

B. A candidate must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, >>beginning with the elections in 2004<< the terms of office of the Mayor and ~~[[the other]]~~ County Commissioners shall commence on the second Tuesday next succeeding the date >>of the general election in November ~~<< [[provided for the state second primary elections]]~~.

\* \* \*

<sup>1</sup>Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

MEMORANDUM

Agenda Item No. 10(A)(2)

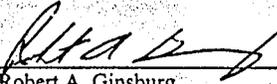
TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

DATE: December 4, 2003

FROM: Robert A. Ginsburg  
County Attorney

SUBJECT: Resolution calling special  
election on March 9, 2004  
relating to term of office of  
the Mayor and County  
Commissioners

The accompanying resolution was prepared and placed on the agenda at the request of  
Commissioner Betty T. Ferguson and Chairperson Barbara Carey-Shuler, Ed.D.

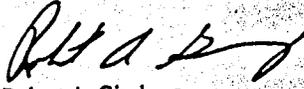
  
Robert A. Ginsburg  
County Attorney

RAG/bw



**MEMORANDUM**  
(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. DATE: December 4, 2003  
and Members, Board of County Commissioners

FROM:   
Robert A. Ginsburg  
County Attorney

SUBJECT: Agenda Item No. 10(A) (2)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review