MEMORANDUM

Agenda Item No. 10(A)(2)

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

DATE: June 22, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution relating to Charter amendment – Commissioners' salaries and term limits (3)

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz and Commissioner Rebeca Sosa.

Robert A. Ginsburg
County Attorney

RAG/bw

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MEMORANDUM

(Revised)

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

DATE: June 22, 2004

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(2)
6-22-04

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, AUGUST 31, 2004 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT COUNTY COMMISSIONERS SHALL NO LONGER RECEIVE THE $6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT SHALL RECEIVE INSTEAD THE SALARY PROVIDED BY A STATE STATUTORY FORMULA BASED ON POPULATION USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD COUNTY (CURRENTLY APPROXIMATELY $84,213) AND THAT COMMENCING WITH THE ELECTION OF COUNTY COMMISSIONERS ELECTED IN 2006, COUNTY COMMISSIONERS SHALL BE LIMITED TO THREE CONSECUTIVE FOUR-YEAR TERMS

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, August 31, 2004 for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment 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 2003.

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:

MIAMI-DADE HOME RULE CHARTER AMENDMENTS RELATING TO
SALARIES AND TERMS OF COUNTY COMMISSIONERS

- IN AN EFFORT TO ENCOURAGE MORE PERSONS WHO ARE DEDICATED TO GOOD GOVERNMENT TO RUN FOR OFFICE, SHALL COUNTY COMMISSIONERS NO LONGER RECEIVE THE $6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY A STATE STATUTORY FORMULA BASED ON POPULATION USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD COUNTY (CURRENTLY APPROXIMATELY $84,213), AND

- COMMENCING WITH THE ELECTION OF COUNTY COMMISSIONERS IN 2006, SHALL COMMISSIONERS BE LIMITED TO THREE CONSECUTIVE FOUR-YEAR TERMS?

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 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 election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to 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 election shall be a nonpartisan election. Inspectors and clerks to serve as election officials in connection with this election shall be appointed in accordance with the provisions of the general election laws.

Section 8. This 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 also be rescinded and repealed as if specifically designated herein.

The foregoing resolution was sponsored by Commissioner Jose "Pepe" Diaz and Commissioner Rebeca Sosa and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of June, 2004. 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

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. CJS/RAG

Cynthia Johnson-Stacks

ARTICLE-1[1]

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.04. **COMPOSITION OF THE COMMISSION.**

* * *

Beginning with the state primary elections in 1968, the Mayor and each Commissioner shall be elected for a term of four years. >>Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2006 and 2008, no person shall be elected as Commissioner for more than three consecutive terms. No service as a commissioner prior to 2006 for those elected in 2006 and no service as a commissioner prior to 2008 for those elected in 2008 shall be considered a part of or counted toward the three term limit. <<

* * *

Section 1.06. **SALARY.**

Each County Commissioner shall receive a salary [[~~of $6,000 per year payable monthly~~]] >>determined pursuant to general law applicable to non-charter counties<< and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

[1]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.