MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 9, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution calling a special election with regard to initiative petitions

The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.

Murray A. Greenberg
County Attorney

MAG/bw

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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SUBJECT: Agenda Item No. 11(A)(11)

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. 11(A)(11)
5-9-06

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN CONJUNCTION WITH A COUNTYWIDE ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, _____ 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, FOLLOWING CONSULTATION WITH THE COUNTY ATTORNEY, THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS, RATHER THAN THE BOARD OF COUNTY COMMISSIONERS, APPROVE THE FORM OF INITIATIVE PETITIONS

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

Section 1. A special election to be held in conjunction with a countywide election is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, _____ 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.

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 thirty (30) 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. The question shall appear on the ballot in substantially the following form:

MIAMI-DADE HOME RULE CHARTER AMENDMENT
RELATING TO APPROVAL OF INITIATIVE PETITIONS

SHALL SECTION 7.01(1) AND SECTION 8.07 OF THE HOME RULE CHARTER BE AMENDED TO PROVIDE THAT, FOLLOWING CONSULTATION WITH THE COUNTY ATTORNEY, THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS, RATHER THAN THE BOARD OF COUNTY COMMISSIONERS, APPROVE THE FORM OF INITIATIVE PETITIONS?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of the general elections laws.

Section 5. Early voting shall be conducted in accordance with the requirements of the general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question at said special election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general elections laws.

Section 7. A sample ballot showing the manner in which the question of proposal aforesaid will appear at this special election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 8. 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 provision of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections, and the Clerk of the County Commissioner 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 officials in connection with this special election shall be appointed in accordance with the provisions of the general elections laws.

Section 9. 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.

The foregoing resolution was sponsored by Senator Javier D. Souto 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:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 9th day of May, 2006. 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.

Cynthia Johnson-Stacks

ARTICLE-7[1]

INITIATIVE, REFERENDUM, AND RECALL

Section 7.01. Initiative and Referendum.

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

1. The person proposing the exercise of this power shall submit the proposal, including proposed ballot language, to the [[~~Board which~~]] >>Clerk of the Board of County Commissioners who, following consultation with the County Attorney,<< shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.<<

* * *

Article-8

GENERAL PROVISIONS

Section 8.07. Amendments.

A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted [[~~to the Board~~]]. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance >>; provided, however, that the person proposing the exercise of this power shall submit the proposal, including proposed ballot language, to the Clerk of the Board of County Commissioners who, following consultation with the County Attorney, shall without delay approve a petition for circulation in

[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.

one or several copies as the proposer may desire and notify the Board of County Commissioners of such approval<<.

B. Amendments to this Charter may be proposed by initiatory petitions of electors. The Board of County Commissioners shall call an election to be held within 60--120 days of the date that a certified petition is presented to the >>Clerk of the Board of County Commissioners<< [[~~County Commission.~~]]. Such election shall be called in conjunction with a countywide election; however, if no countywide election is scheduled to occur within 60-120 days of presentation, a special election on the petition shall be called.

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