

MEMORANDUM

Special Item No. 2

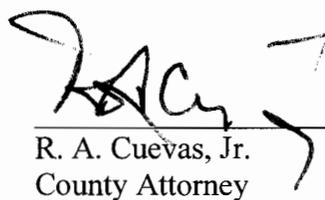
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 18, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution calling special
election relating to salaries

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 18, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 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

Special Item No. 2

Veto _____

7-18-08

Override _____

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, 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 COMMENCING ON MARCH 1, 2009 AND EACH YEAR THEREAFTER, EACH COUNTY COMMISSIONER, THEN IN OFFICE, MAY CHOOSE TO CONTINUE TO RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY WITHOUT ANY PROHIBITION ON OUTSIDE EMPLOYMENT; OR CHOOSE TO DEVOTE FULL-TIME SERVICE TO THE OFFICE OF COUNTY COMMISSIONER, HOLD NO OTHER EMPLOYMENT, AND RECEIVE THE SALARY PROVIDED BY THE STATE STATUTORY FORMULA (CURRENTLY APPROXIMATELY \$91,995 BUT ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION)

WHEREAS, Miami-Dade County established an annual salary of \$6,000 for County Commissioners in 1957, when the County's Home Rule Charter was adopted; and

WHEREAS, the demands of the position of County Commissioner have grown substantially, while the salary has remained the same; and

WHEREAS, Miami-Dade County is now the most populous county in the State of Florida with a population of over 2.4 million residents and a budget in excess of \$7.3 billion; and

WHEREAS, other counties in the State of Florida compensate their Commissioners pursuant to a state statutory formula based on population,

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

Section 1. A countywide special election, to be held in conjunction with a general election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, November 4, 2008, 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 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 general election laws. The question shall appear on the ballot in substantially the following form:

HOME RULE CHARTER AMENDMENT
RELATING TO SALARIES AND SERVICE OF
COUNTY COMMISSIONERS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT
COMMENCING ON MARCH 1, 2009 AND EACH YEAR
THEREAFTER, EACH COMMISSIONER, THEN IN OFFICE,
CAN CHOOSE BETWEEN:

- CONTINUING TO RECEIVE THE CURRENT \$6,000 ANNUAL SALARY WITHOUT ANY PROHIBITION ON OUTSIDE EMPLOYMENT; OR
- ELECTING TO DEVOTE FULL-TIME SERVICE TO THEIR POSITION AS COMMISSIONER, HOLD NO OTHER EMPLOYMENT, AND RECEIVE THE

SALARY PROVIDED BY FLORIDA'S STATUTORY FORMULA (APPROXIMATELY \$91,995 BUT ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION)?

YES

NO

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

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

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

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

Section 8. This special 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 Mayor or his or her designee, the Finance Director, 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. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

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Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz . It was 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:

- | | |
|------------------------------------|--------------------|
| Bruno A. Barreiro, Chairman | |
| Barbara J. Jordan, Vice-Chairwoman | |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Joe A. Martinez | Dennis C. Moss |
| Dorin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairman thereupon declared the resolution duly passed and adopted this 18th day of July, 2008. 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.



Wifredo A. Ferrer

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.06. SALARY ~~>>~~AND SERVICE AS A COUNTY COMMISSIONER~~<<~~

Each County Commissioner shall receive a salary of \$6,000 per year payable monthly~~>>~~~~<<~~ ~~[[and]]~~ ~~>>~~Commencing on March 1, 2009 and each year thereafter, however, a County Commissioner may elect to devote full-time service to the Office of County Commissioner, hold no other employment, and receive an annual salary determined pursuant to general law applicable to non-charter counties for that year which shall be payable monthly. If a County Commissioner's service as a Commissioner commences subsequent to March 1st of any year, that Commissioner shall receive the \$6,000 annual salary but shall have the right to make the alternate salary election described above in this section on March 1st of the ensuing year. Each County Commissioner~~<<~~ shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

¹Words 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.

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