

MEMORANDUM

Special Item No. 22

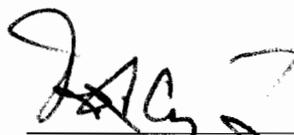
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 18, 2008

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

SUBJECT: Resolution calling special
election relating to election
of County Supervisor of
Elections

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM

(Revised)

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

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SUBJECT: Special Item No. 22

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 _____

Special Item No. 22

7-18-08

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 THE MIAMI-DADE COUNTY HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE FOR THE TRANSFER OF THE POWERS AND FUNCTIONS OF THE COUNTY SUPERVISOR OF REGISTRATION OR ELECTIONS FROM THE MAYOR OR HIS OR HER APPOINTEE TO A COUNTY OFFICIAL ELECTED AND SUBJECT TO RECALL BY THE VOTERS

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

Section 1. A countywide special election, 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:

CHARTER AMENDMENT
CHANGING SUPERVISOR OF REGISTRATION/ELECTIONS FROM AN APPOINTED
POSITION TO AN ELECTED OFFICE

SHALL THE CHARTER BE AMENDED TO PROVIDE FOR
THE TRANSFER OF THE POWERS AND FUNCTIONS OF
THE COUNTY SUPERVISOR OF REGISTRATION OR
ELECTIONS FROM THE MAYOR OR HIS APPOINTEE TO A
COUNTY OFFICIAL ELECTED AND SUBJECT TO RECALL
BY THE VOTERS?

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.

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 Joe A. Martinez. 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
Dorrin 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.



Cynthia Johnson-Stacks

MIAMI-DADE COUNTY HOME RULE CHARTER

* * *

ARTICLE - 5

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

* * *

>>SECTION 5.08. SUPERVISOR OF ELECTIONS;
DEPARTMENT OF ELECTIONS.

Commencing with the state primary election to be held in Miami-Dade County in 2010 and every four years thereafter, the Supervisor of Elections shall be the administrative head of the Elections Department and an officer of the County recognized by this Charter who shall be elected on a nonpartisan basis by a majority of the qualified electors voting at such election. Upon election the Supervisor of Elections shall be a County official. In the event that the Mayor or a County Commissioner qualifies to run for the Supervisor of Elections, such official shall not be required to resign from his or her respective office, unless required by state law.

Any vacancy in the office of the Supervisor of Elections shall be filled by majority vote of the County Commissioners then in office within 30 days of the vacancy, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. A person appointed shall serve only until the next countywide election. A person elected to fill a vacancy shall serve for the remainder of the unexpired term of office.

The Supervisor of Elections shall meet the requirements of and perform his or her duties in accordance with the provisions of the Home Rule Charter, general law and ordinances of Miami-Dade County and carry out policies adopted by the County Commission. The Supervisor of Elections shall not be required to perform his or her functions under the supervision of the Mayor or the County Manager. The County Attorney's Office shall provide legal services to the Supervisor of Elections and the elections department, in accordance with Section 5.06 of this Charter.

Employees of the County assigned to the Elections Department as of the effective date of this charter amendment shall not lose their status as County employees or any accrued civil

service rights or privileges, as a result of the election of the Supervisor of Elections.<<

SECTION ~~[[5-08]]>>5.09<<. **BOARDS.**~~

A. The Board of County Commissioners shall by ordinance create a Planning Advisory Board, a Zoning Appeals Board, and such other boards as it may deem necessary, prescribing in each case the number, manner of appointment, length of term, and advisory or quasi-judicial duties of members of such boards, who shall serve without compensation but who may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the Board of County Commissioners.

B. The Board of County Commissioners may by ordinance provide for the expansion of the City of Miami Water and Sewer Board to an agency county-wide in scope and authority, with the power to acquire, construct and operate water and sewer systems within the incorporated and the unincorporated areas of Dade County, which agency shall be known as the Miami-Dade Water and Sewer Authority. The Miami-Dade Water and Sewer Authority shall have the responsibility to develop and operate a county-wide water and sewer system for the purpose of providing potable water, sewage collection and disposal and water pollution abatement to the citizens of Dade County.

C. Dade County shall retain all its powers, including but not limited to that of eminent domain, in relation to the creation of a county-wide water and sewer system, for the purpose of cooperating with the Miami-Dade Water and Sewer Authority.

* * *

ARTICLE – 8

INITIATIVE, REFERENDUM, AND RECALL

* * *

SECTION 8.02 RECALL.

Any member of the Board of County Commissioners, the Mayor, >>the Supervisor of Elections, the<< Sheriff or Constable may be removed from office by the electors of the county, district,

or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

1. The Clerk of the Circuit Court shall approve the form of the petition.
2. The person or persons circulating the petition must obtain signatures of electors of the county, district, or municipality concerned in numbers at least equal to four percent of the registered voters in the county district or municipality on the day on which the petition is approved, according to the official records of the County Supervisor of Elections.
3. The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.
4. The Board of County Commissioners must provide for a recall election not less than 45 nor more than 90 days after the certification of the petition.
5. The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.
6. If the majority is against recall the officer shall continue in office under the terms of his previous election. If the majority is for recall he shall, regardless of any defect in the recall petition, be deemed removed from office immediately.
7. No recall petition against such an officer shall be certified within one year after he takes office nor within one year after a recall petition against him is defeated.

* * *

ARTICLE – 9

GENERAL PROVISIONS

SECTION 9.01 ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.

A. On May 1, 1958, the following offices are hereby abolished and the powers and functions of such offices are hereby transferred to the Mayor, who shall assume all the duties and functions of these offices required under the Constitution and general laws of this state: County Tax Collector, County Surveyor, County Purchasing Agent and County Supervisor of Registration. The Mayor may delegate to a suitable person or persons the powers and functions of such offices. >>Notwithstanding any provision herein to the contrary, after the effective date of this Charter amendment, the powers and functions of the Supervisor of Registration or Elections shall be transferred to the Supervisor of Elections, who is elected pursuant to Section 5.08 of this Home Rule Charter.<<

B. In the event that other elective officers are abolished by the Board, the Board shall provide that any person duly elected to such office shall if he so desires remain in the same or similar position and receive the same salary for the remainder of the term for which he was elected, and shall provide for the continuation of all duties and functions of these offices required under the Constitution and general laws.

C. On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the Mayor, who shall assume all the duties and functions of this office required under the Constitution and general laws of this state. The Mayor may delegate to a suitable person or persons the powers and functions of such office.