

MEMORANDUM

Special Item No. 6

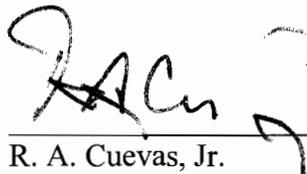
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 18, 2008

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

SUBJECT: Resolution calling special
election relating to Charter
Review Task Force

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



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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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. 6
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 TO AMEND THE HOME RULE CHARTER TO PROVIDE FOR THE CREATION AT LEAST EVERY 5 YEARS OF A 21-MEMBER CHARTER REVIEW TASK FORCE APPOINTED BY THE COUNTY COMMISSION, THE MAYOR, EACH OF THE 4 LARGEST CITIES, AND THE LEAGUE OF CITIES TO CONSIDER CHARTER REVISIONS AND TO HAVE THOSE REVISIONS APPROVED BY A 2/3 MAJORITY OF THE TASK FORCE SUBMITTED DIRECTLY TO THE ELECTORATE

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

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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 APPOINTMENT AND POWER OF THE
CHARTER REVIEW TASK FORCE

SHALL THE CHARTER BE AMENDED TO PROVIDE FOR THE CREATION AT LEAST EVERY 5 YEARS OF A 21-MEMBER CHARTER REVIEW TASK FORCE APPOINTED BY THE COUNTY COMMISSION, THE MAYOR, EACH OF THE 4 LARGEST CITIES, AND THE LEAGUE OF CITIES TO CONSIDER CHARTER REVISIONS AND TO HAVE THOSE REVISIONS APPROVED BY A 2/3 MAJORITY OF THE TASK FORCE SUBMITTED DIRECTLY TO THE ELECTORATE?

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 Carlos A. Gimenez. 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-Chairman
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	

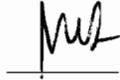


The Chairman thereupon declared the resolution duly passed and adopted this 18th day of July, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.



Monica Rizo

By: _____
Deputy Clerk

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-9¹

GENERAL PROVISIONS

* * *

Section 9.08. REVISIONS

At least once in every 5 year period the Board shall ~~[[review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter.]]~~ >>convene a Charter Review Task Force consisting of 21 members, 13 of whom shall be selected by each of the 13 County Commissioners, 1 of whom shall be selected by the Mayor or his/her designee, 4 of whom shall be selected by each of the 4 largest cities in Miami-Dade County, and 3 of whom shall be selected by the League of Cities to represent smaller cities in Miami-Dade County. The Chairperson of the Charter Review Task Force shall be selected by the Chairperson of the Board. The Charter Review Task Force shall reflect racial, ethnic, and gender balance and diversity. The Charter Review Task Force shall consider Charter revisions and the Board shall place on the ballot any proposed Charter revisions that are approved by a two-thirds vote of the Charter Review Task Force members present in the manner provided for in the last 2 sentences of Section 9.07(B).<< ~~[[The]]~~ >>Any<< proposed revision >>that is approved by a simple majority vote of the Charter Review Task Force members present<< shall then be presented to the Board for review, modification and approval~~[[. If the Board]]~~ >>and if<< approve~~[[s]]~~ >>d<< ~~[[such proposed revision, either with or without modification, it]]~~ shall >>be<< present>>ed<< ~~[[such proposed revision]]~~ to the electorate in accordance with the provisions of Section 9.07(C)~~[[and (D)]]~~. Simultaneous elections may be held on ~~[[a]]~~>>such<< proposed revision>>s<< and on >>any<< ~~[[individual]]~~ amendments that >>the Board may<<~~[[are]]~~ propose~~[[d]]~~>>pursuant to Section 9.07(C)<<.>> The result of all elections on charter amendments shall be determined by a majority of electors voting on the proposed amendment.<<

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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