Approved _____ Mayor Agenda Item No. **E**
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A _____ ELECTION TO BE HELD ON _____, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE CHARTER TO REPEAL ALL ADOPTED AND CURRENT RESOLUTIONS REGULATING CITIZEN INITIATIVE, REFERENDUM, AND RECALL PETITIONS, AND TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL NOT ADOPT ANY RESOLUTION OR ORDINANCE THAT REGULATES THE CITIZEN INITIATIVE, REFERENDUM, RECALL AND CHARTER AMENDMENT PETITION PROCESS SET FORTH IN THE CHARTER

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 statewide election, is hereby called and shall be held in Miami-Dade County, Florida on 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

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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 PROHIBITING ORDINANCES OR RESOLUTIONS THAT REGULATE CITIZEN PETITION PROCEDURES

SHALL THE CHARTER BE AMENDED TO REPEAL ALL ADOPTED AND CURRENT RESOLUTIONS AND ORDINANCES REGULATING THE CITIZEN INITIATIVE, REFERENDUM, RECALL AND CHARTER AMENDMENT PETITION PROCESS, AND TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL NOT ADOPT ANY RESOLUTION OR ORDINANCE THAT REGULATES THE CITIZEN INITIATIVE, REFERENDUM, RECALL AND CHARTER AMENDMENT PETITION PROCESS SET FORTH IN THE CHARTER?

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 Manager, the Finance

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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. 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 2.07 of the Home Rule Charter.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez 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:

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 day of , 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:_____

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Approved by County Attorney as to form and legal sufficiency.

Deputy Clerk

Monica Rizo

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MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-8[1]

INITIATIVE, REFERENDUM, AND RECALL

Section 8.01. 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:

* * *

7. An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for a period of one year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

>> The provisions in all current ordinances and resolutions regulating the initiative and referendum process shall be repealed. The Board of County Commissioners shall not adopt any resolution or ordinance regulating the initiative and referendum process. <<

Section 8.02. RECALL

Any member of the Board of County Commissioners, the Mayor, the Property Appraiser, 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:

* * *

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.

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[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.

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>>The provisions in all current ordinances and resolutions regulating the recall process shall be repealed. The Board of County Commissioners shall not adopt any resolution or ordinance regulating the recall process.<<

* * *

ARTICLE-9

GENERAL PROVISIONS

* * *

Section 9.07. AMENDMENTS

A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioner s 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. >>The provisions in all current ordinances and resolutions regulating the Charter amendment initiatory petition process shall be repealed. The Board of County Commissioners shall not adopt any resolution or ordinance regulating the Charter amendment initiatory petition process.<<

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