MEMORANDUM

Special Item No. 16

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 annexation and/or incorporation

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

DATE: July 18, 2008

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

SUBJECT: Special Item No. 16

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. 16
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 CREATE AN INDEPENDENT TASK FORCE TO DEVELOP A PLAN IN 2009 FOR INCLUSION OF ALL UNINCORPORATED AREAS OF THE COUNTY WITHIN CITIES BY MEANS OF ANNEXATION AND/OR INCORPORATION WHICH PLAN, AS MAY BE AMENDED BY SUPERMAJORITY VOTE OF THE COUNTY COMMISSION, SHALL BE SUBMITTED TO THE VOTERS AT THE GENERAL ELECTION IN 2010 AND UPON VOTER APPROVAL, SHALL ACCOMPLISH THE PROPOSED ANNEXATIONS AND/OR INCORPORATIONS THEREIN

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 REGARDING INCLUSION OF UNINCORPORATED AREAS WITHIN CITIES BY INCORPORATION AND/OR ANNEXATION

SHALL THE CHARTER BE AMENDED TO CREATE AN INDEPENDENT TASK FORCE TO DEVELOP A PLAN IN 2009 FOR INCLUSION OF ALL UNINCORPORATED AREAS OF THE COUNTY WITHIN CITIES BY MEANS OF ANNEXATION AND/OR INCORPORATION WHICH PLAN, AS MAY BE AMENDED BY SUPERMAJORITY VOTE OF THE COUNTY COMMISSION, SHALL BE SUBMITTED TO THE VOTERS AT THE GENERAL ELECTION IN 2010 AND UPON VOTER APPROVAL, SHALL ACCOMPLISH THE PROPOSED ANNEXATIONS AND/OR INCORPORATIONS THEREIN?

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-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	

5

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. CJS

Cynthia Johnson-Stacks

MIAMI-DADE COUNTY HOME RULE CHARTER

* * *

ARTICLE - 6

MUNICIPALITIES

>>SECTION 6.08. INCLUSION OF ALL UNINCORPORATED AREAS INTO MUNICIPALITIES BY INCORPORATION AND/OR ANNEXATION

Notwithstanding any provision of the Charter to the contrary, the Board of County Commissioners shall appoint an independent task force to prepare and submit to the Board in 2009 a comprehensive plan for inclusion of all unincorporated areas of the County within municipal boundaries by one or more annexations into existing municipalities, creation of one or more new cities, or any combination thereof as deemed appropriate ("Plan"). Such Plan shall include a proposed charter for each newly proposed municipality. The County Commission may modify the Plan submitted by the Task Force by a 2/3 vote of the County Commissioners then in office; provided, however, such modified Plan must provide for the incorporation and/or annexation of all of the unincorporated areas. The resulting Plan shall be placed on the ballot of a countywide special election to be held in conjunction with the 2010 general election. Such Plan, if approved by a majority of the electors voting on the Plan, shall constitute an amendment to the municipal charters to change the boundaries of municipalities annexing unincorporated areas of the County pursuant to the Plan, shall approve municipal charters to create any new cities proposed in the Plan, and supersede all other provisions of the Home Rule Charter to the contrary.<<