MEMORANDUM

Special Item No. 1

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	September 2, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution calling special election relating to the creation of uniform countywide fire and rescue services

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

MEMORANDUM

(Revised)

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

DATE: September 2, 2008

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

SUBJECT: Special Item No. 1

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. 1
9-2-08

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 REQUIRE THE BOARD OF COUNTY COMMISSIONERS TO TRANSFER FIRE PROTECTION AND RESCUE SERVICES FROM ALL MUNICIPALITIES TO THE COUNTY AND PROVIDE A UNIFORM, COUNTYWIDE SYSTEM OF FIRE PROTECTION AND RESCUE SERVICES, REQUIRE MUNICIPALITIES TO PROVIDE FOR THE TRANSFER OF FIRE AND RESCUE PROTECTION ASSETS TO THE COUNTY, AND FULLY FUND ACCRUED BENEFITS AND EXISTING PENSION PLANS FOR AFFECTED EMPLOYEES

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
REQUIRING THE CREATION OF UNIFORM COUNTYWIDE
FIRE AND RESCUE SERVICES

SHALL THE CHARTER BE AMENDED TO REQUIRE THAT THE COUNTY COMMISSION PROVIDE A UNIFORM, COUNTYWIDE SYSTEM OF FIRE PROTECTION AND RESCUE SERVICES BY TRANSFERRING ALL SUCH EXISTING SERVICES FROM MUNICIPALITIES TO THE COUNTY, REQUIRING ALL SUCH FUTURE SERVICES BE PROVIDED SOLELY BY THE COUNTY, AND REQUIRING MUNICIPALITIES TO TRANSFER FIRE PROTECTION AND RESCUE ASSETS TO THE COUNTY AND FULLY FUND THE ACCRUED PENSION AND BENEFIT RIGHTS OF AFFECTED EMPLOYEES?

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 Dennis C. Moss. 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	

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The Chairman thereupon declared the resolution duly passed and adopted this 2nd day of September, 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.

William X. Candela
Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1[1]

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.01 POWERS

A. The Board of County Commissioners shall be the legislative and governing body of the county. The County shall have the power to carry on a central metropolitan government. The Board's powers shall include but not be restricted to the powers to:

* * *

>>25. Notwithstanding any other provision in this Charter, the Board of County Commissioners shall by ordinance, prior to October 1, 2010, transfer all fire protection and rescue services from municipalities to Miami-Dade County and provide for a uniform, countywide system for the provision of fire protection and rescue services. Thereafter, municipalities shall be prohibited from offering such services in Miami-Dade County. The ordinance transferring fire protection and rescue service shall provide, among other things, that municipalities whose services are transferred must transfer the existing municipal fire protection and rescue assets, provide funding for all accrued employee benefits, fully fund any actuarial deficit between the accrued pension benefits of all transferred employees and the value of the existing pension plan, and provide the means and timing by which such transfer and funding is accomplished. <<

[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.