

# MEMORANDUM

GO  
Agenda Item No. 2M

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

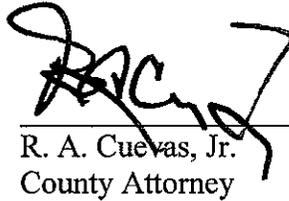
**DATE:** November 9, 2010

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

**SUBJECT:** Resolution calling a countywide  
special election on whether to  
amend the Home Rule Charter  
to abolish the current 13  
Commission districts and  
create a new two-tiered  
districting electoral system

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

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/up



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** December 7, 2010

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

**SUBJECT:** Agenda Item No.

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No.

Veto \_\_\_\_\_

12-7-10

Override \_\_\_\_\_

**RESOLUTION NO.** \_\_\_\_\_

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO ABOLISH THE CURRENT 13 COMMISSION DISTRICTS AND CREATE A NEW TWO-TIERED DISTRICTING ELECTORAL SYSTEM COMPRISED OF AT-LARGE AND SINGLE-MEMBER COUNTY COMMISSION DISTRICTS

**WHEREAS**, Sections 1.03 and 1.04 of the Home Rule Charter presently provide that there shall be thirteen (13) County Commission districts; and

**WHEREAS**, a two-tiered districting scheme comprised of three (3) at-large and six (6) single-member districts will provide voters with an opportunity to participate in a greater number of elections for the County Commission, as well as provide for a county-wide perspective in County Commission deliberations,

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

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida on [ \_\_\_\_\_ ], 2011, 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  
CREATING A TWO-TIERED SYSTEM  
OF COUNTY COMMISSION DISTRICTS

SHALL THE CHARTER BE AMENDED, EFFECTIVE WITH THE COMMISSIONER ELECTIONS IN 2012, TO ABOLISH THE CURRENT THIRTEEN COMMISSION DISTRICTS AND CREATE A NEW TWO-TIERED DISTRICTING SYSTEM COMPRISED OF THREE AT-LARGE DISTRICT SEATS AND SIX DISTRICT SEATS WITH AT-LARGE COMMISSIONERS ELECTED TO FOUR YEAR TERMS AND DISTRICT COMMISSIONERS ELECTED TO TWO YEAR TERMS IN 2012 AND THEREAFTER TO FOUR YEAR TERMS?

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.

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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:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of December, 2010. 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.



Robert A. Duvall

**MIAMI-DADE COUNTY HOME RULE CHARTER**

**ARTICLE-1<sup>1</sup>**

**BOARD OF COUNTY COMMISSIONERS**

**Section 1.03 DISTRICTS.**

A There shall be ~~[[thirteen]]~~ >>three at-large Commission district seats and six single-member<< County Commission district~~[[s]]~~ >>seats commencing with the County Commission elections in 2012<<. ~~[[The current boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof.]]~~ >>The initial boundaries of the six single-member districts shall be drawn using the most current available decennial census data.<<

\* \* \*

**Section 1.04 COMPOSITION OF THE COMMISSION.**

~~[[The Commission shall consist of thirteen members, each of whom shall be a qualified elector residing within his or her district for at least six months and within the County for at least three years before qualifying and who shall be elected by the qualified electors of his or her district.]]~~

>>Commencing with the County Commission elections in 2012, The Commission shall consist of three at-large members elected by the qualified electors of Miami-Dade County to three countywide at-large seats and six district members elected by the qualified electors of the single-member districts. All members of the Commission shall have resided within the County for at least three years before qualifying and each district member shall be a qualified elector residing within his or her district for at least six months before qualifying.<<

**Section 3.01 ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.**

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<sup>1</sup>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.

- A. >>Commencing with the elections in 2012, Commissioners from at-large districts shall be elected to a four year term of office and Commissioners from single-member districts shall be elected to two year terms of office in 2012 and thereafter elected to four year terms.<< [[The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter]] >>Such elections shall be held<< at the time of the state primary elections.