

MEMORANDUM

Special Item No. 3

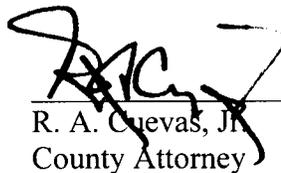
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: January 13, 2011

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

SUBJECT Resolution calling a Special Election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to provide that, upon the Office of Mayor becoming vacant, the powers and responsibilities of the Mayor shall be temporarily transferred to the Chairperson, Vice-Chairperson or member of the Board of County Commissioners until the vacancy in the Office of Mayor is filled with such Chairperson, Vice-Chairperson or member of the Board of County Commissioners prohibited from qualifying to fill such vacancy in the Office of Mayor by election

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM
(Revised)

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

DATE: January 13, 2011

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

SUBJECT: Special Item No. 3

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
Veto _____
Override _____

Special Item No. 3
1-13-11

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT, UPON THE OFFICE OF MAYOR BECOMING VACANT, THE POWERS AND RESPONSIBILITIES OF THE MAYOR SHALL BE TEMPORARILY TRANSFERRED TO THE CHAIRPERSON, VICE-CHAIRPERSON OR MEMBER OF THE BOARD OF COUNTY COMMISSIONERS UNTIL THE VACANCY IN THE OFFICE OF MAYOR IS FILLED WITH SUCH CHAIRPERSON, VICE-CHAIRPERSON OR MEMBER OF THE BOARD OF COUNTY COMMISSIONERS PROHIBITED FROM QUALIFYING TO FILL SUCH VACANCY IN THE OFFICE OF MAYOR BY ELECTION

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 Tuesday, [_____], 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
PROVIDING FOR TEMPORARY TRANSFER OF MAYORAL
POWERS UPON VACANCY IN OFFICE

SHALL THE CHARTER BE AMENDED TO:

- PROVIDE THAT, UPON THE OFFICE OF MAYOR BECOMING VACANT, CERTAIN POWERS AND RESPONSIBILITIES OF THE MAYOR SHALL BE TEMPORARILY TRANSFERRED TO THE CHAIRPERSON, VICE-CHAIRPERSON OR OTHER COUNTY COMMISSIONER UNTIL THE MAYORAL VACANCY IS FILLED AND
- PROHIBIT WHOEVER IS VESTED WITH SUCH POWERS AT THE TIME COMMISSION CALLS AN ELECTION TO FILL SUCH VACANCY FROM RUNNING FOR MAYOR IN SUCH ELECTION?

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 Barbara J. Jordan.

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:

- | | |
|----------------------|-------------------------------------|
| | Joe A. Martinez, Chairman |
| | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro | Lynda Bell |
| Jose "Pepe" Diaz | Carlos A. Gimenez |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Natacha Seijas | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of January, 2011. 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.



Oren Rosenthal



MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-2¹

MAYOR

* * *

>>Section 2.03. TEMPORARY TRANSFER OF MAYORAL POWERS AND RESPONSIBILITIES UPON A VACANCY IN THE OFFICE OF MAYOR.

Upon a vacancy in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter, the powers and responsibilities vested by this Charter in the Office of Mayor, with the exception of the power to veto, shall be vested in the Office of the Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such powers and responsibilities in writing filed with the Clerk of the Board, such powers and responsibilities vested by this Charter in the Office of Mayor, with the exception of the power to veto, shall be vested in the Office of Vice-Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Vice-Chairperson relinquishes such powers and responsibilities in writing filed with the Clerk of the Board, the powers and responsibilities vested by this Charter in the Office of Mayor, with the exception of the power to veto, shall reside in the Office of the County Commissioner appointed by the Chairperson of the County Commission with the consent of a majority of the County Commissioners present at the next Board meeting, as supplementary powers of such Office and shall not reside in the Office of Mayor. The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. If, pursuant to the provisions of Section 1.07 of the Charter, the Board determines to fill the vacancy in the Office of Mayor by election, then the Chairperson, Vice-Chairperson or County Commissioner exercising the powers and responsibilities of the Office of Mayor pursuant to this Section at the time of such determination may not qualify as a candidate for the Office of Mayor for that election.<<

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.