

MEMORANDUM

Special Item No. 14

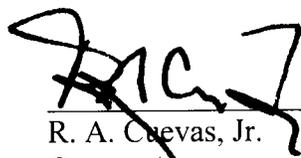
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 24, 2011

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

SUBJECT: Resolution calling a special countywide election for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Home Rule Charter to provide for the creation every five years of a Charter Review Task Force, to prohibit elected County Charter officer from serving as a member, to submit revisions approved by two-thirds of Task Force members to electorate, and to submit revisions approved by majority of Task Force Members to the Commission

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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SUBJECT: Special Item No. 14

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. 14
3-24-11

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, [_____], FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE: FOR THE CREATION EVERY FIVE YEARS OF A CHARTER REVIEW TASK FORCE TO PROPOSE CHARTER REVISIONS; TO PROHIBIT AN ELECTED COUNTY CHARTER OFFICER FROM SERVING AS A MEMBER OF THE TASK FORCE; TO SUBMIT THOSE REVISIONS APPROVED BY A TWO-THIRDS MAJORITY OF THE TASK FORCE DIRECTLY TO THE ELECTORATE; AND TO SUBMIT THOSE REVISIONS APPROVED BY A MAJORITY OF THE TASK FORCE DIRECTLY TO THE COUNTY COMMISSION FOR ITS CONSIDERATION AT ITS NEXT REGULARLY SCHEDULED MEETING

NOW, THEREFORE, 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 primary 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
RELATING TO CREATION, APPOINTMENT AND
POWER OF CHARTER REVIEW TASK FORCE

SHALL THE CHARTER BE AMENDED TO PROVIDE FOR
CREATION EVERY FIVE YEARS OF A CHARTER REVIEW
TASK FORCE TO PROPOSE CHARTER REVISIONS; TO
PROHIBIT ELECTED COUNTY CHARTER OFFICER FROM
SERVING AS MEMBER OF THE TASK FORCE; TO SUBMIT
THOSE REVISIONS APPROVED BY TWO-THIRDS
MAJORITY OF THE TASK FORCE DIRECTLY TO THE
ELECTORATE; AND TO SUBMIT THOSE REVISIONS
APPROVED BY A MAJORITY OF THE TASK FORCE
DIRECTLY TO COUNTY COMMISSION FOR ITS
CONSIDERATION

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 Sally A. Heyman. 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:

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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
Rebeca Sosa
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of March, 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.

EBK

Geri Bonzon-Keenan

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MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-9¹

GENERAL PROVISIONS

* * *

Section 9.08. REVISIONS.

At least once in every 5 year period the Board shall ~~[[review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter]]~~ >>convene a Charter Review Task Force for the purpose of considering and preparing proposed revisions to the Charter. The Board shall provide, by ordinance, the qualifications, method of appointment, and terms and conditions of appointment and removal of members and membership to the Task Force; provided, however, any elected County Charter officer shall be prohibited from serving as a member of the Task Force. The Board shall place on the ballot any proposed Charter revisions that are approved by a two-thirds vote of the Charter Review Task Force members present in the manner provided for in the last two sentences of section 9.07(B)<<. ~~[[The]]~~ >>Any<< proposed revision >>that is approved by a simple majority vote of the Charter Review Task Force members present<< shall then be presented to the Board for review, modification and approval >>at the Board's next regularly scheduled meeting and as approved<< ~~[[. If the Board approves such proposed revision, either with or without modification, it]]~~ shall ~~[[present such proposed revision]]~~ >>be presented<< to the electorate in accordance with the provisions of Section 9.07(C) ~~[[and (D)]]~~. Simultaneous elections may be held on ~~[[a]]~~ >>such<< proposed revision>>s<< and on >>any<< ~~[[individual]]~~ amendments that >>the Board may propose pursuant to section 9.07(C)<< ~~[[are proposed]]~~. >>The result of all elections on charter amendments shall be determined by a majority of electors voting on the proposed amendment.<<

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.