MEMORANDUM

Special Item No. 1

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	April 11, 2011
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution calling special election to be held on Tuesday, May 24, 2011, for the purpose of submitting to qualified electors the candidates to fill the vacancy created by the recall of the Mayor and the County Commissioner for District 13, and if necessary a special run-off election to be held on Tuesday, June 28, 2011

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

DATE: April 11, 2011

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

SUBJECT: Special Item No. 1

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. 1
4-11-2011

RESOLUTION NO. _____

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, MAY 24, 2011, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS OF MIAMI-DADE COUNTY THE CANDIDATES TO FILL THE VACANCY CREATED BY THE RECALL OF THE MAYOR AND THE COUNTY COMMISSIONER FOR DISTRICT 13, AND IF NECESSARY A SPECIAL RUN-OFF ELECTION TO BE HELD ON TUESDAY, JUNE 28, 2011

WHEREAS, on March 18, 2011, the Miami-Dade County Canvassing Board issued a Certificate of County Canvassing Board certifying the results of the March 15, 2011 election on the recall of the Mayor and the County Commissioner for District 13 called by R-01-11 and R-02-11; and

WHEREAS, as a result of this certification, the Mayor and the County Commissioner for District 13 have been removed from office effective as of the Certification and the offices of Mayor and County Commissioner for District 13 are now vacant; and

WHEREAS, Section 1.07 of the Home Rule Charter, requires that vacancies in these offices "shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy;" and

WHEREAS, the Board desires to fill these vacancies by special election held on Tuesday, May 24, 2011 and, if necessary, by a run-off election held on Tuesday, June 28, 2011,

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

Section 1. In accordance with the provisions of the Miami-Dade County Home Rule Charter and the Code of Miami-Dade County, a special election is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, May 24, 2011, for the purposes of submitting to the qualified electors of Miami-Dade County the candidates to fill the vacancy created by the recall of the Mayor and submitting to the qualified electors of County Commission District 13 the candidates to fill the vacancy created by the recall of the County Commissioner for District 13. If necessary, a special run-off election will be held on Tuesday, June 28, 2011.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. Candidate qualifying for Miami-Dade County Mayor and Miami-Dade County Commissioner, District 13, shall commence at 9:00 a.m. on April 12, 2011, and end at 5:00 p.m. on April 12, 2011.

Section 4. The result of such election shall be determined by the qualified electors residing within Miami-Dade County for the Mayoral vacancy, and within County Commission District 13 for the Commission District 13 vacancy voting on the respective candidates. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election.

Section 5. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at for the Mayoral vacancy election. All qualified electors of Miami-Dade County Commission District 13 shall be entitled to vote for the Commission District 13 vacancy 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.

Section 6. The form of the ballot for these elections shall be in accordance with the requirements of general election laws.

Section 7. Early voting for these elections shall be conducted in accordance with the requirements of general election laws. A total of twenty (20) early voting sites will be used during this election.

Section 8. Absentee paper ballots for these elections 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 9. 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 10. These special elections 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 11. 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 Bruno A. Barreiro. 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
Rebeca Sosa	Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 11th day of April, 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