



MEMORANDUM

Agenda Item No. 11(A)(16)

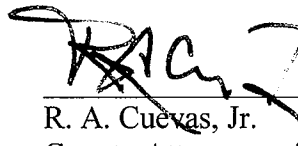
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 3, 2011

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

SUBJECT: 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 the Miami-Dade County Home Rule Charter shall be amended to provide for Community Zoning Appeals Boards to decide zoning applications to the extent allowed by law and for appeals from such decisions to be decided by zoning hearing officers in a process modeled on the state of Florida's administrative procedures act, subject to limited review by the Board of County Commissioners

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: November 3, 2011

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

SUBJECT: Agenda Item No. 11(A)(16)

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 _____

Agenda Item No. 11(A)(16)
11-3-11

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, JANUARY 31, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE FOR COMMUNITY ZONING APPEALS BOARDS TO DECIDE ZONING APPLICATIONS TO THE EXTENT ALLOWED BY LAW AND FOR APPEALS FROM SUCH DECISIONS TO BE DECIDED BY ZONING HEARING OFFICERS IN A PROCESS MODELED ON THE STATE OF FLORIDA'S ADMINISTRATIVE PROCEDURES ACT, SUBJECT TO LIMITED REVIEW BY THE BOARD OF COUNTY COMMISSIONERS

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

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, January 31, 2012, 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:

CHARTER AMENDMENT
PROVIDING FOR ZONING HEARING OFFICERS
AND ZONING PROCEDURES

SHALL THE CHARTER BE AMENDED TO PROVIDE FOR
COMMUNITY ZONING APPEALS BOARDS TO DECIDE
ZONING APPLICATIONS TO THE EXTENT ALLOWED BY
LAW AND FOR APPEALS FROM SUCH DECISIONS TO BE
DECIDED BY ZONING HEARING OFFICERS IN A PROCESS
MODELLED ON THE FLORIDA ADMINISTRATIVE
PROCEDURES ACT, SUBJECT TO LIMITED REVIEW BY
THE BOARD OF COUNTY COMMISSIONERS?

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 Esteban L. Bovo, Jr. 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
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 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-5¹

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

* * *

>>SECTION 5.10. ZONING PROCEDURES.

To the extent allowed by law, zoning applications shall be heard and decided by community zoning appeals boards. Appeal of a zoning action by a community zoning appeals board shall be to a hearing officer selected in accordance with procedures modeled after the State of Florida Administrative Procedure Act. The hearing officer shall conduct a de novo review and issue findings of fact and conclusions of law. Appeal from the final decision of a hearing officer shall be to the Board, which shall reverse the decision only upon a showing of abuse of discretion.<<

* * *

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.