



MEMORANDUM

Agenda Item No. 11(A)(18)

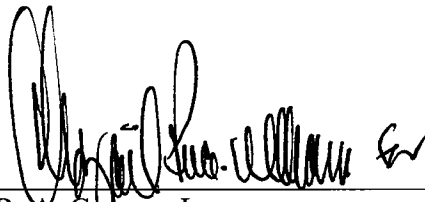
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 3, 2011

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

SUBJECT: Resolution calling a Countywide special election for the purpose of submitting to the electors the question of whether the Charter shall be amended to provide that the Charter shall exclusively govern procedures for citizen initiative, referendum, recall and charter amendment petitions, that all current ordinances and resolutions thereon shall be repealed and that future adoption of ordinances and resolutions regulating such petitions be prohibited

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/up



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)(18)

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

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
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 HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE THAT THE CHARTER SHALL EXCLUSIVELY GOVERN THE PROCEDURES FOR CITIZEN INITIATIVE, REFERENDUM, RECALL AND CHARTER AMENDMENT PETITIONS, THAT ALL CURRENT ORDINANCES AND RESOLUTIONS THEREON SHALL BE REPEALED AND THAT FUTURE ADOPTION OF ORDINANCES AND RESOLUTIONS REGULATING SUCH PETITIONS BE PROHIBITED

**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, 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
PROHIBITING REGULATION BY ORDINANCE
OR RESOLUTION OF PETITION PROCEDURES

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT THE CHARTER SHALL EXCLUSIVELY GOVERN THE PROCEDURES FOR CITIZEN INITIATIVE, REFERENDUM, RECALL AND CHARTER AMENDMENT PETITIONS, THAT ALL CURRENT ORDINANCES AND RESOLUTIONS THEREON SHALL BE REPEALED AND THAT FUTURE ADOPTION OF ORDINANCES AND RESOLUTIONS REGULATING SUCH PETITIONS BE PROHIBITED?

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-8¹

INITIATIVE, REFERENDUM, AND RECALL

Section 8.01. INITIATIVE AND REFERENDUM.

* * *

>>8. The provisions in all current ordinances and resolutions regulating the initiative and referendum process shall be repealed. ~~The Board of County Commissioners shall not adopt any~~ No resolution or ordinance regulating the initiative and referendum process shall be adopted.<<

Section 8.02. RECALL

Any member of the Board of County Commissioners, the Mayor, the Property Appraiser, the Sheriff or Constable may be removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

* * *

7. No recall petition against such an officer shall be certified within one year after he takes office nor within one year after a recall petition against him is defeated.

>>The initiatory process on a recall provision shall be governed exclusively by the provisions of the Charter and ~~the Board shall not adopt any~~ no ordinance or resolution regulating same may be adopted.<<

ARTICLE-9

GENERAL PROVISIONS

* * *

Section 9.07. AMENDMENTS

* * *

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.

>>E. The initiatory process to amend the Charter shall be governed exclusively by the provisions of the Charter and ~~the Board shall not adopt any~~ no ordinance or resolution regulating same shall be adopted. <<