

## MEMORANDUM

Agenda Item No. 11(A)(12)

---

**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 special election to amend Home Rule Charter to provide that Commissioners shall devote full-time service to the Office of County Commissioners and hold no other employment; receive salary provided by State Statutory Formula (currently approximately \$92,097); and shall be subject to term limits

---

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:** November 3, 2011

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

**SUBJECT:** Agenda Item No. 11(A)(12)

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

Agenda Item No. 11(A)(12)

Veto \_\_\_\_\_

11-3-11

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, JANUARY 31, 2012, 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 COMMISSIONERS SHALL DEVOTE FULL-TIME SERVICE TO THE OFFICE OF COUNTY COMMISSIONER AND HOLD NO OTHER EMPLOYMENT; NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA, ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$92,097); AND SHALL BE SUBJECT TO TERM LIMITS SO THAT NO PERSON WHO HAS SERVED THREE CONSECUTIVE FOUR-YEAR TERMS AS A COMMISSIONER SHALL BE ELIGIBLE TO QUALIFY AS A CANDIDATE FOR, NOR MAY BE ELECTED AS, COMMISSIONER FOR THE NEXT SUCCEEDING TERM EXCEPT THAT CURRENT COMMISSIONERS WHO WOULD BE TERM LIMITED IN 2012 OR 2014 SHALL BE ELIGIBLE TO QUALIFY FOR, AND BE ELECTED AS, A COMMISSIONER FOR ONE MORE TERM

**WHEREAS**, Article VIII, Section 6 of the Florida Constitution provides that the electors of Miami-Dade County may impose limitations on the number of consecutive terms in office of the County Commission through the Home Rule Charter; and

**WHEREAS**, term limits will increase voter choice by allowing more candidates to participate in the democratic process in the County,

**NOW, THEREFORE, 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, 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:

HOME RULE CHARTER AMENDMENT  
ESTABLISHING TERM LIMITS FOR COUNTY  
COMMISSIONERS AND REVISING SALARY

SHALL THE CHARTER BE AMENDED SO THAT COMMISSIONERS:

WHO HAVE SERVED THREE CONSECUTIVE FOUR-YEAR TERMS SHALL NOT BE ELIGIBLE TO QUALIFY FOR, OR BE ELECTED AS, A COMMISSIONER FOR THE NEXT SUCCEEDING TERM EXCEPT THAT CURRENT TERM-LIMITED COMMISSIONERS MAY SERVE ONE ADDITIONAL TERM;

SHALL DEVOTE FULL TIME TO THE OFFICE OF COMMISSIONER AND HOLD NO OTHER OUTSIDE EMPLOYMENT; AND

HAVE THEIR CURRENT \$6,000 SALARY REPLACED WITH STATE SALARY FORMULA AND ADJUSTED ANNUALLY (CURRENTLY APPROXIMATELY \$92,097)?

YES   
NO

4

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 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
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-1<sup>1</sup>**

**BOARD OF COUNTY COMMISSIONERS**

\* \* \*

**Section 1.06. SALARY >>AND SERVICE AS A COUNTY COMMISSIONER<<.**

Each County Commissioner shall receive ~~[[a]]~~ >>an annual<< salary [[of \$6,000 per year payable monthly]] >>determined pursuant to general law applicable to non-charter counties<< and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board. >>Such salary shall be payable monthly. County Commissioners shall devote full-time service to the office of County Commissioner and hold no other employment.<<

**ARTICLE-3**

**ELECTIONS**

**Section 3.01 ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.**

\* \* \*

>>E. No person who has served three consecutive four-year terms as a County Commissioner shall be eligible to qualify as a candidate for, nor may be elected as, a County Commissioner for the next succeeding term. Notwithstanding the forgoing, County Commissioners who are, as of January 1, 2012, in their third consecutive four-year term or who have already served three consecutive four-year terms shall be eligible to qualify as a candidate for, and may be elected to, one additional consecutive four-year term.<<

---

<sup>1</sup>Words 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.