

**MEMORANDUM**

Agenda Item No. 11(A)(30)

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**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 for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Charter to establish the Office of Supervisor of Elections as a Charter Office with its own department who shall be appointed by the Mayor for a specified term subject to disapproval by the commission and subject to removal by the Mayor with the Commission's consent, or by the Commission itself upon a supermajority vote, and who shall have more independence than an appointed director currently possesses

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



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R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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**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)(30)  
11-3-11

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

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, [ \_\_\_\_\_ ], FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE CHARTER TO ESTABLISH THE OFFICE OF SUPERVISOR OF ELECTIONS AS A CHARTER OFFICE WITH ITS OWN DEPARTMENT WHO SHALL BE APPOINTED BY THE MAYOR FOR A SPECIFIED TERM SUBJECT TO DISAPPROVAL BY THE COMMISSION AND SUBJECT TO REMOVAL BY THE MAYOR WITH THE COMMISSION'S CONSENT, OR BY THE COMMISSION ITSELF UPON A SUPERMAJORITY VOTE, AND WHO SHALL HAVE MORE INDEPENDENCE THAN AN APPOINTED DIRECTOR CURRENTLY POSSESSES

**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, [ \_\_\_\_\_ ], for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Miami-Dade County 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 ESTABLISHING  
APPOINTED INDEPENDENT SUPERVISOR  
OF ELECTIONS AS A CHARTER OFFICE

SHALL THE CHARTER BE AMENDED TO ESTABLISH THE OFFICE OF SUPERVISOR OF ELECTIONS AS A CHARTER OFFICE WITH ITS OWN DEPARTMENT WHO SHALL BE APPOINTED BY THE MAYOR FOR A SPECIFIED TERM SUBJECT TO DISAPPROVAL BY THE COMMISSION AND SUBJECT TO REMOVAL BY THE MAYOR WITH THE COMMISSION'S CONSENT, OR BY THE COMMISSION ITSELF UPON A SUPERMAJORITY VOTE, AND WHO SHALL HAVE MORE INDEPENDENCE THAN AN APPOINTED DIRECTOR CURRENTLY POSSESSES?

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 Chairman Joe A. Martinez. 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 - 5<sup>1</sup>**

**ADMINISTRATIVE ORGANIZATION AND PROCEDURE**

**SECTION 5.01. DEPARTMENTS.**

There shall be departments of finance, personnel, planning, law, >>elections<< and such other departments as may be established by administrative order of the Mayor. All administrative functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Mayor.

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**>>SECTION 5.09. DEPARTMENT OF ELECTIONS.**

Notwithstanding any provision of Section 2.02 of this Charter, the department of elections shall be headed by a supervisor of elections appointed by the Mayor to a renewable four-year term, unless the appointment or any re-appointment is disapproved by a two-thirds vote of those Commissioners then in office at the Commission's next regularly scheduled meeting. The supervisor of elections shall perform all of the duties and functions of the supervisor of elections as required by law and shall carry out the policies adopted by the Board of County Commissioners. The Mayor shall designate a qualified administrative officer of the County to assume the duties and authority of the supervisor of elections during periods of temporary absence or disability of the supervisor of elections, unless disapproved by a two-thirds vote of the Commissioners then in office at the Commission's next regularly scheduled meeting. Except for budgeting, funding, and emergency management matters, the supervisor of elections shall perform his or her duties independent of and without supervision from the Mayor or the Commission. The supervisor of elections may be removed by the Mayor, upon the consent of a majority vote of those Commissioners then in office, or by the Commission with a two-thirds vote of those Commissioners then in office.<<

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<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.

## ARTICLE-9

### GENERAL PROVISIONS

#### **Section 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS**

A. On May 1, 1958, the following offices are hereby abolished and the powers and functions of such offices are hereby transferred to the Mayor, who shall assume all the duties and functions of these offices required under the Constitution and general laws of this state: County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration. The Mayor may delegate to a suitable person or persons the powers and functions of ~~[[such]]~~ >>the<< offices >>of County Tax Collector, County Surveyor, and County Purchasing Agent. On [ \_\_\_\_\_ ], the powers and functions of the office of the County Supervisor of Registration are transferred from the Mayor to the supervisor of elections<<.