MEMORANDUM

Agenda Item No. 11(A)(32)

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 special election to amend the Home Rule Charter to provide for creation of a task force to develop a one-time plan placing all unincorporated areas of the County within cities, which plan, as may be amended by supermajority vote of the Commission, shall be submitted to the electorate at a general election in 2014 for approval and if approved, will effectuate the annexations and incorporations in such plan

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

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)(32)

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)(32)
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 HOME RULE CHARTER TO PROVIDE FOR CREATION OF A TASK FORCE TO DEVELOP A ONE-TIME PLAN PLACING ALL UNINCORPORATED AREAS OF THE COUNTY WITHIN CITIES, WHICH PLAN, AS MAY BE AMENDED BY SUPERMAJORITY VOTE OF THE COMMISSION, SHALL BE SUBMITTED TO THE ELECTORATE AT A GENERAL ELECTION IN 2014 FOR APPROVAL AND IF APPROVED, WILL EFFECTUATE THE ANNEXATIONS AND INCORPORATIONS IN SUCH PLAN

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 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 PROCEDURE FOR PLACING ALL REMAINING UNINCORPORATED AREAS OF THE COUNTY WITHIN CITIES

SHALL THE CHARTER BE AMENDED TO PROVIDE FOR CREATION OF A TASK FORCE TO DEVELOP A ONE-TIME PLAN PLACING ALL UNINCORPORATED AREAS OF THE COUNTY WITHIN CITIES, WHICH PLAN, AS MAY BE AMENDED BY SUPERMAJORITY VOTE OF THE COUNTY COMMISSION, SHALL BE SUBMITTED TO THE ELECTORATE AT A GENERAL ELECTION IN 2014 FOR APPROVAL AND IF APPROVED, WILL EFFECTUATE THE ANNEXATIONS AND INCORPORATIONS IN SUCH PLAN?

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

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.

Cynthia Johnson-Stacks

MIAMI-DADE COUNTY HOME RULE CHARTER

* * *

ARTICLE - 6[1]

MUNICIPALITIES

>>SECTION 6.08. ONE TIME PROCEDURE FOR INCLUSION OF ALL UNINCORPORATED AREAS INTO MUNICIPALITIES BY INCORPORATION AND/OR ANNEXATION

Notwithstanding any provision of Article 6 of the Charter to the contrary, the Board of County Commissioners shall appoint an independent task force to develop a comprehensive plan for including all unincorporated areas of the County within municipal boundaries by one or more annexations of such areas into existing municipalities, creation of one or more new municipalities, or any combination thereof as deemed appropriate by the Task Force (the "Plan"). Such Plan shall include a proposed municipal charter for each newly proposed municipality and a proposed municipal charter revision for each proposed annexation. Such Plan shall also provide for conveying or transferring County-owned property in the unincorporated area anticipated to be used for the provision of municipal services, require the continued payment of revenues to the County which were pledged as security for any outstanding indebtedness owed by the County, and provide for all other actions necessary or advisable for accomplishing the Plan. The Task Force shall complete the Plan and submit it to the Board of County Commissioners by December 31, 2013. The Board of County Commissioners may amend the Plan by two-thirds (2/3) vote of the Board. The County Commission shall place the Plan, as same may be amended in accordance with the preceding sentence, on the ballot of a General Election in 2014. Such plan, if approved by a majority of the qualified electors of the County voting thereon shall: (1) constitute an amendment to the municipal charters to change the boundaries of municipalities annexing unincorporated areas of the County pursuant thereto; (2) approve municipal charters to create any new cities proposed in therein; (3) supersede all other provisions of Article 6 of the Home Rule Charter to the contrary; (4) authorize the conveyance of County property in the unincorporated area identified therein to a municipality or municipalities; (5) require the continued payment of revenues to the County which were pledged as security for any outstanding indebtedness owed by the County; and (6) provide for all other actions necessary or advisable for accomplishing the inclusion of all unincorporated areas into municipalities by incorporation and/or

[1] 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.

annexation. Subsequent changes to municipal boundaries, creation of new municipalities, and abolitions of any municipality shall be governed by the applicable provisions of Sections 6.01, 6.02, 6.03, 6.04, 6.05, 6.06 and 6.07 of Article 6 of this Charter.<<