

# MEMORANDUM

Agenda Item No. 11(A)(26)

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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 special election to amend Home Rule Charter to provide that, upon creation of a Charter Review Task Force by the County Commission, any Task Force proposals to revise or amend the Charter

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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**SUBJECT:** Agenda Item No. 11(A)(26)

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)(26)

Veto \_\_\_\_\_

11-3-11

Override \_\_\_\_\_

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

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, 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, UPON CREATION OF A CHARTER REVIEW TASK FORCE BY THE COUNTY COMMISSION, ANY TASK FORCE PROPOSALS TO REVISE OR AMEND THE CHARTER SHALL BE PLACED ON THE BALLOT FOR APPROVAL BY THE ELECTORATE, IF SUCH PROPOSAL IS APPROVED BY 2/3'S VOTE OF THE TASK FORCE

**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  
RELATING TO POWER OF A CHARTER REVIEW TASK  
FORCE

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT, UPON CREATION OF A CHARTER REVIEW TASK FORCE BY THE COUNTY COMMISSION, ANY TASK FORCE PROPOSALS TO REVISE OR AMEND THE CHARTER SHALL BE PLACED ON THE BALLOT FOR APPROVAL BY THE ELECTORATE, IF SUCH PROPOSAL IS APPROVED BY 2/3'S VOTE OF THE TASK FORCE?

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 Sally A. Heyman. 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 3<sup>rd</sup> 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-9<sup>1</sup>

### GENERAL PROVISIONS

\* \* \*

#### Section 9.08. ~~[[REVISIONS]]~~ CHARTER REVIEW TASK FORCE

At least once in every 5 year period, the Board shall review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter, ~~>>and may, in carrying out these duties, establish a Charter Review Task Force, which shall recommend to the Board of County Commissioners any revisions or amendments to the Charter the Task Force determines are necessary. The Task Force shall file its written recommendations with the Clerk of the Board, which shall place same on the agenda of the next regularly scheduled meeting of the Board without the need for committee review. At such time, the Board shall consider the Task Force recommendations and the Board shall place on the ballot any proposals approved by a two-thirds vote of the Charter Review Task Force members in the manner provided for in the last 2 sentences of Section 9.07(B).<< [[The]] >>Any proposal<< [[proposed revision]] >>that is approved by a simple majority vote of the Charter Review Task Force members present<< shall then be presented to the Board for review, modification and approval[[. If the Board]] >>and if<< approve[[s]]>>d<< [[such proposed revision, either with or without modification, it]] shall >>be<< present>>ed<< [[such proposed revision]] to the electorate in accordance with the provisions of Section 9.07(C) [[-and (D)]]. Simultaneous elections may be held on [[a]] >>such<< proposed revision>>s or amendments<< and on >>any revisions or<< [[individual]] amendments that >>the Board may<<[[are]] propose[[d]] >>pursuant to Section 9.07(C)<<. >>The result of all elections on any proposed amendment or revision shall be determined by a majority of electors voting on the amendment or revision.<<~~

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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.