

**MEMORANDUM**

Agenda Item No. 10(A)(4)

---

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

**DATE:** August 23, 2012

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

**SUBJECT:** Resolution calling a special  
election for the purpose of  
submitting to the electors the  
question of whether to amend  
the Charter to grant additional  
authority for the Commission on  
Ethics to enforce the Citizens'  
Bill of Rights

---

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)

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

**DATE:** August 23, 2012

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

**SUBJECT:** Agenda Item No. 10(A)(4)

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. 10(A)(4)

8-23-12

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

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS THE QUESTION OF WHETHER TO AMEND THE CHARTER TO GRANT ADDITIONAL AUTHORITY FOR THE COMMISSION ON ETHICS TO ENFORCE THE CITIZENS' BILL OF RIGHTS

**WHEREAS**, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

**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 in conjunction with a General Election on Tuesday, November 6, 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 REGARDING PENALTIES AND ENFORCEMENT OF CITIZENS' BILL OF RIGHTS

SHALL THE CHARTER BE AMENDED TO ELIMINATE THE PROVISION PROVIDING FOR FORFEITURE OF OFFICE IF A PUBLIC OFFICIAL OR EMPLOYEE WILLFULLY VIOLATES THE CITIZENS' BILL OF RIGHTS AND ALLOW, IN ADDITION TO SUIT IN CIRCUIT COURT, THE COMMISSION ON ETHICS AND PUBLIC TRUST TO ENFORCE THE CITIZENS' BILL OF RIGHTS WITH PENALTIES AUTHORIZED BY THE CODE EXCEPT WHERE SUCH VIOLATIONS PERTAIN TO MUNICIPALITIES WHOSE MUNICIPAL CHARTER PROVIDES FOR ENFORCEMENT OF THIS ARTICLE ONLY IN COURT?

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 23<sup>rd</sup> day of August, 2012. This resolution shall become effective upon the earlier of (1) 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., or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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**  
**CITIZENS' BILL OF RIGHTS<sup>1</sup>**

\* \* \*

(C). **Remedies for Violations.** ~~[[In any suit by a]]~~>>A<<  
citizen >>may bring a cause of action<< alleging a violation of this  
Article filed in the Dade County Circuit Court pursuant to its  
general equity jurisdiction~~[[, the plaintiff,]]~~ >>and<< if successful,  
shall be entitled to recover costs as fixed by the Court. >>The  
Commission on Ethics and Public Trust may also enforce the  
provisions of this Article and may impose any penalty authorized  
by County Code not otherwise prohibited by a collective  
bargaining agreement, for a violation of this Article except where  
such violations pertain to municipalities whose municipal charter  
provides for enforcement of this Article only in the Dade County  
Circuit Court. Any penalty imposed by the Commission on Ethics  
and Public Trust pursuant to this subsection may be enforced in the  
Miami-Dade County Circuit Court.<< ~~[[Any public official or~~  
~~employee who is found by the Court to have willfully violated this~~  
~~Article shall forthwith forfeit his office or employment.]]~~

\* \* \*

**ARTICLE VII**

**PARKS, AQUATIC PRESERVES AND PRESERVATION  
LANDS**

\* \* \*

**SECTION 7.03. - ENFORCEMENT AND CONSTRUCTION.**

All elections required by this Article shall be held either in  
conjunction with state primary or general elections or as part of  
bond issue elections. The provisions of this Article may be  
enforced ~~[[in the same manner as provided in Section (C) of the~~  
~~Citizens' Bill of Rights of this Charter]]~~>> by a citizen alleging a  
violation of this Article filed in the Dade County Circuit Court  
pursuant to its general equity jurisdiction, the plaintiff, if  
successful, shall be entitled to recover costs as fixed by the  
Court.<<. The provisions of this Article shall be liberally construed  
in favor of the preservation of all park lands, aquatic preserves, and

---

<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.

preservation lands. If any provision of this Article shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.