

**MEMORANDUM**

Alternate No. 2  
Agenda Item No. 10(A)(8)

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**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 Home Rule Charter to extend the time to conduct an election to fill a mayoral or commissioner vacancy, to provide a timeframe for qualification and any necessary runoff and to temporarily transfer, during a mayoral vacancy, certain mayoral powers

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**This alternate differs from the original item by providing that, in the event both the Chairperson and Vice- Chairperson relinquish Mayoral powers during a Mayoral vacancy, a commissioner chosen by a majority of Board members present shall exercise such Mayoral powers, rather than the Clerk.**

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

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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 \_\_\_\_\_

Alternate No. 2  
Agenda Item No. 10(A)(8)  
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 OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY, TO PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF AND TO TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS

**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  
RELATED TO OPTION FOR FILLING MAYORAL OR  
COUNTY COMMISSIONER VACANCY BY ELECTION

SHALL THE CHARTER BE AMENDED TO:

- EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY FROM 45 TO 90 DAYS FROM THE DECISION TO CALL SUCH ELECTION AND PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF;
- TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS TO THE COMMISSION CHAIRPERSON VICE CHAIRPERSON ~~[[OR CLERK OF THE CIRCUIT COURT]]~~<sup>1</sup> >>OR COMMISSIONER CHOSEN BY THE BOARD<<

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

**Section 4.** The form of the ballot shall be in accordance with the requirements of general election laws.

<sup>1</sup> The differences between the alternate and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or »double arrowed« constitute the amendment proposed.

**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>th</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.

*JMM*

Jess M. McCarty

**MIAMI-DADE COUNTY HOME RULE CHARTER**

**ARTICLE-1<sup>2</sup>**

**BOARD OF COUNTY COMMISSIONERS**

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**Section 1.07. VACANCIES.**

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than ~~[[45]]~~ >>90<< days thereafter to fill the vacancy. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.<< The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than ~~[[45]]~~ >>90<< days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.<< If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

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<sup>2</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-2

MAYOR

\* \* \*

>>Section 2.03.      TEMPORARY      TRANSFER      OF  
MAYORAL      POWERS      AND  
RESPONSIBILITIES      UPON      A  
VACANCY      IN      THE      OFFICE      OF  
MAYOR.

Upon a vacancy in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter, the powers and responsibilities vested by this Charter in the Office of Mayor to head the County for emergency management purposes, to hire department directors and to recommend waivers of competitive bidding shall be temporarily vested in the Office of the Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Office of Vice-Chairperson of the County Commission. If the Vice-Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in ~~[[the Clerk of the Courts for the Eleventh Judicial Circuit]]~~>>a commissioner chosen by a majority of those Board members present<<. >>The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. If, pursuant to the provisions of Section 1.07 of the Charter, the Board determines to fill the vacancy in the Office of Mayor by election, then the person exercising powers and responsibilities of the Office of Mayor pursuant to this Section at the time of such determination shall not qualify as a candidate for the Office of Mayor for that vacancy election.<<