MEMORANDUM

Agenda Item No. 7(D)
(Second Reading 9-17-13)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 16, 2013

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

SUBJECT: Ordinance creating Section 12-26 of the Code relating to costs of special elections

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Vice Chair Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: September 17, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Creating Section 12-26 of the Code Relating to Costs of Special Elections

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The proposed ordinance creates Section 12-26 of the Code relating to costs of special elections. There could be a fiscal impact as the County would be responsible for any cost beyond its original estimate if the actual cost of the special elections exceeds the estimated cost prepaid by any interested party.

Alina T. Hudak
Deputy Mayor

Fis9013

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 17, 2013

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

SUBJECT: Agenda Item No. 7(D)

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 Mayor'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. 7(D)
9-17-13

ORDINANCE NO. _____

ORDINANCE CREATING SECTION 12-26 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO COSTS OF SPECIAL ELECTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on April 5, 2013, Florida Secretary of State, Division of Elections issued advisory opinion DE 13-06 finding that, where Florida law is silent on the party responsible for the costs of an referendum election, a county may require a private party with an interest in the outcome of the election to pre-pay the costs of such election; and

WHEREAS, the opinion of is further conditioned on the requirement that the County will not "reimburse, refund or otherwise repay any part of those prepaid costs, regardless of the outcome of the election,"

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. That Section 12-26 of the Code of Miami-Dade County, Florida, is created as follows to read in its entirety:

Sec. 12-26. Pre-payment of costs for certain referendum elections.

When permitted by state law, the costs of any referendum election shall be paid either by the County or by an interested party designated by the Board of County Commissioners upon a written recommendation by the Mayor. The Mayor shall include in such written recommendation the estimated costs for holding such election. Any referendum election costs pre-paid by an interested party shall not be refunded, in whole or in part, regardless of the outcome or the actual costs of the election.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Oren Rosenthal

Prime Sponsor: Commissioner Dennis C. Moss
Co-Sponsor: Vice Chair Lynda Bell