

# MEMORANDUM


Agenda Item No. 7(C)

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<b>TO:</b>	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	<b>DATE:</b>	(Second Reading 1-22-14) November 5, 2013
<b>FROM:</b>	R. A. Cuevas, Jr County Attorney	<b>SUBJECT:</b>	Ordinance creating Section 12-27 of the Code relating to ballot language for general obligation bond referendum

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr., and Co-Sponsors Vice Chair Lynda Bell, Chairwoman Rebeca Sosa and Commissioner Juan C. Zapata.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/Imp

# Memorandum



**Date:** January 22, 2014

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

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

**Subject:** Ordinance relating to the rules of procedure of the Board of County Commissioners  
and County boards; amending Section 2-1 and creating Section 2-11.39.2 of the Code

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The proposed ordinance amends Section 2-1 and creates Section 2-11.39.2 of the Code to provide a reasonable opportunity for the public to be heard on propositions before the Board of County Commissioners and other County boards, as required by recent legislation adopted by the State of Florida (Chapter 2013-227).

Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Inson Kim", written over a horizontal line.

Inson Kim  
Director of Policy and Legislative Affairs

Fis1514



**MEMORANDUM**  
(Revised)

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

**DATE:** January 22, 2014

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

**SUBJECT:** Agenda Item No. 7(C)

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(C)

1-22-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CREATING SECTION 12-27 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO BALLOT LANGUAGE FOR GENERAL OBLIGATION BOND REFERENDUM AND PROVIDING FOR INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, from time to time, this Board finds it necessary and appropriate and in the best interest of the County and its citizens, to submit a bond referendum to the electors of Miami-Dade County to authorize the issuance of general obligation bonds ("Bonds") payable from ad valorem taxes collected within the County; and

**WHEREAS**, the Board has broad discretion in the creation of the ballot summary (ballot question) which must not exceed seventy-five (75) words in length and must explain the chief purpose of the measure; and

**WHEREAS**, it is in the best interest of the electorate that such ballot questions inform the voters that the proposed bonds will be secured by taxes derived from the assessed value of property in Miami-Dade County; and

**WHEREAS**, this Board wishes to establish a policy that ballot summaries on bond referendum include language to make clear that any bonds so approved will be paid or secured by real estate taxes derived from the assessed value of property in Miami-Dade County,

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

**Section 1.** That Section 12-27 of the Code of Miami-Dade County, Florida, is created as follows to read in its entirety:

Sec. 12-27. General Obligation Bond Referendum Ballot Questions.

Subject to the requirements of Florida Statutes Sections 100.211 and 101.161 and unless expressly waived by a vote of two-thirds (2/3) of the Board members present, all resolutions calling a special election to place a bond referendum before the voters must include a statement within the ballot summary which informs voters that such general obligation bonds if approved will be "paid or secured by taxes derived from the assessed value of property in the County." The required inclusion of such language in the general obligation bond referendum ballot summary is directory only and the failure to include such language shall not be used as a basis to invalidate the bond referendum or the ballot summary in any litigation.

**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 Esteban L. Bovo, Jr.  
Co-Sponsors: Vice Chair Lynda Bell  
Chairwoman Rebeca Sosa  
Commissioner Juan C. Zapata