# MEMORANDUM

Agenda Item No. 7(A)

(Second Reading 7-15-14)

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

**DATE:** May 6, 2014

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

**SUBJECT:** Ordinance amending Ordinance 99-37 relating to straw ballots in Miami-Dade County by limiting straw ballots regarding ad valorem millage rates to fund particular services unless approved by supermajority of Board members

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

# Memorandum

MIAMI-DADE COUNTY

**Date:** July 15, 2014

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

**From:** Carlos A. Gimenez
Mayor

**Subject:** Ordinance amending Ordinance 99-37 relating to straw ballots in Miami-Dade County by limiting straw ballots regarding ad valorem millage rates to fund particular services unless approved by supermajority of board members

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This proposed ordinance amends Ordinance 99-37 requiring a 2/3 vote by the Board of County Commissioners to allow straw ballot language regarding millage rates be presented to the voters. Implementation of this ordinance will not have a fiscal impact to the County.

Alina Hudak
Deputy Mayor

Fls7314

# MEMORANDUM
**(Revised)**

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

**DATE:** July 15, 2014

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

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

**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(A)
7-15-14

ORDINANCE NO. _____

ORDINANCE AMENDING ORDINANCE 99-37 RELATING TO STRAW BALLOTS IN MIAMI-DADE COUNTY BY LIMITING STRAW BALLOTS REGARDING AD VALOREM MILLAGE RATES TO FUND PARTICULAR SERVICES UNLESS APPROVED BY SUPERMAJORTY OF BOARD MEMBERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board adopted Ordinance 99-37 permitting special elections called for the purpose of placing straw ballots before the electors of Miami-Dade County; and

**WHEREAS**, the setting of the ad valorem millage rate is a legislative function that may not be determined by referendum; and

**WHEREAS,** a straw ballot is not binding on the Board of County Commissioners and may result in unrealized expectations from Miami-Dade County electors; and

**WHEREAS**, the request that voters evaluate an ad valorem tax increase to fund a particular County service does not adequately put before the voters sufficient information regarding the overall tax burden on electors in the County as well as the need for tax revenues for other County services; and

**WHEREAS**, this Board desires to limit the use of straw ballots related to increasing the ad valorem millage rate,

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

Section 1. Section 12-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

> Sec. 12-6. Straw ballots.
>
> In Miami-Dade County a special election may be called for the purpose of conducting a straw ballot. >>Notwithstanding the foregoing, special elections for the purpose of conducting a straw ballot regarding raising ad valorem millage rates to provide additional funding for particular services may only be called upon a vote of two-thirds (2/3) of Commissioners then in office.<<

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 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.

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[1] 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.

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-Sponsor: Vice Chair Lynda Bell