



MEMORANDUM

Agenda Item 15(B)3

TO: Honorable Chairman Jean Monestime, and
Members, Board of County Commissioners

DATE: February 18, 2015

FROM: Honorable Harvey Ruvlin, Clerk
Circuit and County Courts

SUBJECT: Initiatory Petition Titled
"Petition to Limit Salaries in
Miami-Dade County"

Christopher Agrippa, Director
Clerk of the Board Division

The attached initiatory petition titled "Petition to Limit Salaries in Miami-Dade County" was approved as to form only on February 6, 2015. Pursuant to Section 8.01 of the Miami-Dade Home Rule Charter, it is being placed on the February 18, 2015, Board of County Commission Agenda for public hearing.

CA/fcd
Attachment



**HARVEY RUVIN
MIAMI-DADE CLERK
COURTS • COMMISSION • RECORDER • FINANCE**

Telephone: (305) 349-7333
Fax: (305) 349-7403
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DADE COUNTY COURTHOUSE
ROOM 242
73 West Flagler Street
Miami, FL 33130

February 6, 2015

Mr. Xavier L. Suarez, Esq.
Attorney at Law
145 SE 25th Road
Suite 1102
Miami, Florida, 33129

Re: Voter-Initiated "Petition to Limit Salaries in Miami-Dade County"

Dear Mr. Suarez:

The initiative petition that you submitted to this office for approval as to form on February 2, 2015 has been approved as of today's date, February 6, 2015. The petition form complies with the format determined by the Supervisor of Elections. Therefore, I have enclosed a copy of the approved petition form with the Clerk's seal affixed thereto. This petition form, printed on one side legal sized paper, is the form from which copies of the petition should be made for circulation.

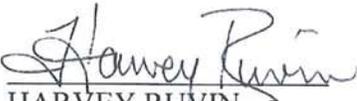
Additionally, the one hundred and twenty (120) day period for collection of the required number of signatures commences Friday, February 6, 2015. Further, the Supervisor of Elections has reported that the total number of registered voters in Miami-Dade County as of February 6, 2015 is **1,378,791**.

Please be advised that pursuant to Article 8 of the Miami-Dade County Home Rule Amendment and Charter (copy of Charter enclosed), the Clerk approves the petition, **as to form only**. This approval as to form only does not address the substance of the petition, legal sufficiency of the proposed ordinance and/or factual accuracy of any statements therein.

Mr. Xavier L. Suarez, Esq.
February 6, 2015
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Your attention is likewise directed to Section 8.01 of the Charter, "Initiative and Referendum" and Section 3.06, "Additional Regulations and State Laws". Your attention is further directed to Section 12-23 of the Miami-Dade County Code (copy enclosed). It is the responsibility of the petitioner to comply with all applicable laws governing the initiative petition process.

Respectfully,


HARVEY RUVIN
Miami-Dade County Clerk

Attachments:

Initiative Petition Approved as to Form
February 6, 2015, Certification from the Miami-Dade Department of Elections
Miami-Dade County Home Rule Amendment and Charter (As Amended through
November 6, 2012)
Section 12-23, Miami-Dade County Code

cc: Honorable Carlos Gimenez, Mayor
Honorable Chairman Jean Monestime, and
Members, Board of County Commissioners
Penelope Townsley, Supervisor of Elections,
Robert A. Cuevas, County Attorney
Luis Montaldo, Clerk's General Counsel
Christopher Agrippa, Director, Clerk of the Board

Petition to Limit Salaries in Miami-Dade County
 Petición para limitar los salarios en el Condado Miami-Dade
 Petisyon pou mete yon Limit nan Salè yo nan Konte Miami Dade la

Effective January 1, 2017, the salary of any employee of Miami-Dade County (other than the mayor, clerk of the court, property appraiser and county attorney) shall not exceed the salary paid to justices of the Supreme Court of Florida, presently set at \$162,200.00 per year.

A partir del 1 de enero de 2017, el sueldo de todo empleado del Condado de Miami-Dade (que no sea el alcalde, secretario de los tribunales, tasador de inmuebles o fiscal del condado) no excederá el sueldo pagado a los magistrados del Tribunal Supremo de Florida, actualmente establecido en \$162,200.00 al año.

Apati de 1er Janvye 2017, salè nenpòt ki anplwaye nan Miami-Dade County (lòt pase majistra, grefye nan tribinal, estimatè pwopriyete ak avoka county a) pa dwe plis pase salè yo peye jij nan Tribinal Siprèm Florid la, ki kounye a \$ 162,200.00 pa ane.

Reduced for scanning

Write information below / Escriba la información abajo / Ekri enfòmasyon an pi ba la-a:

Print Name
 Escriba su nombre en letra de imprenta
 Ekri non an gwo lèt

Date / Fecha / Dat

Residence Address or Precinct Number
 Dirección de su domicilio o número del recinto
 Adrès kay oswa nimewo biwo vòt

Check if change of address / Marque aquí si cambió de domicilio / Make si se chanjman adrès

Date of Birth or Voter Registration/Information Number
 Fecha de nacimiento o número de inscripción/información del elector
 Dat nesans oswa nimewo enskripsyon/enfòmasyon vòtè

Signature
 Firma
 Siyati

Any individual who knowingly signs more than one petition or who attempts to sign another person's name, or a fictitious name, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both.

A toda persona que a sabiendas firme más de una petición o que trate de firmar con el nombre de otra persona o un nombre ficticio, se le pudiera imponer de castigo una multa de no más de quinientos dólares (\$500.00) o privar de libertad por no más de sesenta (60) días, o ambas cosas.

Nenpòt moun ki an tout konesans siyen pliske yon petisyon oubyen ki tante siyen non yon lòt moun, oswa yon fo non, va jwenn pinisyon de yon amann ki pou pa depase senk san dola (\$500.00) oswa anprizonman nan prizon konte a pou yon peryòd ki pou pa depase swatant (60) jou, oubyen toude.

I, _____ (print name) _____ residing at _____ (full residence address)

am a resident of Miami-Dade County and am the circulator of the forgoing document containing one petitioner signature obtained on the date of _____. I personally circulated this petition, witnessed the signature as it was being written, and to the best of my belief and information, the signature is the genuine signature of the person whose name it purports to be. I certify to the truthfulness and the correctness of the certificate set forth in Section 12-23 of the Code of Miami-Dade County hereof under penalty of perjury under the laws of the State of Florida on this date _____ and at this notary location _____.

Signature of Circulator

STATEMENT OF NOTARY

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
 Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____, by _____, who is personally known _____ OR produced the following type of identification _____.

Signature of Notary Public, State of Florida

Notary Seal & Name of Notary Typed, Printed or Stamped



ORDINANCE NO. _____

ORDINANCE ESTABLISHING THAT EFFECTIVE JANUARY 1, 2017, THE SALARY OF ANY EMPLOYEE OF MIAMI-DADE COUNTY (OTHER THAN THE MAYOR, CLERK OF COURT, PROPERTY APPRAISER AND COUNTY ATTORNEY) SHALL NOT EXCEED THE SALARY PAID TO JUSTICES OF THE SUPREME COURT OF FLORIDA, PRESENTLY SET AT \$162,200 PER YEAR; PROVIDING AN EFFECTIVE DATE

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

Section 1. Effective January 1, 2017, the salary of any employee of Miami-Dade County (other than the Mayor, Clerk of Court, Property Appraiser and County Attorney) shall not exceed the salary paid to justices of the Supreme Court of Florida, presently set at \$162,200 per year.

Section 2. Pursuant to section 8.01 of the Miami-Dade County Charter, this ordinance shall become effective on the day after the election on which it is approved.

PASSED AND ADOPTED:

ORDENANZA Núm. _____

ORDENANZA QUE ESTABLECE QUE A PARTIR DEL 1 DE ENERO DE 2017, EL SUELDO DE CUALQUIER EMPLEADO DEL CONDADO DE MIAMI-DADE (QUE NO SEA EL ALCALDE, EL SECRETARIO DE LOS TRIBUNALES, EL TASADOR DE INMUEBLES Y EL FISCAL DEL CONDADO) NO EXCEDERÁ EL SUELDO PAGADO A LOS MAGISTRADOS DEL TRIBUNAL SUPREMO DE FLORIDA, ACTUALMENTE FIJADO EN \$162,200 AL AÑO; DISPONIÉNDOSE LA FECHA DE ENTRADA EN VIGOR

ORDÉNESE POR LA JUNTA DE COMISIONADOS DEL CONDADO DE MIAMI-DADE, FLORIDA:

Sección 1. A partir del 1 de enero de 2017, el sueldo de cualquier empleado del Condado de Miami-Dade (que no sea el Alcalde, el Secretario de los Tribunales, el Tasador de Inmuebles y el Fiscal del Condado) no excederá el sueldo pagado a los magistrados del Tribunal Supremo de Florida, actualmente fijado en \$162,200 al año.

Sección 2. Conforme a la sección 8.01 de la Carta Constitutiva del Condado de Miami-Dade, la presente ordenanza entrará en vigor el día después de las elecciones en que se apruebe.

PASÓ Y SE APROBÓ:

No ÒDONANS-----

DAPRE ÒDONANS LA APATI 1 JANVYE 2017, SALÈ NENPÒT KI ANPLWAYE NAN KONTE MIAMI-DADE LA (APA MAJISTRA A, GREFYE NAN TRIBINAL, ESTIMATÈ PWOPRIYETE AK AVOKA KONTE A) PA DWE PLIS PASE SALÈ YO PEYE JIJ YO NAN TRIBINAL SIPRÈM LA NAN FLORID, KOUNYE A KI S 162,200.00 / ANE. NAN YON DAT FIKS.

SE POU LI ÒDONE PA KONSÈY KOMISYONÈ KONTE YO NAN MIAMI-DADE COUNTY, FLORIDA:

Seksvon 1. Apati 1, Janvyè 2017, salè nan nenpòt ki anplwaye nan Konte Miami-Dade (apa Majistra a, Grefye nan Tribinal, Evalyatè Pwopriyete ak Avoka Konte a) pa dwe plis pase salè yo peye jij yo nan Tribinal Siprèm lan nan Florid, kounye a ki se \$ 162.200 pa ane.

Seksvon 2. Dapre seksyon 8.01 nan Konstitisyon Konte Miami-Dade la, òdonans sa a ap vin efektif nan jou apre eleksyon an ki apwouve l la.

VOTE EPI ADOPTE:



miamidade.gov

Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-8683 F 305-499-8547
TTY 305-499-8480

CERTIFICATION

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

I, Penelope Townsley, Supervisor of Elections of Miami-Dade County, Florida, do hereby certify that the total number of registered voters in Miami-Dade County as of February 6, 2015, 10:53 a.m. is 1,378,791.

WITNESS MY HAND
AND OFFICIAL SEAL,
AT MIAMI, MIAMI-DADE
COUNTY, FLORIDA,
ON THIS 6th DAY OF
FEBRUARY, 2015



Penelope Townsley
Supervisor of Elections

Sec. 12-23. Initiative, referendum and recall petitions—Verification of signatures; disqualification of non-complying petitions; prohibition on improper signature gathering practices.

- (1) No person may circulate a petition or solicit signatures unless he or she is a registered elector in Miami-Dade County.
- (2) *Form of Petition.* All petitions for initiative, referendum, and recall submitted pursuant to Article 8 of the Miami-Dade County Home Rule Charter shall be in 12-point font with no more than one signature per page and in a format determined by the Supervisor of Elections; providing, however, each petition shall contain the following information:
 - A. A statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form.
 - B. The residence address of the circulator.
 - C. Dates between which all the signatures on each individual petition were obtained.
 - D. A sworn statement that the circulator personally circulated the petition, witnessed each signature as it was being written and that to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
 - E. A sworn statement signed by the circulator certifying to the truthfulness and the correctness of the certificate set forth in Section (1)(D) hereof; stating that it is being given under penalty of perjury under the laws of the State of Florida; and setting forth the date and the place of execution of the certification.
 - F. Any individual who knowingly signs more than one petition or who attempts to sign another person's name, or a fictitious name, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both.
 - G. The title and text in English, Spanish, and Creole of the ordinance or the Charter provision sought to be enacted or repealed.
- (3) *Disqualification of Forms.* Within thirty (30) days, excluding weekends and legal holidays, of the date of filing a petition of initiative or referendum, the Supervisor of Elections, or in the case of recall, the Clerk of the Circuit Court, shall disqualify the following petition forms:
 - A. Those that do not include in English, Spanish and Creole the title and text of the ordinance or the Charter provision sought to be enacted or repealed.
 - B. Those that do not comply with any one or more of the provisions relating to the circulator set forth in Section (1) hereof.
 - C. Those where the notary failed to comply with the provisions of F.S. § 117.05, requiring the notary to certify that to the best of his or her knowledge he or she knows the circulator or has seen documentary evidence to substantiate the authenticity of the circulator.
 - D. Those where the notary is the same person as the circulator.
 - E. Those where the signatures of the circulator or notary are dated earlier than the dates on which the electors signed the petition.
- (4)

Disqualification of Signatures. The Supervisor of Elections in the case of the initiative or referendum, or the Clerk of the Circuit Court in the case of recall, shall disqualify the following signatures:

- A. Those signatures that are not accompanied by a residence address or precinct number of the voter.
 - B. Those signatures that are illegible.
 - C. Those signatures not dated.
 - D. Those signatures representing persons who were not registered voters in Miami-Dade County on the date they signed the petition.
 - E. The second and any additional signatures of an otherwise eligible voter.
 - F. Those signatures that appear different to the extent that it cannot be determined that the person signing the petition and the person who is registered to vote are one and the same.
 - G. Any signature that, within fifteen (15) days, excluding weekends and legal holidays, of the date of filing the petition, the signer, on a form prescribed by the Supervisor of Elections, has withdrawn his or her signature because the signature was fraudulently obtained.
- (5) *Prohibited Signature Gathering Practices*
- A. It shall be unlawful for any person, entity, or elector intentionally to make or cause to be made any false statement concerning the contents or effect of any petition for initiative, referendum, or recall submitted pursuant to [Article 7](#) of the Miami-Dade County Home Rule Charter to any person who is requested to sign any such petition or who makes an inquiry with reference to any such petition and who relies on such statement.
 - B. Any person, entity, or elector convicted of a violation of [section 12-23\(5\)A.](#) of this Code shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail not more than sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 01-181, §§ 1—3, 11-6-01; Ord. No. 06-167, § 1, 11-28-06; Ord. No. 06-168, § 1, 11-28-06; Ord. No. 07-39, § 1, 3-6-07)



THE
HOME RULE
AMENDMENT
AND
CHARTER

(AS AMENDED THROUGH
NOVEMBER 6, 2012)

MIAMI-DADE COUNTY, FLORIDA