

MEMORANDUM

Agenda Item No. 11(A)(13)

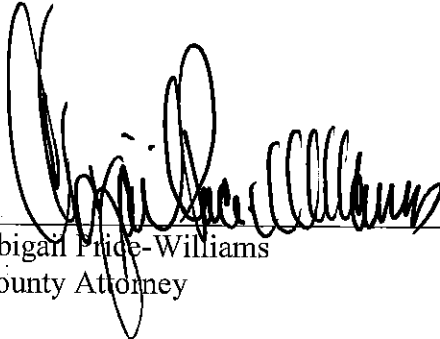
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution calling a countywide special election in Miami-Dade County, Florida, to be held in conjunction with a General Election on Tuesday, November 8, 2016, for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Charter to include the right to copy County and Municipal public records within the Citizens' Bill of Rights

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

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

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(13)

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
- Statement of social equity 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. 11(A)(13)
6-7-16

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 8, 2016, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE CHARTER TO INCLUDE THE RIGHT TO COPY COUNTY AND MUNICIPAL PUBLIC RECORDS WITHIN THE CITIZENS' BILL OF RIGHTS

WHEREAS, the Citizens' Bill of Rights contained in the Miami-Dade County Home Rule Charter was enacted "to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment;" and

WHEREAS, the Citizens' Bill of Rights currently requires only for the inspection of County and Municipal public records and does not afford a right to obtain copies of such public records; and

WHEREAS, the State of Florida public records laws provides for both the right to inspect and copy public records but is enforced solely through criminal or private rights of action; and

WHEREAS, the Citizens' Bill of Rights may be enforced either through a private right of action or a complaint made to the Commission on Ethics and Public Trust; and

WHEREAS, enforcement of the public records laws through the Commission on Ethics and the Public Trust may provide a less expensive, and therefor more readily available, remedy than seeking to enforce rights through private litigation; and

WHEREAS, amending the Citizen's Bill of Rights to include the right to copy public records consistent with the State of Florida's public records laws will afford private individuals the ability to enforce such laws through the Commission on Ethics and the Public Trust; and

WHEREAS, this Board believes that the availability of both inspection and copying of public records is central to providing the public with full and accurate information and making government more accountable and desires to provide an additional avenue for resolving any potential violation by amending the Miami-Dade County Home Rule Charter for such purpose,

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

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 8, 2016, 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 INCLUDING RIGHT TO COPY PUBLIC RECORDS IN THE
CITIZENS' BILL OF RIGHTS

THE PUBLIC RECORDS PROVISION OF THE CHARTER'S
CITIZENS' BILL OF RIGHTS, ENFORCED BY BOTH
PRIVATE ACTION AND THE COMMISSION ON ETHICS
AND THE PUBLIC TRUST, CURRENTLY REQUIRES
PUBLIC RECORDS OF THE COUNTY AND THE
MUNICIPALITIES BE OPEN TO THE PUBLIC ONLY FOR
INSPECTION. SHALL THIS PROVISION BE AMENDED TO
ALSO REQUIRE THAT SUCH RECORDS BE AVAILABLE
FOR COPYING BY THE PUBLIC IN A MANNER
CONSISTENT WITH STATE PUBLIC RECORDS LAW?

YES

NO

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

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 Rebeca Sosa and the Co-Sponsor is Commissioner Daniella Levine Cava. 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of June, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County 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.

OR

Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

CITIZENS' BILL OF RIGHTS¹

CITIZENS' BILL OF RIGHTS

(A). This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

* * *

3. Public Records. All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection >>and copying, consistent with the requirements of the State of Florida's public records laws,<< at reasonable times and places convenient to the public.

* * *

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.