

MEMORANDUM

Special Item No. 1

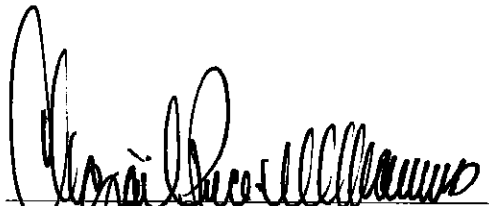
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: April 4, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution calling special election in Miami-Dade County, Florida, to be held on [], [], 2018, for the purpose of submitting to qualified electors of Miami-Dade County the candidates to fill the vacancy in the Office of County Commissioner for District 5, and if necessary, a special run-off election to be held on [], [], 2018

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Esteban L. Bovo, Jr.



Abigail Price-Williams
County Attorney

APW/cp

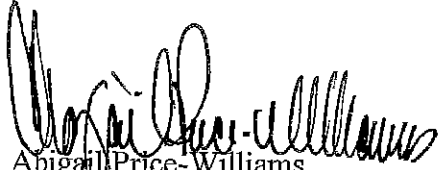


MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

DATE: April 4, 2018

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County Attorney

SUBJECT: Special Item No. 1

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 _____

Special Item No. 1
4-4-18

RESOLUTION NO. _____

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON [], [], 2018, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS OF MIAMI-DADE COUNTY THE CANDIDATES TO FILL THE VACANCY IN THE OFFICE OF COUNTY COMMISSIONER FOR DISTRICT 5, AND IF NECESSARY, A SPECIAL RUN-OFF ELECTION TO BE HELD ON [], [], 2018

WHEREAS, on March 31, 2018, Commissioner Bruno A. Barreiro resigned from the office of Miami-Dade County Commissioner, District 5; and

WHEREAS, the Office of County Commissioner for District 5 is now vacant; and

WHEREAS, Section 1.07 of the Home Rule Charter requires that vacancies in the office of County Commissioner “shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 90 days thereafter to fill the vacancy”; and

WHEREAS, if no candidate for such vacancy election receives a majority of the votes cast in the election, then Section 1.07 of the Home Rule Charter provides that a “runoff election shall be had within 30 days of the certification of election results requiring a runoff”; and

WHEREAS, Section 1.07 of the Home Rule Charter further provides that a “person elected shall serve for the remainder of the unexpired term of office”; and

WHEREAS, the Board desires to fill these vacancies by special election held on [], [], 2018 and, if necessary, by a special run-off election held on [], [], 2018,

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

Section 1. In accordance with the provisions of the Miami-Dade County Home Rule Charter and the Code of Miami-Dade County, a special election is hereby called and shall be held in Miami-Dade County, Florida on [], [], 2018, for the purposes of submitting to the qualified electors of County Commission District 5 the candidates to fill the vacancy in the Office of County Commissioner for District 5. If necessary, a special run-off election will be held on [], [], 2018.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. Candidate qualifying for Miami-Dade County Commissioner, District 5, shall commence at noon on the first day after the effective date of this Resolution and end at 5:00 p.m. on the tenth day after the effective date of this Resolution. The Clerk of the Board shall provide a certified copy of this Resolution to the Miami-Dade County Supervisor of Elections on the effective date of the Resolution as set forth herein.

Section 4. The result of such election shall be determined by the qualified electors residing within County Commission District 5 voting on the candidates. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election.

Section 5. All qualified electors of Miami-Dade County Commission District 5 shall be entitled to vote in the Commission District 5 vacancy 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.

Section 6. The form of the ballot for these elections shall be in accordance with the requirements of general election laws.

Section 7. Early voting for these elections shall be conducted for a period of [] days in accordance with the requirements of general election laws. A total of [] early voting sites will be used during this election.

Section 8. Vote-by-mail paper ballots for these elections may be used by qualified electors of Miami-Dade County for voting on this question. The form of such vote-by-mail ballot shall be in accordance with the requirements prescribed by general election laws.

Section 9. 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 10. These special elections 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 11. 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 Chairman Esteban L. Bovo, Jr. 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of April, 2018. 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.



Oren Rosenthal