

MEMORANDUM

Special Item No. 4

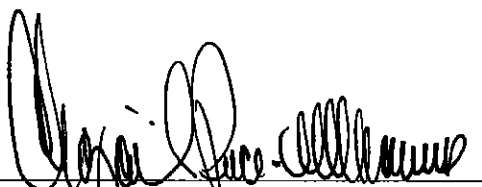
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 26, 2018

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 6, 2018, for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Home Rule Charter to limit the current restriction requiring that County appointed officials or employees qualifying to run for federal, state or municipal elective office take a leave of absence and, if elected, immediately forfeit their County position to only apply to County officials and employees who qualify as a candidate for certain County elected offices

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



Abigail Price-Williams
County Attorney

APW/cp

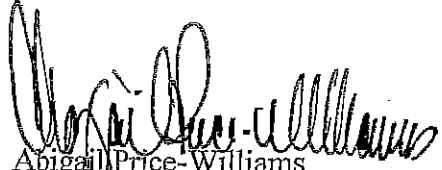


MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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SUBJECT: Special Item No. 4

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. 4
6-26-19

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 6, 2018, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO LIMIT THE CURRENT RESTRICTION REQUIRING THAT COUNTY APPOINTED OFFICIALS OR EMPLOYEES QUALIFYING TO RUN FOR FEDERAL, STATE OR MUNICIPAL ELECTIVE OFFICE TAKE A LEAVE OF ABSENCE AND, IF ELECTED, IMMEDIATELY FORFEIT THEIR COUNTY POSITION TO ONLY APPLY TO COUNTY OFFICIALS AND EMPLOYEES WHO QUALIFY AS A CANDIDATE FOR CERTAIN COUNTY ELECTED OFFICES

WHEREAS, on March 20, 2017, this Board approved Resolution No. R-304-17 creating a Charter Review Task Force to review the Home Rule Charter of Miami-Dade County in its entirety and to prepare and submit written recommendations to the Board of County Commissioners setting forth any proposed amendments or revisions to the Charter; and

WHEREAS, on February 28, 2018 the Charter Review Task Force transmitted a final report recommending that this Board place proposed changes to the Miami-Dade County Home Rule Charter before the electorate of the County; and

WHEREAS, among the issues studied by the Charter Review Task Force was the restrictions placed on County appointed officials and employees in order to run for any elected office; and

WHEREAS, Section 1.05 of the Miami-Dade Home Rule Charter currently requires all County appointed officials or employees who qualify for elected office to take a leave of absence from their position until after the election and, if elected, to forfeit their office; and

WHEREAS, the Charter Review Task Force found that such provision overly restricts County appointees and employees from pursuing part-time public service by running for office where such service does not present a conflict with their County employment; and

WHEREAS, eliminating the restriction on running for any office except certain County offices, County appointees and employees will now be permitted to run for office and serve in such office, if elected, while maintaining County employment subject to all other County rules regarding employment and conflict of interests and any other State or Federal law; and

WHEREAS, the Charter Review Task force, by a vote of six in favor and four against, recommends that the Board permit County appointed officials and employees to qualify to run for any elective office other than certain County elective offices without taking a leave of absence from their position until after the election or, if elected, forfeiting their office; and

WHEREAS, this Board desires to place this issue before the voters on the November 6, 2018 General Election Ballot,

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

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 6, 2018, 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
RELATING TO COUNTY APPOINTED OFFICIALS AND
EMPLOYEES RUNNING FOR CERTAIN ELECTIVE OFFICE

THE CHARTER CURRENTLY REQUIRES THAT COUNTY APPOINTED OFFICIALS OR EMPLOYEES QUALIFYING TO RUN FOR FEDERAL, STATE OR MUNICIPAL ELECTIVE OFFICE TAKE A LEAVE OF ABSENCE AND, IF ELECTED, IMMEDIATELY FORFEIT THEIR COUNTY POSITION. SHALL THE CHARTER BE AMENDED TO LIMIT THIS RESTRICTION TO ONLY APPLY TO COUNTY OFFICIALS AND EMPLOYEES WHO QUALIFY AS A CANDIDATE FOR CERTAIN COUNTY ELECTED OFFICES?

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 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Eileen Higgins
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 26th day of June, 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

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

SECTION 1.05. - FORFEITURE OF OFFICE OF COUNTY ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES.

* * *

C. Any appointed official or employee of >>Miami<<Dade County who qualifies as a candidate for election to >>the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser<< [~~any federal, state or municipal office~~]] shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

¹Words 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.