

MEMORANDUM

Special Item No. 7

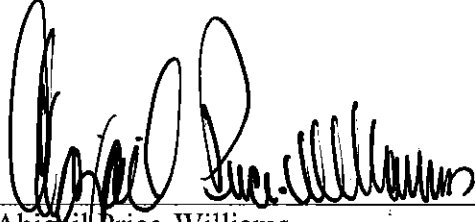
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

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 eliminate term limits for County Commissioners and allow Commissioners who have served more than two consecutive four-year terms to be eligible to run and be elected for additional terms

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

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

DATE: June 26, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Special Item No. 7

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

Special Item No. 7

Veto _____

6-26-18

Override _____

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 ELIMINATE TERM LIMITS FOR COUNTY COMMISSIONERS AND ALLOW COMMISSIONERS WHO HAVE SERVED MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS TO BE ELIGIBLE TO RUN AND BE ELECTED FOR ADDITIONAL TERMS

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 prepare and submit to the Board of County Commissioners written recommendations 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 whether the provision imposing term limits on members of the Board of County Commissioners should be removed from the Charter; and

WHEREAS, Section 3.01(E) of the Miami-Dade Home Rule Charter currently provides that, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four-year terms; and

WHEREAS, the Charter Review Task Force found that the problems facing Miami-Dade County are difficult ones that are not easy to understand or solve; and

WHEREAS, the Charter Review Task Force found that the ability to solve these complex problems depends on understanding the County and generating consensus at the Commission level as to how best to apply its many resources towards solving these difficult problems; and

WHEREAS, the Charter Review Task Force found that these intertwined prerequisites for solving County problems are developed over time through experience serving as a Commissioner and that the County is not served by casting away experienced Commissioners arbitrarily at the end of eight years; and

WHEREAS, the Charter Review Task Force believes that voters should have the ability to re-elect a Commissioner that the voters believe is effective, regardless of how long the Commissioner may previously have served, because experience in governing is not a negative attribute; and

WHEREAS, the Charter Review Task Force reviewed multiple proposals for addressing this issue and has determined that eliminating term limits for County Commissioners and allowing voters the full range of choices available to them for representation is most consistent with our democratic form of government; and

WHEREAS, the Charter Review Task force, by a vote of six in favor and two against, recommends the term limits imposed by the Charter on County Commissioners should be eliminated; 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:

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
ELIMINATING TERM LIMITS FOR COUNTY
COMMISSIONERS

THE CHARTER CURRENTLY PROVIDES THAT COUNTY COMMISSIONERS SHALL NOT BE ELIGIBLE FOR ELECTION AS COMMISSIONER FOR MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS. SHALL THE CHARTER BE AMENDED TO ELIMINATE THIS RESTRICTION AND ALLOW COMMISSIONERS WHO HAVE SERVED TWO CONSECUTIVE FOUR-YEAR TERMS TO BE ELIGIBLE TO RUN AND BE ELECTED FOR ADDITIONAL TERMS?

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 Dennis C. Moss. 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 this 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-3¹

ELECTIONS

* * *

SECTION 3.01. – ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

* * *

~~[[E. — Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four year terms. No term of service as a Commissioner commencing prior to 2012 shall be considered a part of or counted toward the two term limit.]]~~

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.