

**MEMORANDUM**

Amended  
Special Item No. 9

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** July 18, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution calling special  
election relating to holding  
public hearings on citizen  
initiative petitions proposing  
passage or repeal of an  
ordinance

**Resolution No. R-874-08**

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The accompanying resolution was prepared and placed on the agenda at the request of  
Prime Sponsor Commissioner Carlos A. Gimenez.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/bw



# MEMORANDUM

(Revised)

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Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Special Item No. 9  
7-18-08

**RESOLUTION NO.           R-874-08**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT THE CLERK, NOT THE BOARD, SHALL APPROVE INITIATIVE PETITIONS PROPOSING PASSAGE OR REPEAL OF AN ORDINANCE AS TO FORM AND REQUIRE THE COUNTY COMMISSION TO HOLD A PUBLIC HEARING ON ANY SUCH PETITION AT THE NEXT COUNTY COMMISSION MEETING SUBSEQUENT TO THE CLERK'S APPROVAL OF THE PETITION

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

Section 1. A countywide special election, to be held in conjunction with a general election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, November 4, 2008, 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:

HOME RULE CHARTER AMENDMENT  
ON ORDINANCE INITIATIVE PETITIONS REQUIRING  
CLERK FORM APPROVAL AND PUBLIC HEARINGS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT THE CLERK, NOT THE BOARD, SHALL APPROVE INITIATIVE PETITIONS PROPOSING PASSAGE OR REPEAL OF AN ORDINANCE AS TO FORM AND REQUIRE THE COUNTY COMMISSION TO HOLD A PUBLIC HEARING ON ANY SUCH PETITION AT THE NEXT COUNTY COMMISSION MEETING SUBSEQUENT TO THE CLERK'S APPROVAL OF THE PETITION?

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 Carlos A. Gimenez. It was offered by Commissioner **Carlos A. Gimenez**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	<b>aye</b>
	Barbara J. Jordan, Vice-Chairman	<b>absent</b>
Jose "Pepe" Diaz	<b>absent</b>	Audrey M. Edmonson <b>absent</b>
Carlos A. Gimenez	<b>aye</b>	Sally A. Heyman <b>aye</b>
Joe A. Martinez	<b>absent</b>	Dennis C. Moss <b>aye</b>
Dorrrin D. Rolle	<b>absent</b>	Natacha Seijas <b>aye</b>
Katy Sorenson	<b>aye</b>	Rebeca Sosa <b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	

The Chairman thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of July, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Oren Rosenthal", is written over a horizontal line.

Oren Rosenthal

**MIAMI-DADE COUNTY HOME RULE CHARTER**

**ARTICLE-8<sup>1</sup>**

**INITIATIVE, REFERENDUM, AND RECALL**

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**Section 8.01. INITIATIVE AND REFERENDUM**

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

1. The person proposing the exercise of this power shall submit the proposal, including proposed ballot language, to ~~[[the Board]]~~ >>the Clerk of the Circuit Court<< which shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire. >>A public hearing shall be held on the proposal at the next Board of County Commissioner meeting subsequent to the date the Clerk approves the petition as to form.<<

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<sup>1</sup>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.