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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 11(A)(5)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 21, 2009

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

SUBJECT: Resolution approving a proposed amendment to the Town of Cutler Bay's Charter
Resolution No. R-431-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO\2078

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 21, 2009

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

SUBJECT: Agenda Item No. 11(A)(5)

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 Mayor'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 _____

Agenda Item No. 11(A)(5)
4-21-09

RESOLUTION NO. **R-431-09**

RESOLUTION APPROVING A PROPOSED AMENDMENT TO THE TOWN OF CUTLER BAY'S CHARTER ALLOWING FOR MODIFICATION OF QUALIFYING DATES FOR CANDIDATES RUNNING FOR THE OFFICE OF MAYOR, VICE-MAYOR OR COUNCIL MEMBER BY ORDINANCE WHEN REQUESTED BY THE SUPERVISOR OF ELECTIONS OR OTHERWISE REQUIRED BY LAW

WHEREAS, Section 2.4 of the Town Charter of Cutler Bay provides for qualifying dates for the offices of town mayor, vice mayor and council member; and

WHEREAS, Section 2.4 of the Town Charter of Cutler Bay can only be changed if approved by an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office prior to a vote of qualified municipal electors; and

WHEREAS, the Town Council adopted Town Resolution No. 09-26 (a copy of which is attached hereto) proposing certain changes to the Town Charter including a provision allowing the Town to change the qualifying period for the offices of mayor, vice-mayor and council member when requested by the Miami-Dade County Supervisor of Elections or otherwise required by law; and

WHEREAS, the Town Council has requested that the County Commission approve such proposed changes by two-thirds vote the Board of County Commissioners, so that the electorate of the Town of Cutler Bay may vote on this proposed amendment at a special mail ballot election called for June 25, 2009,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board of County Commissioners by an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners presently in office hereby approves the proposed Town of Cutler Bay

amendment and ballot question regarding future modifications of the qualifying period for elective offices contained in Town Resolution No. 09-26, which is attached hereto and incorporated herein by reference.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of April, 2009. 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.

Oren Rosenthal