

**MEMORANDUM**

Amended  
Agenda Item No. 11(A)(3)

---

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

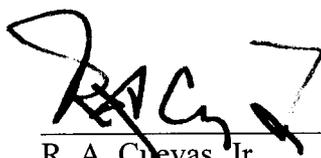
**DATE:** May 18, 2010

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

**SUBJECT:** Resolution calling a  
countywide special election for  
the purpose of submitting to the  
electors the question of  
whether to amend the Home  
Rule Charter to eliminate the  
Office of the County Manager  
Resolution No. R-573-10

---

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** May 18, 2010  
and Members, Board of County Commissioners

**FROM:** R. A. Cuevas, Jr.      **SUBJECT:** Amended  
County Attorney      Agenda Item No. 11(A)(3)

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
- Ordinance creating a new board requires detailed County Manager'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

Amended

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(3)

Veto \_\_\_\_\_

5-18-10

Override \_\_\_\_\_

RESOLUTION NO. R-573-10

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A PRIMARY ELECTION TO BE HELD ON TUESDAY, AUGUST 24, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO ELIMINATE THE OFFICE OF THE COUNTY MANAGER

WHEREAS, the Board wishes to call a special election in Miami-Dade County in conjunction with a primary election to be held on Tuesday, August 24, 2010, for the purpose of submitting to the electors of Miami-Dade County the question stated herein,

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

Section 1. A countywide special election, to be held in conjunction with a primary election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, August 24, 2010, 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 THE OFFICE  
OF COUNTY MANAGER

SHALL THE CHARTER BE AMENDED, EFFECTIVE NOVEMBER 2012, TO ELIMINATE THE OFFICE OF THE COUNTY MANAGER AS A CHARTER OFFICE WHICH CURRENTLY ASSISTS THE MAYOR IN ADMINISTERING COUNTY GOVERNMENT?

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 **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

5

The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of May, 2010. 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: **DIANE COLLINS**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

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

Oren Rosenthal

# MIAMI-DADE COUNTY HOME RULE CHARTER<sup>1</sup>

\* \* \*

## ARTICLE - 2 MAYOR

*>>Note: By special election called pursuant to Resolution No. R-573-10, and held on August 24, 2010, the voters amended Section 2.02 effective the second Tuesday next succeeding the date of the general election held November 2012 as indicated in the endnote.<<*

\* \* \*

## ARTICLE - 4 COUNTY MANAGER

*>>Note: By special election called pursuant to Resolution No. R-573-10, and held on August 24, 2010, the voters deleted Article 4 of the Home Rule Charter effective the second Tuesday next succeeding the date of the general election held November 2012 as indicated in the endnote.<<*

\* \* \*

## ARTICLE - 5 ADMINISTRATIVE ORGANIZATION AND PROCEDURE

*>>Note: By special election called pursuant to Resolution No. R-573-10, and held on August 24, 2010, the voters amended Section 5.06 and added a new Section 5.09 effective the second Tuesday next succeeding the date of the general election held November 2012 as indicated in the endnote.<<*

\* \* \*

>>Endnote: Effective the second Tuesday next succeeding the date of the general election held November 2012 the words stricken through shall be deleted from the Charter and the words underscored shall be added with the remaining provisions that are now in effect to remain unchanged as follows:

---

<sup>1</sup>Words ~~[[double bracketed]]~~ shall be deleted. Words >>double arrowed<< constitute the new language. Remaining provisions are now in effect and remain unchanged.

\* \* \*

**ARTICLE - 2**  
**MAYOR**

---

\* \* \*

**SECTION 2.02. RESPONSIBILITIES OF THE MAYOR.**

The Mayor shall serve as head of the county government with the following specific powers and responsibilities:

A. The Mayor shall be responsible for the management of all administrative departments of the County government and for carrying out policies adopted by the Commission. The Mayor, or such other persons who may be designated by the Mayor, shall execute contracts and other instruments, and sign bonds and other evidences of indebtedness. The Mayor shall serve as the head of the County for emergency management purposes.

B. The Mayor shall have the right to attend and be heard at any regular or special open session meeting of the Commission, but not the right to vote at such meetings.

~~C. The Mayor shall appoint the County Manager unless such appointment is disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall have the authority to dismiss the County Manager.~~

~~D.C.~~ Unless otherwise provided by this Charter, the Mayor shall have the power to appoint all department directors of the administrative departments of the County. Appointment of these department directors shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause.

~~E.D.~~ The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.

F.E. The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners.

G.F. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall set forth the Mayor's funding priorities for the County.

\* \* \*

**ARTICLE - 4**  
**COUNTY MANAGER**

---

---

*Note: By special election called pursuant to Resolution No. R-573-10, and held on August 24, 2010, the voters deleted Article 4 of the Home Rule Charter.*

**SECTION 4.01. ~~FUNCTIONS.~~**

~~— The Manager shall serve under the direction of the Mayor and, as directed by the Mayor, shall assist the Mayor in the administration of County government. The Manager's compensation shall be set by the Mayor.~~

**SECTION 4.02. ~~QUALIFICATIONS.~~**

~~— The Manager shall be chosen on the basis of the Manager's executive and administrative qualifications. At the time of the Manager's appointment the Manager need not be a resident of the state. Neither the Mayor nor any Commissioner shall be eligible for the position of Manager during or within two years after the expiration of their respective terms.~~

**SECTION 4.03. ~~ABSENCE OF MANAGER.~~**

~~— The Mayor shall designate a qualified administrative officer of the County to assume the duties and authority of the Manager during periods of temporary absence or disability of the Manager unless disapproved by a two thirds majority of the Commission at its next regularly scheduled meeting.~~

**SECTION 4.04. ~~RESTRICTION ON THE COMMISSION MEMBERS.~~**

A. ~~— No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by any subordinate of the Mayor, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall any subordinate of the Mayor accede to such direction or request.~~

B. ~~— Except for the purpose of transmitting constituent inquiries to the administrative services and other inquiry, as provided in Section 1.01A(20), the Commissioners shall deal with~~

~~the administrative service solely through the County Mayor or his or her designee and no Commissioner shall give orders to any subordinates of the Mayor, either publicly or privately.~~

~~— No County employee or official, other than the County Mayor or his or her designee, shall respond to or undertake any action to comply with any request by any Commissioner which violates the provisions of the preceding paragraph. The County Mayor shall not knowingly allow any Commissioner to deal with the administrative services in violation of the provisions of this section. ]]~~

**ARTICLE - 5  
ADMINISTRATIVE ORGANIZATION  
AND PROCEDURE**

---

\* \* \*

**SECTION 5.06. DEPARTMENT OF LAW.**

There shall be a County Attorney appointed by the Board of County Commissioners, subject to veto by the Mayor unless overridden by a two-thirds majority of those Commissioners then in office who shall serve at the will of the Board and who shall head the department of law. He shall devote his full time to the service of the county and shall serve as legal counsel to the Board, Mayor, ~~[[Manager]]~~, and all county departments, offices, and agencies, and perform such other legal duties as may be assigned to him. He may appoint such assistants as may be necessary in order that his duties may be performed properly. The Board may employ special counsel for specific needs.

\* \* \*

**SECTION 5.09. RESTRICTION ON THE COMMISSION MEMBERS.**

A. No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by any subordinate of the Mayor, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall any subordinate of the Mayor accede to such direction or request.

B. Except for the purpose of transmitting constituent inquiries to the administrative services and other inquiry, as provided in Section 1.01A(20), the Commissioners shall deal with the administrative service solely through the County Mayor or his or her designee and no Commissioner shall give orders to any subordinates of the Mayor, either publicly or privately.

No County employee or official, other than the County Mayor or his or her designee, shall respond to or undertake any action to comply with any request by any Commissioner which violates the provisions of the preceding paragraph. The County Mayor shall not knowingly allow any Commissioner to deal with the administrative services in violation of the provisions of this section.