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

MEMORANDUM

Agenda Item No. 11(A)(8)

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

DATE: July 8, 2010

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

SUBJECT: Resolution calling special election for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Home Rule Charter to permit greater communications between Commissioners and Administrative Services

Resolution No. R-760-10

At the 6-8-10 Government Operations Committee this item was amended to provide additional clarity to the ballot question and more fully reflect the proposed change to the Home Rule Charter.

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

DATE: July 8, 2010

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

SUBJECT: Agenda Item No. 11(A)(8)

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(8)
7-8-10

RESOLUTION NO. R-760-10

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PERMIT GREATER COMMUNICATIONS BETWEEN COMMISSIONERS AND ADMINISTRATIVE SERVICES

WHEREAS, the Board wishes to call a special election in Miami-Dade County in conjunction with a general election to be held on Tuesday, November 2, 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 general election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, November 2, 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:

HOME RULE CHARTER AMENDMENT REGARDING
COUNTY COMMISSIONER AND ADMINISTRATIVE STAFF
COMMUNICATIONS

[[~~SHALL THE CHARTER BE AMENDED TO PERMIT GREATER COMMUNICATIONS BETWEEN COMMISSIONERS AND ADMINISTRATIVE SERVICES BY REMOVING THE REQUIREMENT THAT COMMISSIONERS SHALL DEAL WITH THE ADMINISTRATIVE SERVICE SOLELY THROUGH THE COUNTY MAYOR OR HIS OR HER DESIGNEE?~~]][1]

>>SHALL THE CHARTER BE AMENDED TO ALLOW THE COUNTY COMMISSIONERS TO COMMUNICATE WITH AND ASK QUESTIONS OF THE COUNTY ADMINISTRATIVE SERVICES TO ASSIST WITH THE PERFORMANCE OF THEIR DUTIES AS COUNTY COMMISSIONERS BY REMOVING THE CHARTER REQUIREMENT THAT COMMISSIONERS SHALL DEAL WITH THE ADMINISTRATIVE SERVICE SOLELY THROUGH THE COUNTY MAYOR OR HIS OR HER DESIGNEE?<<

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.

[1]Committee amendments are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underlined and/or >>double arrowed<< constitute the amendment proposed.

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 Joe A. Martinez. It was offered by Commissioner **Joe A. Martinez**, 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:

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of July, 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.

Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1[2]

BOARD OF COUNTY COMMISSIONERS

* * *

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 where otherwise prohibited by Ordinance, Commissioners shall be permitted to communicate and make inquiries of the administrative services for the purpose of transmitting constituent inquiries or assisting Commissioners in the exercise of their powers as set forth in Section 1.01A. Except as provided elsewhere in this Charter, Commissioners shall not be permitted to give orders, either publicly or privately, to any subordinate of the Mayor.<<[[~~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.

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[2]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.