

MEMORANDUM

Agenda Item No. 14(A)(7)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 21, 2012

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

SUBJECT: Resolution calling special
election whether the ordinance
repealing the County's 23 year
old law prohibiting the
ownership of pit bulls as a
dangerous breed of dogs should
become effective

Resolution No. R-189-12

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Senator Javier D. Souto and Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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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. 14(A)(7)
2-21-12

RESOLUTION NO. R-189-12

RESOLUTION CALLING A SPECIAL ELECTION IN CONJUNCTION WITH THE PRIMARY ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, AUGUST 14, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE ORDINANCE REPEALING THE COUNTY'S 23 YEAR OLD LAW PROHIBITING THE OWNERSHIP OF PIT BULLS AS A DANGEROUS BREED OF DOGS SHOULD BECOME EFFECTIVE

WHEREAS, this Board wishes to repeal the County's twenty three (23)-year old pit bull dog ban upon approval of such repeal by a majority of electors voting on this issue in an election to be held in conjunction with the August 14, 2012 Primary Elections; and

WHEREAS, this Board is currently considering an ordinance repealing the pit bull dog ban effective upon such approval; and

WHEREAS, the County currently regulates dangerous dogs pursuant to Section 5-22 and 5-23 of the Code of Miami-Dade County and such regulations will continue to regulate pit bull dogs along with all other dog breeds in the event the pit bull dog ban is repealed; and

WHEREAS, this Board desires to call a special election to place the question of whether to repeal the pit bull dog ban before the voters,

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

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with a Primary Election on Tuesday, August 14, 2012, for the purpose of submitting to the qualified electors of Miami-Dade County the ballot question contained in Section 3.

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:

REPEAL OF COUNTY'S PIT BULL DOG BAN

SHALL THE ORDINANCE REPEALING THE COUNTY'S 23
YEAR OLD LAW PROHIBITING THE OWNERSHIP OF PIT
BULLS AS A DANGEROUS BREED OF DOGS BECOME
EFFECTIVE?

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 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 Co-Prime Sponsors of the foregoing resolution are Senator Javier D. Souto and Commissioner Sally A. Heyman. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

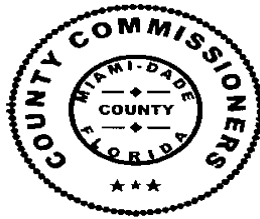
Joe A. Martinez, Chairman			aye
Audrey M. Edmonson, Vice Chairwoman			aye
Bruno A. Barreiro	aye	Lynda Bell	aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	absent
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of February, 2012. 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: **Christopher Agrippa**
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal