



**MIAMI-DADE COUNTY**  
**FINAL OFFICIAL**  
**Meeting Minutes**

**Board of County Commissioners**

*Stephen P. Clark Government Center*  
*111 N.W. 1st Street*  
*Miami, FL 33128*

Thursday, November 13, 2008  
As Advertised

Harvey Ruvlin, Clerk  
Board of County Commissioners

Kay Sullivan, Director  
Clerk of the Board Division

Judy Marsh, Commission Reporter  
(305) 375-1967



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**Members Present:** Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca Sosa; Javier D. Souto

**Members Absent:** None.

**Members Late:** None.

**Members Excused:** None.

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**Members Absent County Business:** None.

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**1 MINUTES PREPARED BY:**

**Report:** *Judy Marsh, Commission Reporter  
(305) 375-1967*

**1A INVOCATION**

**Report:** *A Moment of Silence was observed followed by the Pledge of Allegiance*

**1B PLEDGE OF ALLEGIANCE**

**1C ROLL CALL**

**Report:** *The following staff members were present: County Attorney Robert Cuevas; Assistant County Attorney Oren Rosenthal; County Manager George Burgess, Assistant County Manager Alina T. Hudak; and Deputy Clerks Doris Dickens and Judy Marsh.*

**SPECIAL ITEM(S)**

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SPECIAL ITEM NO. 1

**083272**

**Resolution**

**Bruno A. Barreiro**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA TO BE HELD ON [            ], 2008, FOR THE PURPOSE OF CONDUCTING A RUNOFF ELECTION FOR THE OFFICE OF PROPERTY APPRAISER OF MIAMI-DADE COUNTY; AND PROVIDING FOR EFFECTIVE DATE

*Adopted*

*Resolution R-1135-08*

*Mover: Sally A. Heyman*

*Seconder: Dennis C. Moss*

*Vote: 12- 0*

*Absent: Heyman*

**Report:** County Attorney Robert Cuevas advised that today's (11/13) meeting was a special meeting to consider the foregoing proposed resolution.

Mr. Julio Gonzalez Rebull Sr, 8982 SW 8th Terrace, appeared before the Board and inquired whether all the voting precincts would be opened for the special election.

The Board members expressed appreciation to Supervisor of Elections Lester Sola and his staff, as well as members of the Canvassing Board, on the outstanding operation of the two-week early voting period and the November 4, 2008 General Election.

Mr. Lester Sola, Supervisor of Elections, expressed appreciation to the Board members for their comments. He noted the election was conducted fairly; and he expressed appreciation to staff from the Elections Department, Enterprise Technology Services Department, Miami-Dade Library Department, Miami-Dade Police Department, Miami-Dade Fire Rescue Department and the General Services Administration Department.

Commissioner Sosa inquired who sets the rules during an election period for handicapped individuals to vote. She noted the County needed to determine how individuals with physical problems could be accommodated.

In response to Commissioner Sosa's inquiry, Mr. Sola said the issue of accommodating individuals with physical problems needed to be resolved for the next election. He noted the Legislature was responsible for setting the rules and he explained that the problem was tied to changes which restricted the sites and hours for early voting which resulted in longer lines. Mr. Sola further explained that the Elections Department was advised by the State that handicapped and/or elderly voters could not be accommodated by an expedited line, and must vote on the touch screens. He noted the Department did not wish to restrict a voters' ability of the right to choose what voting system they were going to use; therefore, the Department empowered the clerks and poll deputies to allow voters with physical problems to vote without having to wait, although the stated policy was to hold their place in line. Mr. Sola said he needed guidance from the State Legislature.

Commissioner Sosa asked County Attorney Cuevas to draft the appropriate ordinance/resolution urging the State to change the voting process for handicapped and/or elderly individuals. She noted she would meet with Mr. Cuevas and Mr. Sola regarding this proposed legislation.

Commissioner Jordan expressed appreciation to Mr. Sola and his staff for addressing the needs of handicapped and elderly individuals. She noted individuals outside the State of Florida complemented the election staff and Mr. Sola had set an example of how the voting process should occur.

Commissioner Seijas expressed appreciation to Mr. Sola for addressing the parking issue at the shopping center across from the Miami Lakes library during the two-week early voting.

Commissioner Edmonson expressed appreciation to Mr. Sola for addressing rumors regarding certain early voting sites in her community.

Commissioner Moss asked County Attorney Cuevas to prepare a resolution urging the State Legislature to change the early voting process and allow counties the ability to determine the number of early voting sites for future

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*elections; that this resolution be submitted under sponsorship of the County Commission in conjunction with the Florida Association of Counties, the League of Cities and the statewide Supervisor of Elections for inclusion in the State Legislative Package.*

*County Manager George Burgess noted the proposed legislative package that would be presented to the Board included language regarding more liberal ability to identify early voting sites, not just libraries or government facilities, but other larger and more appropriate facilities. He noted he felt it was also prudent to consider more flexibility on weekend hours.*

*Commissioner Rolle expressed appreciation to Mr. Sola for the smooth election process in District 2.*

*Mr. Sola provided an overview of the upcoming runoff election for the Office of Property Appraiser. He noted in accordance with Ordinance 08-62 which was approved by the Board on May 20, 2008, if one candidate seeking election as the Property Appraiser did not win fifty plus one vote for the November 4, 2008 election, the Board was required to call a countywide special election prior to January 1, 2009. Mr. Sola said the County was required to have a similar timeframe for early voting as the November 4th election.*

*Mr. Sola recommended the countywide special election be scheduled for Tuesday, December 16, 2008, with the following early voting sites in order to reduce the cost of this election: North Dade Regional Library, South Dade Government Center, Stephen P. Clark Center and the West Dade Regional Library. He advised that early voting would begin December 1, 2008 for fourteen days and the cost of this election would range between \$3 million and \$3.5 million. Mr. Sola said poll workers would be trained and absentee ballots would be mailed once the election was programmed, which would be by the end of this week. He noted the tentative absentee ballot mailing date would be November 25, 2008 and over 207,000 ballots would be mailed. Mr. Sola said each person who requested a ballot for the November 4th election would also receive a ballot for this special election as it was tied to the November 4th election. He noted it would be easier for the Department to program this election as only one question would be listed on the ballot.*

*In response to Commissioner Seijas' questions whether the election date could be scheduled for Friday, December 19, 2008, and whether the number of precincts could be reduced to two, Mr. Sola said the election could be held any day of the week as it was not mandated by State law that it be held on a Tuesday. He noted it would be costly to consolidate the precincts as proper notification would have to be provided to each voter.*

*It was moved by Commissioner Seijas that the countywide special election be scheduled for December 19, 2008. This motion was seconded by Commissioner Martinez.*

*Commissioner Gimenez said he was not in favor of the election being held on December 19th. He noted he felt this runoff election process should remain the same, including the same Election Day and the same number of precincts.*

*Commissioner Moss spoke in support of the election being held on Tuesday, December 16th. He noted the Board needed to look at the cost associated with running an election and he could not be supportive of an off cycle election that would cost between \$3 million to \$3.5 million with all the needs*

*in the community.*

*In response to Commissioner Sosa's question whether ballots could be mailed to all registered voters within Miami-Dade County and avoid opening precincts, Mr. Sola said that pursuant to State law, the Department was prohibited from mailing ballots when a candidate's name was on the ballot.*

*Responding to further questions from Commissioner Sosa regarding the expenditure associated with the runoff election and whether funds were set aside for public campaign financing, Mr. Sola said the expenditure associated with the upcoming runoff election was unforeseen and thus the costs were not anticipated in the budget and he did not want to tie up \$3 million that could be used for other critical needs. Concerning funds designated for public campaign financing, Mr. Sola noted the Department estimates the number of qualified candidates; however, none of the candidates were deemed qualified in the last County Commission elections.*

*Commissioner Sosa suggested that perhaps funding could be transferred from public campaign financing to cover the cost of the runoff election, rather than using reserves.*

*In response to Commissioner Sosa's inquiry regarding a reduction in precincts, Assistant County Attorney County Oren Rosenthal advised the precincts could be consolidated; however, it would result in an additional cost as the Supervisor of Elections would be required to send notices to individual voters countywide which would offset any potential cost savings.*

*Responding to Commissioner Sosa, Mr. Sola noted any day the week of December 15th would be an acceptable date. He said he recommended December 16th because voting was traditionally held on a Tuesday; however, some cities within Miami-Dade County held elections on Thursdays. Mr. Sola noted the dates for Thanksgiving and Christmas; and Hanukkah which was celebrated December 21 through December 27, 2008.*

*Commissioner Sorenson spoke in support of the election being held on December 16th versus December 19th. She noted voting was traditionally held on a Tuesday; the Sabbath began at sundown on Fridays and for Christians, December 19th would be the last weekend before Christmas. She also noted she felt this election would result in low voter turnout.*

*Commissioner Sorenson suggested the Board revisit holding a stand alone election for approximately \$3.5 million. She noted elections needed to be held that coincided with other elections and questioned whether this would require a legislative change or a charter change.*

*In response to Commissioner Sorenson's questions, County Attorney Robert Cuevas advised the initial election date for the Property Appraiser was included within the County's Home Rule Charter; and Ordinance 08-62 provides that election of the Property Appraiser would coincide with the primary and general election. He advised this runoff election was required because the Charter required a majority vote of the electors, and Ordinance 08-62 provides that the Board must hold a runoff election prior to January 1, 2009. He noted the Property Appraiser's office was not a constitutional office and fell under the Home Rule Charter.*

*Commissioner Seijas said she was unaware of the holiday when she made her motion and she withdrew the motion on the floor.*

Commissioner Souto called the Board's attention to the laws concerning voting issues. He expressed concern that if the Board made changes to this runoff election process some people might feel that their right to vote was diminished and these changes might provide ammunition to those people wishing to protest the election. Commissioner Souto pointed that out one of the candidates for Property Appraiser had already stated that she had won. He noted while he supported the foregoing proposed resolution, he cautioned the Board to be careful of its actions.

It was moved by Commissioner Heyman that the Board adopt the foregoing proposed resolution calling a countywide special election in Miami-Dade County, Florida to be held on Tuesday, December 16, 2008. This motion was seconded by Commissioner Moss.

Discussion ensued among the Board members regarding the early voting sites.

Commissioner Edmonson said she would not be supportive of the proposed voting sites. She expressed concern regarding the location of these sites and noted that some residents in her community would not have an opportunity to vote due to lack of transportation to the sites.

Commissioner Rolle concurred with Commissioner Edmonson's comments. He noted a voting site was needed in the central section of the County and suggested the Caleb Center as a possible site. Commissioner Rolle expressed concern regarding the advertisement of this special election and noted many people would not be aware of the election.

Mr. Sola said very little money was set aside for marketing the special election. He noted he recommended four voting sites in order to minimize the cost of the election and was not opposed to having all 20 early voting sites; however, he pointed out that this could potentially increase the cost associated with the election. Mr. Sola said if the Board wished the Department to market the election in addition to what was required by State law, sample ballots could be mailed to the electorate informing them of the election versus advertising; however, he pointed out the fiscal responsibility associated with that decision. He noted the Department would advertise in the Miami Herald and the three newspapers in which bids were advertised.

Commissioner Rolle noted he could not subscribe to the cost of the election by eliminating certain sections of the community.

Chairman Barreiro spoke in support of the foregoing motion. He noted some people were confused by the word "official" on the sample ballot and felt this was the official ballot. He asked Mr. Sola to ensure that the word "sample" was printed in bold letters.

In response to Commissioner Rolle's request that Mr. Sola look at utilizing the Caleb Center as an early voting site versus the Stephen P. Clark Center, Mr. Sola noted the four recommended sites were selected because they had the highest voter turnout in the November 4th election.

Commissioner Moss concurred with Commissioners Edmonson and Rolle's comments regarding the Caleb Center being considered as a potential early voting site. He suggested a site be also designated on Miami Beach.

Commissioner Sosa noted everyone should be afforded the opportunity to vote while reducing the cost of the election to the taxpayers. She noted she felt voter turnout would be low and suggested the Board support Mr. Sola's recommendations. Commissioner Sosa noted although an early voting site was not located in her Commission District people could travel to the sites and request absentee ballots. She stated that opening additional sites would increase the cost of the election.

Commissioners Gimenez and Diaz concurred with Commissioner Sosa's comments and spoke in support of Mr. Sola's recommendations.

Commissioner Sorenson acknowledged the locations of the proposed voting sites created a difficult situation because the community was geographically spread out. However, she pointed out that voters could vote by absentee ballot, early voting or at their precincts. Commissioner Sorenson said the Board had to maintain a balance between keeping the cost of the election down versus allowing everyone the right to vote.

In response to Commissioner Jordan's inquiry whether staff had conducted an analysis to determine the cost of opening all 20 precincts, Mr. Sola said the cost of each site was \$45,000.

Assistant County Manager Alina Hudak clarified that the Ballot on Demand equipment would not be needed for this election, and Mr. Sola noted one ballot was required for the entire county.

Commissioner Jordan expressed concern regarding people feeling disenfranchised and whether the Board was willing to bear the cost for all 20 precincts.

Following discussion and upon being put to a vote, the Board by motion duly made, seconded and carried, voted to adopt the foregoing proposed resolution calling a countywide special election in Miami-Dade County, Florida to be held on Tuesday, December 16, 2008.

It was then moved by Commissioner Gimenez that the Board adopt the following early voting sites as recommended by the Supervisor of Elections: North Dade Regional Library, South Dade Government Center, Stephen P. Clark Center and the West Dade Regional Library. This motion was seconded by Commissioner Martinez, and upon being put to a vote, passed by a vote of 8-4, (Commissioners Edmonson, Jordan, Moss and Rolle voted "no") (Commissioner Heyman was absent).

## **ADJOURNMENT**

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\_\_\_\_\_  
Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Kay Sullivan, Deputy Clerk

# INFORMATION

## Speaker's Card

(For Appearance Before the Board of County Commission)

Today's Date

11/13/02

BCC Mtg. Date

Agenda Item #

App. to Board

Subject:

County Mgt.

Name:

John & Rebekah Sr

Address:

8882 SW 87th

**Lobbyist Information:** (According to Section 2-11(5) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all persons, firms or corporations employed or retained by a principle who seeks to encourage the passage, defeat, or modifications of an ordinance, resolution, action, or decision of the County Commission.")

Are you representing any person, group, or organization? Yes: \_\_\_\_\_ No: X

If yes, please list name: \_\_\_\_\_

Organization

Firm

Client

Have you registered with the Clerk of the Board? Yes: \_\_\_\_\_ No: X