



**Board of County Commissioners Special
Proposed Charter Amendments/Straw Ballots
August 23, 2012**

Prepared by: Scott Rappleve

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	8/23/2012	--	Order of the Day
2	8/23/2012	--	Speaker Cards
3	8/23/2012	10A3	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter provisions pertaining to changes in municipal boundaries & creation of new municipalities
4	8/23/2012	10A3 Alt. 1	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter provisions pertaining to changes in municipal boundaries & creation of new municipalities
5	8/23/2012	10A3 Alt. 2	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter provisions pertaining to changes in municipal boundaries & creation of new municipalities
6	8/23/2012	10A3 Alt. 3	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter provisions pertaining to changes in municipal boundaries & creation of new municipalities
7	8/23/2012	10A4	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Charter to grant additional authority for the Commission on Ethics to enforce the Citizens' Bill of Rights
8	8/23/2012	10A5	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to provide that the Mayor shall be responsible for the management of the County's intergovernmental affairs functions at the federal, state, regional and local levels and for carrying out the policies adopted by the Board related thereto
9	8/23/2012	10A6	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter provisions pertaining to salaries of County Commissioners
10	8/23/2012	10A7	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to

			remove the Mayoral authority to veto the Board of County Commissioner's resolution of a collective bargaining agreement impasse
11	8/23/2012	10A8	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to extend the time to conduct an election to fill a mayoral or commissioner vacancy, to provide a timeframe for qualification and any necessary runoff and to temporarily transfer, during a mayoral vacancy, certain mayoral powers
12	8/23/2012	10A8 Alt. 1	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to extend the time to conduct an election to fill a mayoral or commissioner vacancy, to provide a timeframe for qualification and any necessary runoff and to temporarily transfer, during a mayoral vacancy, certain mayoral powers
13	8/23/2012	10A8 Alt. 2	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to extend the time to conduct an election to fill a mayoral or commissioner vacancy, to provide a timeframe for qualification and any necessary runoff and to temporarily transfer, during a mayoral vacancy, certain mayoral powers
14	8/23/2012	10A9	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter regarding County franchise fees and utility tax revenues
15	8/23/2012	10A10	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter regarding petition and recall process reform
16	8/23/2012	10A11	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to increase the period of time that the Board may not amend or repeal an ordinance adopted by the Electorate
17	8/23/2012	10A12	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to transfer certain powers and functions of the previously abolished Office of Sheriff from the Mayor to the Director of the Miami-Dade Police Department
18	8/23/2012	10A13	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to create a Charter Review Task Force
19	8/23/2012	10A13 Alt.	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to create a Charter Review Task Force

20	8/23/2012	10A14	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to prohibit Commissioner relationships with firms doing business with the County
21	8/23/2012	10A14 Alt.	Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to prohibit Commissioner relationships with firms doing business with the County
22	8/23/2012	10A15	Resolution calling a special election for the purpose of submitting to the electors the question of whether to provide that the Mayor not participate in County procurements when the Mayor has a conflict of interest
23	8/23/2012	10A17	Resolution placing a non-binding straw ballot question on the general election ballot submitting to the Electors whether they support Miami-Dade County issuing Public Health Trust Capital improvement revenue bonds for new or renovated Jackson Health System facilities and infrastructure and the expansion of primary care clinics
24	8/23/2012	10A18	Resolution calling a countywide special election for the purpose of submitting to the Electors of Miami-Dade County the question of whether to establish an elected Supervisor of Elections as a Charter Office
25	8/23/2012	10A19	Resolution calling a special election in Miami-Dade County to be held with the general election on November 6, 2012 for the purpose of submitting to the electors of Miami-Dade County whether to establish an elected police director as a charter office
26	8/23/2012	10A20	Resolution calling a special election for the purpose of submitting to the electors the question of whether to prohibit outside employment, increase salaries and limit the number of terms of service of the County Commissioners
27	8/23/2012	10A21	Resolution rescinding resolution no. R-254-12 and canceling a countywide special election in Miami-Dade County to be held in conjunction with a general election on Tuesday, November 6, 2012



MIAMI-DADE BOARD OF COUNTY COMMISSIONERS

ORDER OF THE DAY

Thursday, August 23, 2012

9:30 a.m.

Special Meeting: Proposed Charter Amendments & Straw Ballot Questions

Call to Order
Setting of Agenda
Adjournment

Immediately Following

Special Meeting: Proposed referendum regarding Tennis Center at Crandon Park

Call to Order
Setting of Agenda
Adjournment

Immediately Following

Committee of the Whole

Call to Order

6:30 p.m.

Adjournment

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:39 AM

Today's Date: 8/23/12 BCC Mtg. Date: 8/23/12 Agenda Item#: 10A9

Subject: Franchise Fees / Utility Taxes

Name: Lenny Feldman

Address: 20630 NE 22 PL

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèf? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: _____ BCC Mtg. Date: _____ Agenda Item#: Me. Chair
Subject: TASK force Member got here late
Name: Lawrence PERCIVAL please allow me
Address: 11945 SW 127th to speak=THANKS

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Èske w bezwen yon Entèprèt? Creole/Kreyol

(JP)

FOR Speaker's Card (For Appearance Before the Board of County Commission)

Today's Date: 8/23/12 BCC Mtg. Date: 8/23/12 Agenda Item#: 1F 10A7

Subject: CHARTER REVIEW TASK FORCE

Name: DON SLESNICK

Address: 2701 PONCE DE LEON BLVD #200 CORAL GABLES FL 33134

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: CHARTER REVIEW TASK FORCE
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Èske w bezwen yon Entèprèr? Creole/Kreyol

FOR Speaker's Card *(For Appearance Before the Board of County Commission)*

(Handwritten mark)

Today's Date: 8/23/12 BCC Mtg. Date: _____ Agenda Item#: 1F

Subject: _____

Name: Carlos Manrique

Address: 23 NW 136 PL

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: CHARTER REVIEW TASK FORCE
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

JM

Today's Date: 8/23/2012 BCC Mtg. Date: _____ Agenda Item#: 10A3

Subject: 10A3 25% signature to create new cities

Name: JACK Russell

Address: 9850 S.W. 80 DR.

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

cm

Today's Date: 8-23-12 BCC Mtg. Date: 8-23-12 Agenda Item#: 10A3

Subject: Incorporation

Name: Diane Lawrence

Address: 10626 SW 102 St

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

①

Today's Date: 23 Aug 12 BCC Mtg. Date: 23 Aug 12 Agenda Item#: 10A3

Subject: AGAINST JJC CORPORATION

Name: WILLIAM VAQUEZ

Address: 7830 NW 129th MIAMI FL 33015

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
¿Necesita un intérprete? Spanish/Español *Èske w bezwen yon Entèprèr?* Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

CD

Today's Date: 8/23/12 BCC Mtg. Date: 8/23/12 Agenda Item#: 10A 3

Subject: To keep 25% of signature in order to create a PLC

Name: CARLA SAVOLA

Address: 7410 SW 82 CT Miami, FL 33143

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

¿Necesita un intérprete? Spanish/Español *Èske w bezwen yon Entèprèt?* Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

1043
~~1043~~

Today's Date: 8/23/2012 BCC Mtg. Date: _____ Agenda Item#: _____

Subject: INMIGRATION

Name: DEACON GEORGE BALDWIN

Address: 10370 514 149 TERR MIDWAY FL 33176

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen youn Entèprèt? Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

(JB)

Today's Date: 8/23/2012 BCC Mtg. Date: _____ Agenda Item#: 10A3

Subject: _____

Name: Helen Kalso

Address: 9920 SW 108 ST MIAMI

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español *Èske w bezwon yon Entèprèt?* Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

10:50 AM

Today's Date: 8/23/12 BCC Mtg. Date: _____ Agenda Item#: 10A3

Subject: INCORPORATION

Name: JANET NOVATNEY

Address: 9941 SW 101 ST., MIAMI 33176

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
¿Necesita un intérprete? Spanish/Español *Èske w bezwen yon Entèprèt?* Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

10:54am

Today's Date: 8/23/12 BCC Mtg. Date: _____ Agenda Item#: 10A-3

Subject: Incorporation

Name: Catherine Christofis

Address: 2430 NE 13th St

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Èske w bezwen yon Entèprèt? Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

10:59 AM

Today's Date: 8/23/2012 BCC Mtg. Date: _____ Agenda Item#: 10A3

Subject: INCO 2.2 R.A.S.

Name: ROBERT C. SIMONSON

Address: 8021 SW 97 ST

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

11:04AM

Today's Date: 0/23 BCC Mtg. Date: _____ Agenda Item#: 10A3

Subject: B Incorporations

Name: Raque Platt

Address: 17640 NW 82 Ct

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español Éske w bezwen yon Entèprèt? Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

11:07 AM

Today's Date: 8/23/'12 BCC Mtg. Date: 8/23/'12 Agenda Item#: 10A3

Subject: Annexation

Name: Michael Rzzi Medley Attorney

Address: _____

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____

Organization

Firm

Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

¿Necesita un intérprete?

Spanish/Español

Èske w bezwen yon Entèprèt?

Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:11am
A.H.
2

Today's Date: 8/23 BCC Mtg. Date: 8/23 Agenda Item#: 10A3 or 10A3

Subject: Incorporation by petition

Name: Bev Gerald

Address: 14271 SW 74 Ct, Palmetto Bay, FL 33158

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèr? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:15am

Today's Date: 8/23/12 BCC Mtg. Date: 8/23/12 Agenda Item#: 10A3 + 10A3 Alternate

Subject: Roll back petition signatures from 25% to 10%²
for incorporation vote

Name: DAVID S. ALLEN

Address: 13941 SW 97 AVE MIAMI, FL 33176

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèf? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:17am

Today's Date: 8/23 BCC Mtg. Date: _____ Agenda Item#: ~~12/409~~ 10A3

Subject: 10A3 10A3 ALTERNATE 2

Name: MACK SAMUEL

Address: 9101 NW TAWE

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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
If yes, please list name: HNC / NORTH CENTRAL
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèr? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:28 AM

Today's Date: 23 Aug 12 BCC Mtg. Date: 23 Aug 12 Agenda Item#: 10 A3

Subject: Incub.

Name: William B. Bell

Address: 18271 SW 109 Ave. M. Ave. 7/2. 33157

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español Èske w bezwen yon Entèprèt? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:23 AM

Today's Date: 8/23/12 BCC Mtg. Date: _____ Agenda Item#: 10A3

Subject: 10A3

Name: OSCAR GUETO

Address: 9670 FOUNTAIN BLEAU BLVD. #15 MIAMI FL 33172

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:24 AM

Today's Date: 8/23/12 BCC Mtg. Date: _____ Agenda Item#: 10A3

Subject: 10A3

Name: CLAUDE FABRE

Address: 10464 NW 5 TER MIAMI, FL 33172

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:26 AM

Today's Date: 8/23/12 BCC Mtg. Date: 8/23/12 Agenda Item#: 10A-3

Subject: INCORPORATION / ANNEXATION

Name: GLENN GOPMAN

Address: 2010 NE 196 TERR MIAMI FL 33179

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

Against

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:30am

Today's Date: 5/23 BCC Mtg. Date: _____ Agenda Item#: 10A3

Subject: Incorporation

Name: John Rivera

Address: 1060 NW 25 St Miami, FL

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Èske w bezwen yon Entèprèt? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:32 AM

Today's Date: 8/23/12 BCC Mtg. Date: 8/23/12 Agenda Item#: 10A4 Alternate

Subject: Citizen's Bill of Rights

Name: Joseph Centorino

Address: 19 W. Flagler St⁸²⁰ Miami, FL

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: ~~Miami Dade Commission on Ethics~~

Organization	Firm	Client
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Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:36 AM

Today's Date: 8/22 BCC Mtg. Date: _____ Agenda Item#: 10 A 4

Subject: Citizens Bill w/ Rights

Name: Coral Keys

Address: 12550 Palm Rd. N. Mia

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español Èske w bezwen yon Entèprèt? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

10A4 +

11:37am

Today's Date: 6/23/02 BCC Mtg. Date: _____ Agenda Item#: 10A4 Alternate

Subject: Ethics

Name: North Miami Councilman Scott Galvin

Address: 1755 NE 137 Terr. 33181

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

FOR Speaker's Card (For Appearance Before the Board of County Commission)

11:43 AM

Today's Date: 8/23/12 BCC Mtg. Date: 8/23/12 Agenda Item#: 10 A9

Subject: Franchise Fee

Name: Bari Schanerman

Address: 2145 NE 207th St. NMB, FL 33179

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Èske w bezwen yon Entèprèr? Creole/Kreyol

INFORMATION

11:45 AM

Speaker's Card

10A-16-17

(For Appearance Before the Board of County Commission)

Today's Date 8-23-12 BCC Mtg. Date 8-23-12 Agenda Item # ~~1~~

Subject: Straw Ballot Questions

Name: Alphonso McCray

Address: 18040 S.W. 104th Avenue Miami, FL 33157

Lobbyist Information: (According to Section 2-11(s) 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 your registered with the Clerk of the Board? Yes: _____ No: _____

AGAINST Speaker's Card (For Public Hearing Items Only)

11:47 AM

Today's Date: 8/23/2012 BCC Mtg. Date: _____ Agenda Item#: _____

Subject: Economic opportunity Act. FY Funding.

Name: Mary Hill

Address: 146 N.W. 67TH STREET Miami Fla. 33150

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: EFFECTIVE COMMUNITY ACTION Mary Hill
Organization firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?
 Necesita un intérprete? Spanish/Español Èske w bezwen yon Entèprèt? Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

11:52 AM

Today's Date: 8/23/2012 BCC Mtg. Date: _____ Agenda Item#: 10A3

Subject: NORTH POINT

Name: David DiPugliese

Address: 7911 N.W. 161st.

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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 PSN CIVIC

If yes, please list name: Delmas Springs North Civic
Organization Firm Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

Necesita un intérprete? Spanish/Español Eske w bezwen yon Entèprèt? Creole/Kreyol

AGAINST Speaker's Card (For Public Hearing Items Only)

11:53am

Today's Date: 8/23/12 BCC Mtg. Date: 8/23/12 Agenda Item#: 103A

Subject: Faxiel Garcia - Mayor, Miami Springs

Name: _____

Address: _____

Lobbyist information: (According to Section 2-11(s) of the Code of Metropolitan Dade County, Florida, a lobbyist is defined as, "all person, 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

If yes, please list name: _____

Organization

Firm

Client

Have you registered with the Clerk of the Board? Yes No

Do you require an interpreter?

¿Necesita un intérprete?

Spanish/Español

Èske w bezwen yon Entèprèt?

Creole/Kreyol

MEMORANDUM

Agenda Item No. 10(A)(3)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter provisions pertaining to changes in municipal boundaries & creation of new municipalities

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(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.

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(3)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND HOME RULE CHARTER PROVISIONS PERTAINING TO CHANGES IN MUNICIPAL BOUNDARIES AND CREATION OF NEW MUNICIPALITIES

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 PERTAINING TO
CHANGES IN MUNICIPAL BOUNDARIES AND
CREATION OF NEW MUNICIPALITIES

SHALL THE CHARTER BE AMENDED TO:

- REQUIRE A SUPER MAJORITY, RATHER THAN A MAJORITY VOTE, AS ONE OF THE CONDITIONS FOR COUNTY COMMISSION APPROVAL OF CHANGES IN MUNICIPAL BOUNDARIES,
- ESTABLISH ALTERNATIVE PROCEDURE FOR CREATION OF NEW MUNICIPALITIES IN UNINCORPORATED AREAS OF THE COUNTY BY PETITION WHICH CONSTRAINS OR LIMITS THE COUNTY COMMISSION'S ROLE AND ABILITY TO DISAPPROVE INCORPORATIONS, ELIMINATES PROVISIONS FOR PRE-AGREED CONDITIONS IN MUNICIPAL CHARTERS, AND IMPOSES RESTRICTIONS REGARDING URBAN DEVELOPMENT BOUNDARY?

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 Lynda Bell. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Cynthia Johnson-Stacks

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE – 6¹

MUNICIPALITIES

SECTION 6.01. CONTINUANCE OF MUNICIPALITIES.

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality. The right of self determination in local affairs is reserved and reserved to the municipalities except as otherwise provided in this Charter.

SECTION 6.02. MUNICIPAL POWERS.

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.

SECTION 6.03. MUNICIPAL CHARTERS.

A. Except as provided in Section 5.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

¹ 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.

SECTION 6.04. CHANGES IN MUNICIPAL BOUNDARIES.

A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.

B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, >>with an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office. Changes that<< ~~[[unless the change]]~~ involve~~[[s]]~~ the annexation or separation of an area of which more than 250 residents are electors ~~[[, in which case]]~~ >>shall also require<< an affirmative vote of a majority of those electors voting ~~[[shall also be required]]~~. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended.

C. No municipal boundary shall be altered except as provided by this Section.

SECTION 6.05. CREATION OF NEW MUNICIPALITIES.

(A) The Board of County Commissioners ~~[[and only the Board]]~~ may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter 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.

>>(B) A new municipality may also be created by petition of electors residing in the area to be incorporated in accordance with the following process:

1. An incorporation committee composed of a minimum of five (5) electors from the proposed area of incorporation will initiate the process by filing with

the Clerk of the Circuit Court an initiatory petition on a form prescribed by the Clerk for such purpose. The form shall identify the names and addresses of the Incorporation Committee members and describe the proposed incorporation area. Within seven (7) days of receipt of the form, the Clerk will determine if the form is acceptable and if it is acceptable shall approve the form of petition and provide the Incorporation Committee the total number of the electors within the proposed incorporation area and the number of required signatures which shall be equal to ten percent (10%) of the electors in the proposed incorporation area and shall notify the Board of County Commissioners. If the Clerk determines that the form of petition does not comply with the requirements of this Charter or inaccurately describes proposed boundaries, the Clerk may disapprove the form of petition and provide notification to the Incorporation Committee and the Board of County Commissioners of the disapproval. The Clerk shall advise the Incorporation Committee as to the reasons for disapproval and the Incorporation Committee may submit a new petition at any time.

2. (a) No later than ninety (90) days from the date of approval of the above form by the Clerk, the Board of County Commissioners shall review the appropriateness of the petition for incorporation and recommend any changes to the boundaries of the proposed municipality to the Incorporation Committee at a public hearing.

(b) At such public hearing, the Board of County Commissioners shall approve the proposed incorporation petition, as presented in the petition or as revised by the Incorporation Committee, or reject the incorporation petition as presented or as revised by the Incorporation Committee, only upon its determination that the proposed incorporation will not have contiguous boundaries or will leave an unincorporated enclave area within its boundaries.

(c) The County Commission's failure to review the incorporation petition within the time required by this paragraph is subject to mandamus by a court of competent jurisdiction.

3. The Incorporation Committee will have six (6) months from the date by which the Board was required to have reviewed the incorporation petition to obtain signatures equal to ten percent (10%) of the electors in the proposed incorporation area, with signatures on a petition provided by the Clerk. The petition shall require the name, address and signature of the elector but such signatures shall not have to be notarized.

4. The signed petitions will be submitted to the Clerk, who shall have thirty (30) days to canvass the signatures contained therein.
5. Upon certification of the sufficiency of the signatures on the petition, the Clerk shall present the petition to the Board of County Commissioners at their next regularly scheduled meeting, at which time the Board shall call an election to authorize the creation of a municipality, which election shall occur no sooner than ninety (90) and no greater than one hundred twenty (120) days from the date the Clerk certifies the signatures. The election shall be held, whenever practicable, in conjunction with another election scheduled to occur within the proscribed time period. The election shall be decided by an affirmative vote of a majority of electors voting in the proposed incorporation area.
6. During the sixty (60) days following the certification of the petition, the Board shall complete a budgetary analysis in cooperation with the Incorporation Committee of and on the proposed incorporation area and schedule at least one public hearing prior to the incorporation election. The budgetary analysis, including a response by the incorporation committee if submitted, shall be provided to the resident electors of the proposed municipality by mail and shall be made available at locations within the proposed municipality. Such budgetary analysis shall at a minimum estimate all of the identifiable revenues generated by the proposed incorporation area prior to incorporation, and present the operating expenses of comparable small, medium and large municipalities providing typical municipal services.
7. Within 30 days after certification of the election, the Board of County Commissioners shall appoint, from a list proposed by the Incorporation Committee, a five member Charter Committee which shall, within ninety (90) days after appointment, create a Charter for the newly incorporated area setting forth at least the form of government and governing body of the newly incorporated area. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by the County Home Rule Charter and the Constitution and general laws of the State of Florida; provided, however, any proposed municipality whose boundaries include any area outside the urban development boundary, as may be described in the County's Comprehensive Development Master Plan, shall abide by the permitted uses as set forth in such plan. Upon completion, the proposed Charter will be submitted to the electors of the municipality no sooner than 60 days and no later than 120 days after it is completed. Upon an affirmative vote of a majority of those electors within the municipality, the municipal charter shall become effective and the municipality shall be created at the time stated in the municipal charter.<<

MEMORANDUM

Alternate No. 1
Agenda Item No. 10(A)(3)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter provisions pertaining to changes in municipal boundaries & creation of new municipalities

The alternate differs from the original proposal in the following manner:

- Removes the change that an annexation be approved by a two-thirds rather than a majority vote of the Board.
- Requires that the Board consider whether an annexation only consists of a commercial area to increase the annexing municipality's tax base.
- Restores the Board of County Commissioners authority to approve incorporations.
- Provides that the question whether the area should be incorporated and the question of whether to approve of a proposed municipal charter take place in a single vote.
- Requires the incorporation committee to draft the charter and to hold at least one public hearing where electors in the proposed area for incorporation are provided mailed notice.
- Requires that the municipal charter provide for the municipality to be part of the County Fire Rescue District, Miami-Library District, contract with the County for local patrol services for a minimum of three years, authorize the County to retain authority for residential garbage and refuse collection and remain responsible for their share of debt obligations incurred prior to the area's incorporation (existing code requirements for incorporation of new municipalities).

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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

DATE: August 23, 2012

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

Alternate No. 1

SUBJECT: Agenda Item No. 10(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

Approved _____ Mayor
Veto _____
Override _____

Alternate No. 1
Agenda Item No. 10(A)(3)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND HOME RULE CHARTER PROVISIONS PERTAINING TO CHANGES IN MUNICIPAL BOUNDARIES AND CREATION OF NEW MUNICIPALITIES

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 PERTAINING TO
CHANGES IN MUNICIPAL BOUNDARIES AND
CREATION OF NEW MUNICIPALITIES

SHALL THE CHARTER BE AMENDED TO:

- >>REQUIRE THE COUNTY COMMISSION TO CONSIDER THE BENEFITS OF ANY PROPOSED ANNEXATION OF COMMERCIAL AREAS, WHEN APPROVING OR AUTHORIZING AN ANNEXATION<<¹
~~[[REQUIRE A SUPER MAJORITY, RATHER THAN A MAJORITY VOTE, AS ONE OF THE CONDITIONS FOR COUNTY COMMISSION APPROVAL OF CHANGES IN MUNICIPAL BOUNDARIES,]]~~
- ESTABLISH ALTERNATIVE PROCEDURE FOR CREATION OF NEW MUNICIPALITIES IN UNINCORPORATED AREAS OF THE COUNTY BY PETITION ~~[[WHICH CONSTRAINS OR LIMITS THE COUNTY COMMISSION'S ROLE AND ABILITY TO DISAPPROVE INCORPORATIONS, ELIMINATES PROVISIONS FOR PRE-AGREED CONDITIONS IN MUNICIPAL CHARTERS, AND IMPOSES RESTRICTIONS REGARDING URBAN DEVELOPMENT BOUNDARY]]~~
>>WHICH PROVIDES FOR CERTAIN CONDITIONS FOR CREATION OF NEW

¹ The differences between the alternate and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or »double arrowed« constitute the amendment proposed.

MUNICIPALITIES AND A SINGLE
ELECTION TO APPROVE THE
CREATION OF A NEW MUNICIPALITY
AND APPROVE ITS CHARTER,
INSTEAD OF TWO ELECTIONS FOR
THESE PURPOSES<<?

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 Lynda Bell. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. CNC

Craig H. Coller

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE – 6²

MUNICIPALITIES

SECTION 6.01. CONTINUANCE OF MUNICIPALITIES.

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality. The right of self determination in local affairs is reserved and reserved to the municipalities except as otherwise provided in this Charter.

SECTION 6.02. MUNICIPAL POWERS.

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.

SECTION 6.03. MUNICIPAL CHARTERS.

A. Except as provided in Section 5.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

²Words 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.

SECTION 6.04. CHANGES IN MUNICIPAL BOUNDARIES.

A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.

B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, >>with an affirmative vote ~~[[of two-thirds (2/3)]]~~ of the members of the Board of County Commissioners ~~[[then in office]].~~ >>In making such decision, the Board shall consider whether commercial areas are included in the boundaries of the proposed area to be annexed for the mere benefit of increasing the tax base of the annexing municipality.<< >>Changes that<< ~~[[unless the change]]~~ involve~~[[s]]~~ the annexation or separation of an area of which more than 250 residents are electors ~~[[, in which case]]~~ >>shall also require<< an affirmative vote of a majority of those electors voting ~~[[shall also be required]]~~. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended.

C. No municipal boundary shall be altered except as provided by this Section.

SECTION 6.05. CREATION OF NEW MUNICIPALITIES.

(A) The Board of County Commissioners ~~[[and only the Board]]~~ may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter 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.

>>(B) A new municipality may also be created by petition of electors residing in the area to be incorporated in accordance with the following process:

1. An incorporation committee composed of a minimum of five (5) electors from the proposed area of incorporation will initiate the process by filing with the Clerk of the Circuit Court an initiatory petition on a form prescribed by the Clerk for such purpose. The form shall identify the names and addresses of the Incorporation Committee members and describe the proposed incorporation area. >>The form of the petition shall prominently state that a budgetary analysis and a copy of the proposed charter will be distributed to the electors within the area and made available, as required by this section.<< Within seven (7) days of receipt of the form, the Clerk will determine if the form is acceptable and if it is acceptable shall approve the form of petition and provide the Incorporation Committee the total number of the electors within the proposed incorporation area and the number of required signatures which shall be equal to ~~[[ten]]~~ >>twenty<< percent ~~[[10%]]~~ >>(20%)<< of the electors in the proposed incorporation area and shall notify the Board of County Commissioners. If the Clerk determines that the form of petition does not comply with the requirements of this Charter or inaccurately describes proposed boundaries, the Clerk may disapprove the form of petition and provide notification to the Incorporation Committee and the Board of County Commissioners of the disapproval. The Clerk shall advise the Incorporation Committee as to the reasons for disapproval and the Incorporation Committee may submit a new petition at any time. >>If the Clerk approves the form of the petition, the Incorporation Committee, within ninety (90) days of such approval, shall submit to the Board of County Commissioners a proposed municipal charter, which, at a minimum, shall set forth the form of government and governing body of the newly incorporated area as well as provide for the conditions for incorporation as set forth in Section 6.05(B)(7) below. During such ninety (90) day period, the incorporation committee shall hold at least one public hearing on the proposed municipal charter, notice of which shall be mailed to all electors within the area proposed for incorporation.<<

2. (a) No later than ninety (90) days from the date of approval of the above form by the Clerk, the Board of County Commissioners shall review the appropriateness of the petition for incorporation >>and proposed municipal charter<< and recommend any changes to the boundaries of the proposed municipality >>and proposed municipal charter<<to the Incorporation Committee at a public hearing.

(b) At such public hearing, the Board of County Commissioners shall approve the proposed incorporation petition, as presented in the petition or as revised by the Incorporation Committee, or reject the incorporation petition as presented or as revised by the Incorporation Committee [, ~~only upon its~~

determination that the proposed incorporation will not have contiguous boundaries or will leave an unincorporated enclave area within its boundaries]].

(c) The County Commission's failure to review the incorporation petition within the time required by this paragraph is subject to mandamus by a court of competent jurisdiction.

3. The Incorporation Committee will have six (6) months from the date by which the Board was required to have reviewed the incorporation petition to obtain signatures equal to ~~[[ten]]~~ >>twenty<< percent ~~[[10%]]~~ >>(20%)<< of the electors in the proposed incorporation area, with signatures on a petition provided by the Clerk. The petition shall require the name, address and signature of the elector but such signatures shall not have to be notarized.
4. The signed petitions will be submitted to the ~~[[Clerk]]~~ >>Supervisor of Elections<<, who shall have thirty (30) days to canvass the signatures contained therein.
5. Upon certification of the sufficiency of the signatures on the petition, the ~~[[Clerk]]~~ >>Supervisor of Elections<< shall present the petition to the Board of County Commissioners at their next regularly scheduled meeting ~~[[, at which time the Board shall call an election to authorize the creation of a municipality, which]]~~ >>. After conducting a public hearing at such meeting, the Board of County Commissioners shall decide whether or not to call an election to authorize the creation of a city and approve a municipal charter for the proposed municipality. If the Board decides to call an election to authorize the creation of the municipality and approve the municipal charter, such<< election shall occur no sooner than ninety (90) and no greater than one hundred twenty (120) days from the date the ~~[[Clerk]]~~ >>Supervisor of Elections<< certifies the signatures. The election shall be held, whenever practicable, in conjunction with another election scheduled to occur within the ~~[[prescribed]]~~ >>prescribed<< time period. The election shall be decided by an affirmative vote of a majority of electors voting in the proposed incorporation area.
6. During the sixty (60) days following the certification of the petition, the Board shall complete a budgetary analysis in cooperation with the Incorporation Committee of and on the proposed incorporation area and schedule at least one public hearing prior to the incorporation election. The budgetary analysis, including a response by the incorporation committee if submitted, shall be provided to the resident electors of the proposed municipality by mail and shall be made available at locations within the proposed municipality. >>The proposed municipal charter shall be made available at locations within the proposed municipality and made available electronically<< Such budgetary

analysis shall at a minimum estimate all of the identifiable revenues generated by the proposed incorporation area prior to incorporation, and present the operating expenses of comparable small, medium and large municipalities providing typical municipal services.

7. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by the County Home Rule Charter and the Constitution and general laws of the State of Florida; provided, however, any proposed municipality whose boundaries include any area outside the urban development boundary, as may be described in the County's Comprehensive Development Master Plan, shall abide by the permitted uses as set forth in such plan.>> It is further provided, as a condition of incorporation, that the new municipality shall provide in its charter: to remain a part of the Miami-Dade Fire Rescue District, to remain a part of the Miami-Dade Library System, to contract with Miami-Dade County for local patrol police services for a minimum of three years, for Miami-Dade County to retain authority for residential garbage and refuse collection and disposal within the proposed new municipality, and for the payment, assumption, or other satisfaction for that portion of the County's preexisting debts and obligations or other refundings secured by revenues or taxes collected within the proposed municipality's area and that neither the new municipality nor its electors shall take any action that would adversely affect the County's bond or other debt obligations that are secured by taxes or revenues from the area constituting the new municipality.<< ~~[[Upon completion, the proposed Charter will be submitted to the electors of the municipality no sooner than 60 days and no later than 120 days after it is completed. Upon an affirmative vote of a majority of those electors within the municipality, the municipal charter shall become effective and the municipality shall be created at the time stated in the municipal charter.]]~~

MEMORANDUM

Alternate No. 2
Agenda Item No. 10(A)(3)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter provisions pertaining to changes in municipal boundaries & creation of new municipalities

This alternate differs from the original item in that it changes the name of the official conducting canvassing of signatures on an incorporation petition from the Clerk of the Circuit Court to the Supervisor of Elections.

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Alternate No. 2
Agenda Item No. 10(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.

Approved _____ Mayor
Veto _____
Override _____

Alternate No. 2
Agenda Item No. 10(A)(3)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND HOME RULE CHARTER PROVISIONS PERTAINING TO CHANGES IN MUNICIPAL BOUNDARIES AND CREATION OF NEW MUNICIPALITIES

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 PERTAINING TO
CHANGES IN MUNICIPAL BOUNDARIES AND
CREATION OF NEW MUNICIPALITIES

SHALL THE CHARTER BE AMENDED TO:

- REQUIRE A SUPER MAJORITY, RATHER THAN A MAJORITY VOTE, AS ONE OF THE CONDITIONS FOR COUNTY COMMISSION APPROVAL OF CHANGES IN MUNICIPAL BOUNDARIES,
- ESTABLISH ALTERNATIVE PROCEDURE FOR CREATION OF NEW MUNICIPALITIES IN UNINCORPORATED AREAS OF THE COUNTY BY PETITION WHICH CONSTRAINS OR LIMITS THE COUNTY COMMISSION'S ROLE AND ABILITY TO DISAPPROVE INCORPORATIONS, ELIMINATES PROVISIONS FOR PRE-AGREED CONDITIONS IN MUNICIPAL CHARTERS, AND IMPOSES RESTRICTIONS REGARDING URBAN DEVELOPMENT BOUNDARY?

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJC For CJS

Cynthia Johnson-Stacks

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE - 6¹

MUNICIPALITIES

SECTION 6.01. CONTINUANCE OF MUNICIPALITIES.

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality. The right of self determination in local affairs is reserved and reserved to the municipalities except as otherwise provided in this Charter.

SECTION 6.02. MUNICIPAL POWERS.

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.

SECTION 6.03. MUNICIPAL CHARTERS.

A. Except as provided in Section 5.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

¹Words 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.

SECTION 6.04. CHANGES IN MUNICIPAL BOUNDARIES.

A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.

B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, >>with an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office. Changes that<< ~~[[unless the change]]~~ involve[[s]] the annexation or separation of an area of which more than 250 residents are electors ~~[[, in which case]]~~ >>shall also require<< an affirmative vote of a majority of those electors voting ~~[[shall also be required]]~~. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended.

C. No municipal boundary shall be altered except as provided by this Section.

SECTION 6.05. CREATION OF NEW MUNICIPALITIES.

(A) ~~The Board of County Commissioners~~ ~~[[and only the Board]]~~ may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter 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.

>>(B) A new municipality may also be created by petition of electors residing in the area to be incorporated in accordance with the following process:

1. An incorporation committee composed of a minimum of five (5) electors from the proposed area of incorporation will initiate the process by filing with

the Clerk of the Circuit Court an initiatory petition on a form prescribed by the Clerk for such purpose. The form shall identify the names and addresses of the Incorporation Committee members and describe the proposed incorporation area. Within seven (7) days of receipt of the form, the Clerk will determine if the form is acceptable and if it is acceptable shall approve the form of petition and provide the Incorporation Committee the total number of the electors within the proposed incorporation area and the number of required signatures which shall be equal to ten percent (10%) of the electors in the proposed incorporation area and shall notify the Board of County Commissioners. If the Clerk determines that the form of petition does not comply with the requirements of this Charter or inaccurately describes proposed boundaries, the Clerk may disapprove the form of petition and provide notification to the Incorporation Committee and the Board of County Commissioners of the disapproval. The Clerk shall advise the Incorporation Committee as to the reasons for disapproval and the Incorporation Committee may submit a new petition at any time.

2. (a) No later than ninety (90) days from the date of approval of the above form by the Clerk, the Board of County Commissioners shall review the appropriateness of the petition for incorporation and recommend any changes to the boundaries of the proposed municipality to the Incorporation Committee at a public hearing.

(b) At such public hearing, the Board of County Commissioners shall approve the proposed incorporation petition, as presented in the petition or as revised by the Incorporation Committee, or reject the incorporation petition as presented or as revised by the Incorporation Committee, only upon its determination that the proposed incorporation will not have contiguous boundaries or will leave an unincorporated enclave area within its boundaries.

(c) The County Commission's failure to review the incorporation petition within the time required by this paragraph is subject to mandamus by a court of competent jurisdiction.

3. The Incorporation Committee will have six (6) months from the date by which the Board was required to have reviewed the incorporation petition to obtain signatures equal to ten percent (10%) of the electors in the proposed incorporation area, with signatures on a petition provided by the Clerk. The petition shall require the name, address and signature of the elector but such signatures shall not have to be notarized.

4. The signed petitions will be submitted to the ~~[[Clerk]]~~>>Supervisor of Elections<<, who shall have thirty (30) days to canvass the signatures contained therein.
5. Upon certification of the sufficiency of the signatures on the petition, the ~~[[Clerk]]~~>>Supervisor of Elections<< shall present the petition to the Board of County Commissioners at their next regularly scheduled meeting, at which time the Board shall call an election to authorize the creation of a municipality, which election shall occur no sooner than ninety (90) and no greater than one hundred twenty (120) days from the date the ~~[[Clerk]]~~>>Supervisor of Elections<< certifies the signatures. The election shall be held, whenever practicable, in conjunction with another election scheduled to occur within the ~~[[prescribed]]~~ >>prescribed<<time period. The election shall be decided by an affirmative vote of a majority of electors voting in the proposed incorporation area.
6. During the sixty (60) days following the certification of the petition, the Board shall complete a budgetary analysis in cooperation with the Incorporation Committee of and on the proposed incorporation area and schedule at least one public hearing prior to the incorporation election. The budgetary analysis, including a response by the incorporation committee if submitted, shall be provided to the resident electors of the proposed municipality by mail and shall be made available at locations within the proposed municipality. Such budgetary analysis shall at a minimum estimate all of the identifiable revenues generated by the proposed incorporation area prior to incorporation, and present the operating expenses of comparable small, medium and large municipalities providing typical municipal services.
7. Within 30 days after certification of the election, the Board of County Commissioners shall appoint, from a list proposed by the Incorporation Committee, a five member Charter Committee which shall, within ninety (90) days after appointment, create a Charter for the newly incorporated area setting forth at least the form of government and governing body of the newly incorporated area. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by the County Home Rule Charter and the Constitution and general laws of the State of Florida; provided, however, any proposed municipality whose boundaries include any area outside the urban development boundary, as may be described in the County's Comprehensive Development Master Plan, shall abide by the permitted uses as set forth in such plan. Upon completion, the proposed Charter will be submitted to the electors of the municipality no sooner than 60 days and no later than 120 days after it is completed. Upon an affirmative vote of a majority of those electors within the municipality, the municipal charter shall become effective and the municipality shall be created at the time stated in the municipal charter.<<

MEMORANDUM

Alternate No. 3
Agenda Item No. 10(A)(3)

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

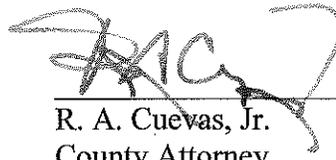
DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter provisions pertaining to changes in municipal boundaries & creation of new municipalities

This alternate differs from the original item in that it replaces the Charter Review Task Force proposal providing for incorporation with a one-time procedure for inclusion of all unincorporated areas into municipalities by incorporation and/or annexation.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Alternate No. 3:
Agenda Item No. 10(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

Approved _____ Mayor
Veto _____
Override _____

Alternate No. 3
Agenda Item No. 10(A)(3)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND HOME RULE CHARTER PROVISIONS PERTAINING TO CHANGES IN MUNICIPAL BOUNDARIES AND CREATION OF NEW MUNICIPALITIES

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 PERTAINING TO
CHANGES IN MUNICIPAL BOUNDARIES AND
CREATION OF NEW MUNICIPALITIES~~

~~SHALL THE CHARTER BE AMENDED TO:~~

- ~~• REQUIRE A SUPER MAJORITY, RATHER THAN A MAJORITY VOTE, AS ONE OF THE CONDITIONS FOR COUNTY COMMISSION APPROVAL OF CHANGES IN MUNICIPAL BOUNDARIES;~~
- ~~• ESTABLISH ALTERNATIVE PROCEDURE FOR CREATION OF NEW MUNICIPALITIES IN UNINCORPORATED AREAS OF THE COUNTY BY PETITION WHICH CONSTRAINS OR LIMITS THE COUNTY COMMISSION'S ROLE AND ABILITY TO DISAPPROVE INCORPORATIONS, ELIMINATES PROVISIONS FOR PRE-AGREED CONDITIONS IN MUNICIPAL CHARTERS, AND IMPOSES RESTRICTIONS REGARDING URBAN DEVELOPMENT BOUNDARY?]]~~

>> CHARTER AMENDMENT PROVIDING PROCEDURE FOR
PLACING ALL REMAINING UNINCORPORATED AREAS OF
THE COUNTY WITHIN CITIES

SHALL THE CHARTER BE AMENDED TO PROVIDE FOR
CREATION OF A TASK FORCE TO DEVELOP A ONE-TIME
PLAN PLACING ALL UNINCORPORATED AREAS OF THE
COUNTY WITHIN CITIES, WHICH PLAN, AS MAY BE
AMENDED BY SUPERMAJORITY VOTE OF THE COUNTY
COMMISSION, SHALL BE SUBMITTED TO THE
ELECTORATE AT A GENERAL ELECTION IN 2016 FOR
APPROVAL AND IF APPROVED, WILL EFFECTUATE THE
ANNEXATIONS AND INCORPORATIONS IN SUCH
PLAN?<<¹

¹ The differences between the alternate and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

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 Jose "Pepe" Diaz. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE - 6²

MUNICIPALITIES

~~[[SECTION 6.01. CONTINUANCE OF MUNICIPALITIES.]]~~

~~The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality. The right of self determination in local affairs is reserved and reserved to the municipalities except as otherwise provided in this Charter.~~

~~SECTION 6.02. MUNICIPAL POWERS.~~

~~Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.~~

~~SECTION 6.03. MUNICIPAL CHARTERS.~~

~~A. Except as provided in Section 5.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.~~

~~B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.~~

 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.

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE - 6²

MUNICIPALITIES

~~[[SECTION 6.01. CONTINUANCE OF MUNICIPALITIES.]]~~

~~The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality. The right of self determination in local affairs is reserved and reserved to the municipalities except as otherwise provided in this Charter.~~

~~SECTION 6.02. MUNICIPAL POWERS.~~

~~Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.~~

~~SECTION 6.03. MUNICIPAL CHARTERS.~~

~~A. Except as provided in Section 5.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.~~

~~B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.~~

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.

~~SECTION 6.04. CHANGES IN MUNICIPAL BOUNDARIES.~~

~~A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.~~

~~B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, >>with an affirmative vote of two thirds (2/3) of the members of the Board of County Commissioners then in office. Changes that<< [[unless the change]] involve[[s]] the annexation or separation of an area of which more than 250 residents are electors [[, in which case]] >>shall also require<< an affirmative vote of a majority of those electors voting [[shall also be required]]. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended.~~

~~C. No municipal boundary shall be altered except as provided by this Section.~~

~~SECTION 6.05. CREATION OF NEW MUNICIPALITIES.~~

~~(A) The Board of County Commissioners [[and only the Board]] may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter 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.~~

~~>>(B) A new municipality may also be created by petition of electors residing in the area to be incorporated in accordance with the following process:~~

~~1. An incorporation committee composed of a minimum of five (5) electors from the proposed area of incorporation will initiate the process by filing with~~

~~the Clerk of the Circuit Court an initiatory petition on a form prescribed by the Clerk for such purpose. The form shall identify the names and addresses of the Incorporation Committee members and describe the proposed incorporation area. Within seven (7) days of receipt of the form, the Clerk will determine if the form is acceptable and if it is acceptable shall approve the form of petition and provide the Incorporation Committee the total number of the electors within the proposed incorporation area and the number of required signatures which shall be equal to ten percent (10%) of the electors in the proposed incorporation area and shall notify the Board of County Commissioners. If the Clerk determines that the form of petition does not comply with the requirements of this Charter or inaccurately describes proposed boundaries, the Clerk may disapprove the form of petition and provide notification to the Incorporation Committee and the Board of County Commissioners of the disapproval. The Clerk shall advise the Incorporation Committee as to the reasons for disapproval and the Incorporation Committee may submit a new petition at any time.~~

~~2. (a) No later than ninety (90) days from the date of approval of the above form by the Clerk, the Board of County Commissioners shall review the appropriateness of the petition for incorporation and recommend any changes to the boundaries of the proposed municipality to the Incorporation Committee at a public hearing.~~

~~(b) At such public hearing, the Board of County Commissioners shall approve the proposed incorporation petition, as presented in the petition or as revised by the Incorporation Committee, or reject the incorporation petition as presented or as revised by the Incorporation Committee, only upon its determination that the proposed incorporation will not have contiguous boundaries or will leave an unincorporated enclave area within its boundaries.~~

~~(c) The County Commission's failure to review the incorporation petition within the time required by this paragraph is subject to mandamus by a court of competent jurisdiction.~~

~~3. The Incorporation Committee will have six (6) months from the date by which the Board was required to have reviewed the incorporation petition to obtain signatures equal to ten percent (10%) of the electors in the proposed incorporation area, with signatures on a petition provided by the Clerk. The petition shall require the name, address and signature of the elector but such signatures shall not have to be notarized.~~

- ~~4. The signed petitions will be submitted to the Clerk, who shall have thirty (30) days to canvass the signatures contained therein.~~
- ~~5. Upon certification of the sufficiency of the signatures on the petition, the Clerk shall present the petition to the Board of County Commissioners at their next regularly scheduled meeting, at which time the Board shall call an election to authorize the creation of a municipality, which election shall occur no sooner than ninety (90) and no greater than one hundred twenty (120) days from the date the Clerk certifies the signatures. The election shall be held, whenever practicable, in conjunction with another election scheduled to occur within the proscribed time period. The election shall be decided by an affirmative vote of a majority of electors voting in the proposed incorporation area.~~
- ~~6. During the sixty (60) days following the certification of the petition, the Board shall complete a budgetary analysis in cooperation with the Incorporation Committee of and on the proposed incorporation area and schedule at least one public hearing prior to the incorporation election. The budgetary analysis, including a response by the incorporation committee if submitted, shall be provided to the resident electors of the proposed municipality by mail and shall be made available at locations within the proposed municipality. Such budgetary analysis shall at a minimum estimate all of the identifiable revenues generated by the proposed incorporation area prior to incorporation, and present the operating expenses of comparable small, medium and large municipalities providing typical municipal services.~~
- ~~7. Within 30 days after certification of the election, the Board of County Commissioners shall appoint, from a list proposed by the Incorporation Committee, a five member Charter Committee which shall, within ninety (90) days after appointment, create a Charter for the newly incorporated area setting forth at least the form of government and governing body of the newly incorporated area. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by the County Home Rule Charter and the Constitution and general laws of the State of Florida; provided, however, any proposed municipality whose boundaries include any area outside the urban development boundary, as may be described in the County's Comprehensive Development Master Plan, shall abide by the permitted uses as set forth in such plan. Upon completion, the proposed Charter will be submitted to the electors of the municipality no sooner than 60 days and no later than 120 days after it is completed. Upon an affirmative vote of a majority of those electors within the municipality, the municipal charter shall become effective and the municipality shall be created at the time stated in the municipal charter.<<]]~~

>>>> SECTION 6.08. ONE TIME PROCEDURE FOR INCLUSION OF ALL UNINCORPORATED AREAS INTO

MUNICIPALITIES BY INCORPORATION AND/OR ANNEXATION

Notwithstanding any provision of Article 6 of the Charter to the contrary, the Board of County Commissioners shall appoint an independent task force to develop a comprehensive plan for including all unincorporated areas of the County within municipal boundaries by one or more annexations of such areas into existing municipalities, creation of one or more new municipalities, or any combination thereof as deemed appropriate by the Task Force (the "Plan"). Such Plan shall include a proposed municipal charter for each newly proposed municipality and a proposed municipal charter revision for each proposed annexation. Such Plan shall also provide for conveying or transferring County-owned property in the unincorporated area anticipated to be used for the provision of municipal services, require the continued payment of revenues to the County which were pledged as security for any outstanding indebtedness owed by the County, and provide for all other actions necessary or advisable for accomplishing the Plan. The Task Force shall complete the Plan and submit it to the Board of County Commissioners by December 31, 2015. The Board of County Commissioners may amend the Plan by two-thirds (2/3) vote of the Board. The County Commission shall place the Plan, as same may be amended in accordance with the preceding sentence, on the ballot of a General Election in 2016. Such plan, if approved by a majority of the qualified electors of the County voting thereon shall: (1) constitute an amendment to the municipal charters to change the boundaries of municipalities annexing unincorporated areas of the County pursuant thereto; (2) approve municipal charters to create any new cities proposed in therein; (3) supersede all other provisions of Article 6 of the Home Rule Charter to the contrary; (4) authorize the conveyance of County property in the unincorporated area identified therein to a municipality or municipalities; (5) require the continued payment of revenues to the County which were pledged as security for any outstanding indebtedness owed by the County; and (6) provide for all other actions necessary or advisable for accomplishing the inclusion of all unincorporated areas into municipalities by incorporation and/or annexation. Subsequent changes to municipal boundaries, creation of new municipalities, and abolitions of any municipality shall be governed by the applicable provisions of Sections 6.01, 6.02, 6.03, 6.04, 6.05, 6.06 and 6.07 of Article 6 of this Charter.<<

MEMORANDUM

Agenda Item No. 10(A)(4)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special
election for the purpose of
submitting to the electors the
question of whether to amend
the Charter to grant additional
authority for the Commission on
Ethics to enforce the Citizens'
Bill of Rights

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(4)

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. 10(A)(4)

8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS THE QUESTION OF WHETHER TO AMEND THE CHARTER TO GRANT ADDITIONAL AUTHORITY FOR THE COMMISSION ON ETHICS TO ENFORCE THE CITIZENS' BILL OF RIGHTS

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 REGARDING PENALTIES AND
ENFORCEMENT OF CITIZENS' BILL OF RIGHTS

SHALL THE CHARTER BE AMENDED TO ELIMINATE THE PROVISION PROVIDING FOR FORFEITURE OF OFFICE IF A PUBLIC OFFICIAL OR EMPLOYEE WILLFULLY VIOLATES THE CITIZENS' BILL OF RIGHTS AND ALLOW, IN ADDITION TO SUIT IN CIRCUIT COURT, THE COMMISSION ON ETHICS AND PUBLIC TRUST TO ENFORCE THE CITIZENS' BILL OF RIGHTS WITH PENALTIES AUTHORIZED BY THE CODE EXCEPT WHERE SUCH VIOLATIONS PERTAIN TO MUNICIPALITIES WHOSE MUNICIPAL CHARTER PROVIDES FOR ENFORCEMENT OF THIS ARTICLE ONLY IN COURT?

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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., or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER
CITIZENS' BILL OF RIGHTS¹

* * *

(C). **Remedies for Violations.** ~~[[In any suit by a]]~~>>A<<
citizen >>may bring a cause of action<< alleging a violation of this
Article filed in the Dade County Circuit Court pursuant to its
general equity jurisdiction~~[[, the plaintiff,]]~~ >>and<< if successful,
shall be entitled to recover costs as fixed by the Court. >>The
Commission on Ethics and Public Trust may also enforce the
provisions of this Article and may impose any penalty authorized
by County Code not otherwise prohibited by a collective
bargaining agreement, for a violation of this Article except where
such violations pertain to municipalities whose municipal charter
provides for enforcement of this Article only in the Dade County
Circuit Court. Any penalty imposed by the Commission on Ethics
and Public Trust pursuant to this subsection may be enforced in the
Miami-Dade County Circuit Court.<< ~~[[Any public official or~~
~~employee who is found by the Court to have willfully violated this~~
~~Article shall forthwith forfeit his office or employment.]]~~

* * *

ARTICLE VII

**PARKS, AQUATIC PRESERVES AND PRESERVATION
LANDS**

* * *

SECTION 7.03. - ENFORCEMENT AND CONSTRUCTION.

All elections required by this Article shall be held either in
conjunction with state primary or general elections or as part of
bond issue elections. The provisions of this Article may be
enforced ~~[[in the same manner as provided in Section (C) of the~~
~~Citizens' Bill of Rights of this Charter]]~~>> by a citizen alleging a
violation of this Article filed in the Dade County Circuit Court
pursuant to its general equity jurisdiction, the plaintiff, if
successful, shall be entitled to recover costs as fixed by the
Court.<<. The provisions of this Article shall be liberally construed
in favor of the preservation of all park lands, aquatic preserves, and

¹Words 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.

preservation lands. If any provision of this Article shall be declared invalid it shall not affect the validity of the remaining provisions of this Article. This Article shall not be construed to illegally impair any previously existing valid written contractual commitments or bids or bonded indebtedness.

MEMORANDUM

Agenda Item No. 10(A)(5)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to provide that the Mayor shall be responsible for the management of the County's intergovernmental affairs functions at the federal, state, regional and local levels and for carrying out the policies adopted by the Board related thereto

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(5)

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. 10(A)(5)

8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT THE MAYOR SHALL BE RESPONSIBLE FOR THE MANAGEMENT OF THE COUNTY'S INTERGOVERNMENTAL AFFAIRS FUNCTIONS AT THE FEDERAL, STATE, REGIONAL AND LOCAL LEVELS AND FOR CARRYING OUT THE POLICIES ADOPTED BY THE BOARD RELATED THERETO

WHEREAS, the Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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
RELATING TO RESPONSIBILITY FOR COUNTY
INTERGOVERNMENTAL AFFAIRS

SHALL THE CHARTER BE AMENDED TO PROVIDE
THAT THE MAYOR SHALL BE RESPONSIBLE FOR THE
MANAGEMENT OF THE COUNTY'S
INTERGOVERNMENTAL AFFAIRS FUNCTIONS AT THE
FEDERAL, STATE, REGIONAL AND LOCAL LEVELS
AND FOR CARRYING OUT THE POLICIES ADOPTED
BY THE BOARD RELATED THERETO?

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-2¹

MAYOR

* * *

SECTION 2.02. RESPONSIBILITIES OF THE MAYOR.

* * *

>>G. The Mayor, or such other persons who may be designated by the Mayor, shall be responsible for the management of the County's intergovernmental affairs at the federal, state, regional and local level and for carrying out the policies adopted by the Commission related thereto. Unless authorized by the Mayor, the provisions of Section 5.09(B) shall apply.<<

¹Words 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.

MEMORANDUM

Agenda Item No. 10(A)(6)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special
election for the purpose of
submitting to the electors the
question of whether to amend
the Home Rule Charter
provisions pertaining to salaries
of County Commissioners

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(6)

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. 10(A)(6)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND HOME RULE CHARTER PROVISIONS PERTAINING TO SALARIES OF COUNTY COMMISSIONERS

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 PERTAINING TO SALARIES OF COUNTY COMMISSIONERS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT BEGINNING NOVEMBER 22, 2016, COUNTY COMMISSIONERS SHALL EACH RECEIVE AN ANNUAL SALARY EQUAL TO MEDIAN INCOME FOR FAMILIES WITHIN THE COUNTY IN ACCORDANCE WITH THE MOST RECENT ONE YEAR ESTIMATE AS CALCULATED AND ADJUSTED ANNUALLY BY THE U.S. CENSUS BUREAU (2010 MEDIAN INCOME IS \$46,126.00), INSTEAD OF THEIR EXISTING \$6,000.00 ANNUAL SALARY?

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Cynthia Johnson-Stacks



MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE – 6¹

MUNICIPALITIES

>>Prior to November 22, 2016, e<<[[E]]ach County Commissioner shall receive a salary of \$6,000>>, and beginning November 22, 2016, each County Commissioner shall receive a salary equal to the median income for families within the County, in accordance with the most recent one year estimate as calculated and adjusted annually by the United States Census Bureau, per year payable monthly. >>Each County Commissioner<< [[and]] shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

¹ ¹Words 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.

MEMORANDUM

Agenda Item No. 10(A)(7)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to remove the Mayoral authority to veto the Board of County Commissioner's resolution of a collective bargaining agreement impasse

The accompanying resolution was prepared and placed on the agenda by the County Attorney's Office, pursuant to the direction in Resolution No. R-253-12.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM
(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(7)

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. 10(A)(7)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO REMOVE THE MAYORAL AUTHORITY TO VETO THE BOARD OF COUNTY COMMISSIONER'S RESOLUTION OF A COLLECTIVE BARGAINING AGREEMENT IMPASSE

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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
REMOVING MAYORAL AUTHORITY TO VETO ITEMS
RESOLVING COLLECTIVE BARGAINING IMPASSES

SHALL THE CHARTER BE AMENDED TO REMOVE THE
MAYORAL AUTHORITY TO VETO THE BOARD OF
COUNTY COMMISSIONER'S RESOLUTION OF A
COLLECTIVE BARGAINING AGREEMENT IMPASSE?

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.

It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

6

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-2¹

SECTION 2.02. RESPONSIBILITIES OF THE MAYOR.

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

* * *

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, ~~[[øø]]~~ the appointment of members to commission committees >>or any item resolving a collective bargaining agreement impasse<<. 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.

¹Words 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.

MEMORANDUM

Agenda Item No. 10(A)(8)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to extend the time to conduct an election to fill a mayoral or commissioner vacancy, to provide a timeframe for qualification and any necessary runoff and to temporarily transfer, during a mayoral vacancy, certain mayoral powers

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(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

Agenda Item No. 10(A)(8)

Veto _____

8-23-12

Override _____

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY, TO PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF AND TO TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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
RELATED TO OPTION FOR FILLING MAYORAL OR
COUNTY COMMISSIONER VACANCY BY ELECTION

SHALL THE CHARTER BE AMENDED TO:

- EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY FROM 45 TO 90 DAYS FROM THE DECISION TO CALL SUCH ELECTION AND PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF;
- TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS TO THE COMMISSION CHAIRPERSON, VICE CHAIRPERSON OR CLERK OF THE CIRCUIT COURT

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.

5

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.07. VACANCIES.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than ~~[[45]]~~ >>90<< days thereafter to fill the vacancy. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.<< The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than ~~[[45]]~~ >>90<< days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.< If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

* * *

ARTICLE-2

MAYOR

¹Words 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.

* * *

>>**Section 2.03. TEMPORARY TRANSFER OF
MAYORAL POWERS AND
RESPONSIBILITIES UPON A VACANCY IN
THE OFFICE OF MAYOR.**

Upon a vacancy in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter, the powers and responsibilities vested by this Charter in the Office of Mayor to head the County for emergency management purposes, to hire department directors and to recommend waivers of competitive bidding shall be temporarily vested in the Office of the Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Office of Vice-Chairperson of the County Commission. If the Vice-Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Clerk of the Courts for the Eleventh Judicial Circuit. The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. If, pursuant to the provisions of Section 1.07 of the Charter, the Board determines to fill the vacancy in the Office of Mayor by election, then the person exercising powers and responsibilities of the Office of Mayor pursuant to this Section at the time of such determination shall not qualify as a candidate for the Office of Mayor for that vacancy election.<<

MEMORANDUM

Alternate No. 1
Agenda Item No. 10(A)(8)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to extend the time to conduct an election to fill a mayoral or commissioner vacancy, to provide a timeframe for qualification and any necessary runoff and to temporarily transfer, during a mayoral vacancy, certain mayoral powers

This alternate differs from the original item in that it removes the Clerk from the line of succession in the event of a Mayoral vacancy.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Alternate No. 1
Agenda Item No. 10(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 _____

Alternate No. 1
Agenda Item No. 10(A)(8)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY, TO PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF AND TO TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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
RELATED TO OPTION FOR FILLING MAYORAL OR
COUNTY COMMISSIONER VACANCY BY ELECTION

SHALL THE CHARTER BE AMENDED TO:

- EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY FROM 45 TO 90 DAYS FROM THE DECISION TO CALL SUCH ELECTION AND PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF;
- TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS TO THE COMMISSION CHAIRPERSON~~[[§]]~~¹ >>OR<< VICE CHAIRPERSON ~~[[OR CLERK OF THE CIRCUIT COURT]]~~

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

¹ The differences between the alternate and the original item are indicated as follows: words stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1²

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.07. VACANCIES.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than ~~[[45]]~~ >>90<< days thereafter to fill the vacancy. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.<< The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than ~~[[45]]~~ >>90<< days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.<< If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

* * *

²Words 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.

ARTICLE-2

MAYOR

* * *

>>Section 2.03. TEMPORARY TRANSFER OF
MAYORAL POWERS AND
RESPONSIBILITIES UPON A
VACANCY IN THE OFFICE OF
MAYOR.

Upon a vacancy in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter, the powers and responsibilities vested by this Charter in the Office of Mayor to head the County for emergency management purposes, to hire department directors and to recommend waivers of competitive bidding shall be temporarily vested in the Office of the Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Office of Vice-Chairperson of the County Commission.<< [[If the Vice-Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Clerk of the Courts for the Eleventh Judicial Circuit.]]

>>The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. If, pursuant to the provisions of Section 1.07 of the Charter, the Board determines to fill the vacancy in the Office of Mayor by election, then the person exercising powers and responsibilities of the Office of Mayor pursuant to this Section at the time of such determination shall not qualify as a candidate for the Office of Mayor for that vacancy election.<<

MEMORANDUM

Alternate No. 2
Agenda Item No. 10(A)(8)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to extend the time to conduct an election to fill a mayoral or commissioner vacancy, to provide a timeframe for qualification and any necessary runoff and to temporarily transfer, during a mayoral vacancy, certain mayoral powers

This alternate differs from the original item by providing that, in the event both the Chairperson and Vice- Chairperson relinquish Mayoral powers during a Mayoral vacancy, a commissioner chosen by a majority of Board members present shall exercise such Mayoral powers, rather than the Clerk.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Alternate No. 2
Agenda Item No. 10(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 _____

Alternate No. 2
Agenda Item No. 10(A)(8)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY, TO PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF AND TO TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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
RELATED TO OPTION FOR FILLING MAYORAL OR
COUNTY COMMISSIONER VACANCY BY ELECTION

SHALL THE CHARTER BE AMENDED TO:

- EXTEND THE TIME TO CONDUCT AN ELECTION TO FILL A MAYORAL OR COMMISSIONER VACANCY FROM 45 TO 90 DAYS FROM THE DECISION TO CALL SUCH ELECTION AND PROVIDE A TIMEFRAME FOR QUALIFICATION AND ANY NECESSARY RUNOFF;
- TEMPORARILY TRANSFER, DURING A MAYORAL VACANCY, CERTAIN MAYORAL POWERS TO THE COMMISSION CHAIRPERSON VICE CHAIRPERSON ~~[[OR CLERK OF THE CIRCUIT COURT]]~~¹ >>OR COMMISSIONER CHOSEN BY THE BOARD<<

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

¹ The differences between the alternate and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or »double arrowed« constitute the amendment proposed.

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23th day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1²

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.07. VACANCIES.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than ~~[[45]]~~ >>90<< days thereafter to fill the vacancy. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.<< The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than ~~[[45]]~~ >>90<< days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. >>The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff.<< If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

* * *

²Words 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.

ARTICLE-2

MAYOR

* * *

>>Section 2.03. TEMPORARY TRANSFER OF
MAYORAL POWERS AND
RESPONSIBILITIES UPON A
VACANCY IN THE OFFICE OF
MAYOR.

Upon a vacancy in the Office of Mayor and until such time as the vacancy is filled in accordance with Section 1.07 of the Charter, the powers and responsibilities vested by this Charter in the Office of Mayor to head the County for emergency management purposes, to hire department directors and to recommend waivers of competitive bidding shall be temporarily vested in the Office of the Chairperson of the County Commission as supplementary powers and responsibilities of such Office and shall not reside in the Office of Mayor. During such time, if the Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in the Office of Vice-Chairperson of the County Commission. If the Vice-Chairperson relinquishes such supplemental powers and responsibilities in writing filed with the Clerk of the Board, such supplemental powers shall be vested in ~~[[the Clerk of the Courts for the Eleventh Judicial Circuit]]~~>>a commissioner chosen by a majority of those Board members present<<. >>The temporary removal and transfer of powers and responsibilities provided for in this Section shall not be construed to fill the vacancy in the Office of Mayor. Immediately upon filling the vacancy in the Office of Mayor the powers and responsibilities vested in the Office of Mayor shall be as provided in this Charter without regard to this Section. If, pursuant to the provisions of Section 1.07 of the Charter, the Board determines to fill the vacancy in the Office of Mayor by election, then the person exercising powers and responsibilities of the Office of Mayor pursuant to this Section at the time of such determination shall not qualify as a candidate for the Office of Mayor for that vacancy election.<<

MEMORANDUM

Agenda Item No. 10(A)(9)

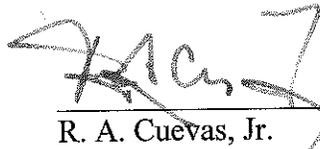
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special
election for the purpose of
submitting to the electors the
question of whether to amend
the Home Rule Charter
regarding County franchise fees
and utility tax revenues

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(9)

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. 10(A)(9)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER REGARDING COUNTY FRANCHISE FEE AND UTILITY TAX REVENUES

WHEREAS, the Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 REGARDING
COUNTY FRANCHISE FEE AND UTILITY TAX REVENUES

SHALL THE CHARTER BE AMENDED TO REQUIRE CERTAIN COUNTY FRANCHISE FEE AND UTILITY TAX REVENUES FROM AREAS SUBSEQUENTLY ANNEXED OR INCORPORATED INTO A MUNICIPALITY BE PAID TO THE MUNICIPALITY AND PROVIDE THAT ANY SUCH MUNICIPALITY SHALL HAVE THE EXCLUSIVE RIGHT TO NEGOTIATE A NEW ELECTRIC FRANCHISE WITHIN ITS MUNICIPAL BOUNDARIES WHEN THE CURRENT COUNTY ELECTRIC FRANCHISE AGREEMENT EXPIRES?

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Cynthia Johnson-Stacks

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE - 6¹

MUNICIPALITIES

SECTION 6.01. CONTINUANCE OF MUNICIPALITIES.

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality. The right of self determination in local affairs is reserved and preserved to the municipalities except as otherwise provided in this Charter.

SECTION 6.02. MUNICIPAL POWERS.

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.

SECTION 6.03. MUNICIPAL CHARTERS.

A. Except as provided in Section 5.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

¹ ¹Words 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.

SECTION 6.04. CHANGES IN MUNICIPAL BOUNDARIES.

A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.

B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, unless the change involves the annexation or separation of an area of which more than 250 residents are electors, in which case an affirmative vote of a majority of those electors voting shall also be required. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended.

C. No municipal boundary shall be altered except as provided by this Section.

SECTION 6.05. CREATION OF NEW MUNICIPALITIES.

The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter 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.

SECTION 6.06. CONTRACTS WITH OTHER UNITS OF GOVERNMENT.

Every municipality in this county shall have the power to enter into contracts with other governmental units within or outside the boundaries of the municipality or the county for the joint performance or performance by one unit in behalf of the other of any municipal function.

SECTION 6.07. FRANCHISE >>FEES<< AND UTILITY TAXES.

Revenues realized from franchise >>fees<< and utility taxes imposed by municipalities shall belong to municipalities.

>>Upon annexation of a portion of the unincorporated area of the County, franchise fees and utility taxes imposed by the County which are attributable to an area annexed into a municipality shall first be used by the County to pay the annexed area's annual pro-rata share of debt service payments secured by such franchise fee or utility tax revenues, which annual pro-rata share shall be determined, at the time of the annexation, with the balance to be paid to the municipality to be used for municipal services. Upon incorporation of a portion of the unincorporated area of the County, franchise fees and utility taxes imposed by the County which are attributable to a newly created municipality shall first be used by the County to pay such municipality's annual pro-rata share of debt service payments secured by such franchise fee or utility tax revenues at the time of the approval of the newly created municipality's charter, with the balance to be paid to the municipality to be used for municipal services.

The annual pro-rata share of debt service payments attributable to the annexed area or the newly created municipality shall be determined by multiplying the total debt service on the outstanding debt in the fiscal year prior to the annexation or creation of the municipality by the annexed area's or the newly created municipality's percentage share of revenues pledged by the County to the repayment of the debt in such fiscal year. Notwithstanding the foregoing sentence, if the bond ordinance in effect at the time of the incorporation or annexation authorizing the issuance of the debt requires the calculation of the annual pro rata share to be made in another manner, then the formula set forth in the bond ordinance shall be used instead.

After the annexation of an area into a municipality or the incorporation of a new municipality, the County shall not secure any debt with revenues derived from franchise fees or utility taxes imposed in the annexed area or the new municipality, unless the debt is for the purpose of refunding debt secured by such revenues and so long as such refunding will realize an interest cost savings and will not extend the original term of the debt being refunded. Nothing herein shall be deemed to preclude or prohibit the County from issuing debt secured by revenues derived from franchise fees or utility taxes imposed in the unincorporated area of the County.

This section shall not affect any interlocal agreement in effect as of November 1, 2012, which provides for the distribution of franchise fees or utility tax revenues to the County and a municipality.

Any municipality created or any municipality that has annexed unincorporated areas of the County during the term of the County's electric franchise agreement shall have sole authority, upon the expiration of such agreement, to negotiate and enter into a new electric franchise agreement granting the privilege to provide electricity within the boundaries of the municipality as of the expiration of such agreement and construct, maintain or operate in, under, on, over and across the present and future streets, alleys, bridges, easements and other public places throughout the municipality.<<

MEMORANDUM

Agenda Item No. 10(A)(10)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special
election for the purpose of
submitting to the electors the
question of whether to amend
the Home Rule Charter
regarding petition and recall
process reform

The accompanying resolution was prepared and placed on the agenda by the County Attorney's Office, pursuant to the direction in Resolution No. R-253-12.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(10)

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. 10(A)(10)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER REGARDING PETITION AND RECALL PROCESS REFORM

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 REGARDING PETITION AND
RECALL PROCESS REFORM

SHALL THE CHARTER BE AMENDED TO:

- ELIMINATE THE REQUIREMENT THAT CIRCULATORS OF AN INITIATIVE, REFERENDUM OR RECALL PETITION MUST ATTACH A SWORN AFFIDAVIT STATING THE NUMBER OF SIGNERS AND THE FACT THAT EACH SIGNATURE WAS MADE IN THE PRESENCE OF THE CIRCULATOR OF THE PETITION; AND
- REQUIRE THAT RECALL PETITIONS SHALL STATE THE CAUSE FOR RECALL IN NO MORE THAN 25 WORDS?

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 foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-8¹

INITIATIVE, REFERENDUM, AND RECALL

SECTION 8.01. INITIATIVE AND REFERENDUM.

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

1. The person proposing the exercise of this power shall submit the proposal, including proposed ballot language to the Clerk of the Circuit Court who shall without delay approve as to form a petition ~~[[for circulation]]~~ in one or several copies as the proposer may desire. A public hearing shall be held on the proposal at the next Board of County Commissioner meeting subsequent to the date the Clerk approves the petition as to form.
2. The person or persons ~~[[circulating]]~~>>initiating<< the petition shall, within 120 days of the approval of the form of the petition, obtain the valid signatures of voters in the county in numbers at least equal to four percent of the registered voters in the county on the day on which the petition is approved, according to the official records of the County Supervisor of Elections. In determining the sufficiency of the petition, no more than 25 percent of the valid signatures required shall come from voters registered in any single county commission district. Each signer of a petition shall place thereon, after his name, the date, and his place of residence or precinct number. ~~[[Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.]]~~

* * *

SECTION 8.02. RECALL.

Any member of the Board of County Commissioners, the Mayor, the Property Appraiser, the Sheriff or Constable maybe removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

1. The Clerk of the Circuit Court shall approve the form of the petition>>, which shall state the cause for recall in no more than 25 words<<.

¹Words 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.

MEMORANDUM

Agenda Item No. 10(A)(11)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to increase the period of time that the Board may not amend or repeal an ordinance adopted by the Electorate

The accompanying resolution was prepared and placed on the agenda by the County Attorney's Office, pursuant to the direction in Resolution No. R-253-12.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(11)

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. 10(A)(11)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO INCREASE THE PERIOD OF TIME THAT THE BOARD MAY NOT AMEND OR REPEAL AN ORDINANCE ADOPTED BY THE ELECTORATE

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 INCREASING TIME BOARD MAY
NOT AMEND OR REPEAL ORDINANCE ADOPTED BY THE
ELECTORATE

SHALL THE CHARTER BE AMENDED TO INCREASE THE PERIOD OF TIME THAT THE BOARD MAY NOT AMEND OR REPEAL AN ORDINANCE ADOPTED BY THE ELECTORATE THROUGH INITIATORY PROCEEDINGS FROM ONE YEAR TO THREE YEARS?

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 foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-8¹

INITIATIVE, REFERENDUM, AND RECALL

SECTION 8.01. INITIATIVE AND REFERENDUM.

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

* * *

7. An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for a period of ~~[[one year]]~~ >>three years<< after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

¹Words 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.

MEMORANDUM

Agenda Item No. 10(A)(12)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to transfer certain powers and functions of the previously abolished Office of Sheriff from the Mayor to the Director of the Miami-Dade Police Department

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(12)

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. 10(A)(12)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO TRANSFER CERTAIN POWERS AND FUNCTIONS OF THE PREVIOUSLY ABOLISHED OFFICE OF SHERIFF FROM THE MAYOR TO THE DIRECTOR OF THE MIAMI-DADE POLICE DEPARTMENT

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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
REGARDING THE POWERS AND FUNCTIONS
OF THE OFFICE OF SHERIFF

SHALL THE CHARTER BE AMENDED TO TRANSFER CERTAIN POWERS AND FUNCTIONS OF THE PREVIOUSLY ABOLISHED OFFICE OF SHERIFF FROM THE MAYOR TO THE DIRECTOR OF THE MIAMI-DADE POLICE DEPARTMENT WHO CONTINUES TO BE MANAGED BY THE MAYOR, APPOINTED BY THE MAYOR SUBJECT TO DISAPPROVAL BY A TWO-THIRDS VOTE OF THE BOARD OF COUNTY COMMISSIONERS AND SUBJECT TO SUSPENSION, REPRIMAND, REMOVAL OR DISCHARGE BY THE MAYOR THE SAME AS ANY OTHER ADMINISTRATIVE DEPARTMENT DIRECTOR?

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty

JMM

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-9¹

SECTION 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.

* * *

C. On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the Mayor, who shall assume all the duties and functions of this office required under the Constitution and general laws of this state. ~~[[The Mayor may delegate to a suitable person or persons the powers and functions of such office.]]~~ >>Effective on the second Tuesday next succeeding the date of the general election in November and subject to the provisions of Section 2.02(A) and (D), the powers and functions of the Office of Sheriff are transferred from the Mayor to the Director of the Miami-Dade Police Department or its successor law enforcement agency, and shall require no delegation of authority thereto. The powers and functions transferred to the Director of the Miami-Dade Police Department or its successor law enforcement agency pursuant to this paragraph shall not include those which pertain to corrections and the operation of County jails and detention facilities and the custody of prisoners therein.<<

¹Words 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.

MEMORANDUM

Agenda Item No. 10(A)(13)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special
election for the purpose of
submitting to the electors the
question of whether to amend
the Home Rule Charter to create
a Charter Review Task Force

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(13)

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. 10(A)(13)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO CREATE A CHARTER REVIEW TASK FORCE

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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
RELATING TO CHARTER REVIEW TASK FORCE

SHALL THE CHARTER BE AMENDED TO MANDATE CONVENING, COMMENCING JUNE 1, 2013, A CHARTER REVIEW TASK FORCE AT LEAST ONCE EVERY EIGHT YEARS TO RECOMMEND AMENDMENTS TO THE CHARTER AND TO REQUIRE RECOMMENDATIONS APPROVED BY A 2/3 MAJORITY OF THE TASK FORCE BE PLACED ON THE GENERAL ELECTION BALLOT FOR APPROVAL BY THE ELECTORATE?

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

By: _____
Deputy Clerk

5

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-9¹

GENERAL PROVISIONS

* * *

Section 9.08. ~~[[REVISIONS]]~~ CHARTER REVIEW TASK FORCE

~~[[At least once in every 5 year period the Board shall review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter.]] >>Commencing June 1, 2013 and at least every eight (8) years thereafter, the Board shall convene a Charter Review Task Force consisting of twenty (20) members, thirteen (13) of which shall be appointed by each County Commissioner, one (1) by the Mayor of Miami-Dade County, four (4) by each of the four largest cities in Miami-Dade County, and two (2) by the League of Cities to represent smaller cities in Miami-Dade County. Appointments shall be made by submission of a memorandum to the Clerk of the Board of Miami-Dade County by each official or entity authorized to make such appointment. The Chairperson of the Task Force shall be selected by the members of the Task Force. The Charter Review Task Force shall reflect racial, ethnic, and gender balance and diversity. The Charter Review Task Force shall recommend to the Board of County Commissioners any amendments to the Charter the Task Force determines are necessary. The Task Force shall file its written recommendations with the Clerk of the Board, which shall place same on the agenda of the next regularly scheduled meeting of the Board without the need for committee review. The Task force shall complete its review and prepare its report with sufficient time to place any recommended changes to the Charter on the General Election ballot. The Board shall consider the Task Force recommendations and the Board shall place on the General Election ballot any proposals approved by a two-thirds vote of the Charter Review Task Force members.<< [[The]] >>Any proposal<< [[proposed revision]] >>that is approved by a simple majority vote of the Charter Review Task Force members present<< shall then be~~

¹Words 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.

presented to the Board for review, modification and approval~~[[. If the Board]]~~ >>and if<< approve[[s]]>>d<< ~~[[such proposed revision, either with or without modification, it]]~~ shall >>be<< present>>ed<< ~~[[such proposed revision]]~~ to the electorate >>at the General Election<< ~~[[in accordance with the provisions of Section 9.07(C) and (D)]]~~. Simultaneous elections may be held on a proposed revision and on individual amendments that are proposed. >> The result of all elections on any proposed amendment or revision shall be determined by a majority of electors voting on the amendment or revision.<<

MEMORANDUM

Alternate
Agenda Item No. 10(A)(13)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special
election for the purpose of
submitting to the electors the
question of whether to amend
the Home Rule Charter to create
a Charter Review Task Force

This alternate differs from the original item in that it changes the commencement date from June 1, 2013 to June 1, 2015.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Alternate
Agenda Item No. 10(A)(13)

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 _____

Alternate
Agenda Item No. 10(A)(13)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO CREATE A CHARTER REVIEW TASK FORCE

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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
RELATING TO CHARTER REVIEW TASK FORCE

SHALL THE CHARTER BE AMENDED TO MANDATE CONVENING, COMMENCING JUNE 1, ~~[[2013]]~~>>2015<<¹, A CHARTER REVIEW TASK FORCE AT LEAST ONCE EVERY EIGHT YEARS TO RECOMMEND AMENDMENTS TO THE CHARTER AND TO REQUIRE RECOMMENDATIONS APPROVED BY A 2/3 MAJORITY OF THE TASK FORCE BE PLACED ON THE GENERAL ELECTION BALLOT FOR APPROVAL BY THE ELECTORATE?

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

¹ The differences between the alternate and the original item are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal



MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-9²

GENERAL PROVISIONS

* * *

Section 9.08. ~~[[REVISIONS]]~~ CHARTER REVIEW TASK FORCE

~~[[At least once in every 5 year period the Board shall review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter.]]~~ >>Commencing June 1, ~~[[2013]]~~>>2015<<and at least every eight (8) years thereafter, the Board shall convene a Charter Review Task Force consisting of twenty (20) members, thirteen (13) of which shall be appointed by each County Commissioner, one (1) by the Mayor of Miami-Dade County, four (4) by each of the four largest cities in Miami-Dade County, and two (2) by the League of Cities to represent smaller cities in Miami-Dade County. Appointments shall be made by submission of a memorandum to the Clerk of the Board of Miami-Dade County by each official or entity authorized to make such appointment. The Chairperson of the Task Force shall be selected by the members of the Task Force. The Charter Review Task Force shall reflect racial, ethnic, and gender balance and diversity. The Charter Review Task Force shall recommend to the Board of County Commissioners any amendments to the Charter the Task Force determines are necessary. The Task Force shall file its written recommendations with the Clerk of the Board, which shall place same on the agenda of the next regularly scheduled meeting of the Board without the need for committee review. The Task force shall complete its review and prepare its report with sufficient time to place any recommended changes to the Charter on the General Election ballot. The Board shall consider the Task Force recommendations and the Board shall place on the General Election ballot any proposals approved by a two-thirds vote of the Charter Review Task Force members.<< ~~[[The]]~~ >>Any proposal<< ~~[[proposed revision]]~~ >>that is approved by a simple majority vote of the Charter Review Task Force members

²Words 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.

present<< shall then be presented to the Board for review, modification and approval[~~[,—If the Board]] >>and if<< approve[[s]]>>d<< [~~such proposed revision, either with or without modification, it]] shall >>be<< present>>ed<< [~~such proposed revision]] to the electorate >>at the General Election<<[[~~in accordance with the provisions of Section 9.07(C) and (D)]]. Simultaneous elections may be held on a proposed revision and on individual amendments that are proposed. >> The result of all elections on any proposed amendment or revision shall be determined by a majority of electors voting on the amendment or revision.<<~~~~~~~~

MEMORANDUM

Agenda Item No. 10(A)(14)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to prohibit Commissioner relationships with firms doing business with the County

The accompanying resolution was prepared and placed on the agenda by the County Attorney's Office, pursuant to the direction in Resolution No. R-253-12.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(14)

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

Agenda Item No. 10(A)(14)

Veto _____

8-23-12

Override _____

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROHIBIT COMMISSIONER RELATIONSHIPS WITH FIRMS DOING BUSINESS WITH THE COUNTY

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 PROHIBITING COMMISSIONER
RELATIONSHIPS WITH FIRMS DOING BUSINESS WITH
THE COUNTY

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT,
COMMENCING NOVEMBER 16, 2016:

- ANY COMMISSIONER FOUND TO HAVE AN OWNERSHIP INTEREST IN, OR RECEIVE ANYTHING OF VALUE FROM EMPLOYMENT BY OR CONSULTING FOR ANY FIRMS DOING BUSINESS WITH THE COUNTY SHALL FORFEIT OFFICE;
- NO FIRM WHOSE OWNER, DIRECTOR, BOARD MEMBER, OR CONSULTANT OR SUBCONTRACTOR IS AN IMMEDIATE FAMILY MEMBER OF A COMMISSIONER MAY BID OR BE AWARDED COUNTY CONTRACTS?

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 foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.05. FORFEITURE OF OFFICE.

A. Any member of the Board of County Commissioners who ceases to be a qualified voter of the county or removes himself from the county or the district from which he was elected, or who fails to attend meetings without good cause for a period of six months, shall immediately forfeit his office. Any Commissioner who ceases to reside in the district which he represents shall also immediately forfeit his office.

>> B. Commencing November 22, 2016, no County Commissioner may have an ownership interest in, or receive money, gifts, favors, financial benefits or anything of value as a result of being employed by or consulting for, any firm who transacts business (i.e., purchasing or selling goods or services) with the County or any department, office, agency or instrumentality of the County. If after reasonable notice and an opportunity to be heard, the Commission on Ethics determines that a County Commissioner has violated this Section, such County Commissioner shall immediately forfeit his or her office upon the filing of such determination with the Clerk of the Board. Any County Commissioner who has forfeited his or her office pursuant to this section may file a cause of action in circuit court for reinstatement. The Board shall adopt an ordinance consistent with this Section setting forth the procedures for enforcement of this Section.<<

~~[[B.]]~~>>C.<< Any elected or appointed county official who holds any other elective office, whether federal, state or municipal, shall forfeit his county position, provided that the provisions of this subsection shall not apply to any officials presently holding such other office during the remainder of the present terms.

~~[[C.]]~~>>D.<< Any appointed official or employee of Dade County who qualifies as a candidate for election to any federal,

¹Words 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.

state or municipal office shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

* * *

ARTICLE 5

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

* * *

SECTION 5.03. - FINANCIAL ADMINISTRATION.

A. The department of finance shall be headed by a finance director appointed by the Mayor and the Clerk of the Circuit and County Courts. The finance director shall have charge of the financial affairs of the county.

B. Between June 1 and July 15, the County Mayor should prepare a proposed budget containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the Mayor, shall be presented by the Mayor or his or her designee to the Commission on or before the Board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget on or before the dates required by law.

C. No money shall be drawn from the county treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriation and except that the Board may establish working capital, revolving, pension, or trust funds and may provide that expenditures from such funds can be made without specific appropriation. The Board, by ordinance, may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, subject to the provisions of ordinance. Any portion of the earnings or balance of the several funds, other than sinking funds for obligations not yet retired, may be transferred to the general funds of the county by the Board.

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and

competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county. >>Commencing November 22, 2016, no entity may bid, propose or be awarded a County contract if a member of the County Commission's immediate family (i.e. spouse, domestic partner, parents, stepparents, children and stepchildren, spouses of a child or stepchild) is an owner, director, board member, or consultant of the entity or a subcontractor of the entity or has any financial relationship with the entity or a subcontractor of the entity. All County contracts shall provide for, and shall be, immediately terminated in the event that a relationship in violation of this Section is discovered after the execution of the contract

MEMORANDUM

Alternate
Agenda Item No. 10(A)(14)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to prohibit Commissioner relationships with firms doing business with the County

The alternate differs from the original in that it:

- Extends the forfeiture of office provision from just the County Commission to County and municipal commissioners, mayors, and the property appraiser.
- Requires the Board to create an ordinance to further define the prohibited relationships which would lead to forfeiture of office.
- Extends the prohibition on contracting with entities in which immediate family members of County and municipal commissioners, mayors and the property appraiser have a financial relationship.
- Requires the Board by ordinance to further define the prohibited contracting relationships for immediate family members.
- Allows contracts entered into in violation of immediate family prohibition to be voidable instead of immediately void

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm

/

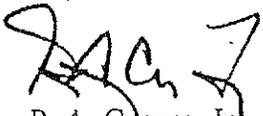


MEMORANDUM

(Revised)

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

DATE: August 23, 2012


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

SUBJECT: Alternate
Agenda Item No. 10(A)(14)

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 _____

Alternate
Agenda Item No. 10(A)(14)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROHIBIT RELATIONSHIPS WITH FIRMS DOING BUSINESS WITH THE COUNTY

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 PROHIBITING >>CERTAIN
MUNICIPAL AND COUNTY
OFFICIAL'S<<[[COMMISSIONER]]¹ RELATIONSHIPS WITH
FIRMS DOING BUSINESS WITH [[THE]] COUNTY

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT,
COMMENCING NOVEMBER 16, 2016>> AND AS DEFINED
BY ORDINANCE <<:

- ANY >>COUNTY OR MUNICIPAL MAYOR, <<
COMMISSIONER >>OR PROPERTY APPRAISER<<
FOUND TO HAVE [[AN]] >>A SIGNIFICANT<<
OWNERSHIP INTEREST IN, OR [[RECEIVE
~~ANYTHING OF VALUE FROM EMPLOYMENT BY
OR CONSULTING~~]] >>IS EMPLOYED BY OR
CONSULTS<< FOR ANY FIRM[[S]] DOING BUSINESS
WITH [[~~THE COUNTY~~]]>>SUCH GOVERNMENT<<
SHALL FORFEIT OFFICE;
- NO FIRM [[~~WHOSE OWNER, DIRECTOR, BOARD
MEMBER, OR CONSULTANT OR SUBCONTRACTOR
IS~~]] >>HAVING CERTAIN RELATIONSHIPS WITH<<
[[~~AN IMMEDIATE FAMILY MEMBER OF~~]] A
>>COUNTY OR MUNICIPAL<< COMMISSIONER>>₂
MAYOR OR PROPERTY APPRAISER'S IMMEDIATE
FAMILY<< MAY [[~~BID OR BE AWARDED~~]] >>SEEK
OR _____ OBTAIN<< [[~~COUNTY~~]]>>SUCH
GOVERNMENT'S<< CONTRACTS?

YES

NO

¹ The differences between the alternate and the original item are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or »double arrowed« constitute the amendment proposed.

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 Lynda Bell. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1²

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.05. FORFEITURE OF OFFICE.

A. Any member of the Board of County Commissioners who ceases to be a qualified voter of the county or removes himself from the county or the district from which he was elected, or who fails to attend meetings without good cause for a period of six months, shall immediately forfeit his office. Any Commissioner who ceases to reside in the district which he represents shall also immediately forfeit his office.

>> B. >>Notwithstanding anything in this Charter or any municipal charter to the contrary, c<<[[C]]ommencing November 22, 2016, no County >>Mayor or<< Commissioner >>or the County Property Appraiser ("Elected Official")<< may have>>, as set forth and defined in an ordinance adopted by the Board of County Commissioners.<< a[[n]] >>significant<< ownership interest in, or receive money, gifts, favors, financial benefits or anything of value as a result of being employed by or consulting for, any firm who transacts business (i.e., purchasing or selling goods or services) with the County or any department, office, agency or instrumentality of the County, If after reasonable notice and an opportunity to be heard, the Commission on Ethics determines that a>>n Elected Official<< [[County Commissioner]] has violated this Section, such >>Elected Official<< [[County Commissioner]] shall immediately forfeit his or her office upon the filing of such determination with the Clerk of the Board. >>As it relates to any contracting with a municipality, the foregoing provision shall apply to any municipal Mayor, Commissioner or member of the municipal governing body who shall also be considered an "Elected Official" for purposes of this Section.<< Any >>Elected Official<< [[County Commissioner]] who has forfeited his or her office pursuant to this section may file a cause of action in circuit court for reinstatement. [[The Board shall adopt an ordinance consistent with this Section setting]] >>The ordinance adopted by the Board in accordance with this Section

²Words 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.

shall also set<< forth the procedures for enforcement of this Section.<<

~~[[B.]]>>C.<< Any elected or appointed county official who holds any other elective office, whether federal, state or municipal, shall forfeit his county position, provided that the provisions of this subsection shall not apply to any officials presently holding such other office during the remainder of the present terms.~~

~~[[C.]]>>D.<< Any appointed official or employee of Dade County who qualifies as a candidate for election to any federal, state or municipal office shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.~~

* * *

ARTICLE 5

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

* * *

SECTION 5.03. - FINANCIAL ADMINISTRATION.

A. The department of finance shall be headed by a finance director appointed by the Mayor and the Clerk of the Circuit and County Courts. The finance director shall have charge of the financial affairs of the county.

B. Between June 1 and July 15, the County Mayor should prepare a proposed budget containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the Mayor, shall be presented by the Mayor or his or her designee to the Commission on or before the Board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget on or before the dates required by law.

C. No money shall be drawn from the county treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriation and except that the Board may establish working capital, revolving, pension, or trust funds and may provide that expenditures from such funds can be made without specific appropriation. The Board, by ordinance, may

transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, subject to the provisions of ordinance. Any portion of the earnings or balance of the several funds, other than sinking funds for obligations not yet retired, may be transferred to the general funds of the county by the Board.

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county. >>Commencing November 22, 2016, no >>private<< entity may bid, propose or be awarded a County contract if>>, as set forth an defined in an ordinance adopted by the Board,<< a member of the County Commission>>, Mayor, or Property Appraiser<<'s immediate family (i.e. spouse, domestic partner, parents, stepparents, children and stepchildren, spouses of a child or stepchild) is an owner, director, board member, or consultant of the entity or a subcontractor of the entity or has any financial relationship with the entity or a subcontractor of the entity. ~~[[All County contracts shall provide for, and shall be, immediately terminated in the event that a relationship in violation of this Section is discovered after the execution of the contract.]]~~ >>Any contract or transaction entered into in violation of this Section shall be voidable. As it relates to any contracting with a municipality, the foregoing provision shall apply to the immediate family of any municipal Mayor, Commissioner or member of the municipal governing body.<<

MEMORANDUM

Agenda Item No. 10(A) (15)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to provide that the Mayor not participate in County procurements when the Mayor has a conflict of interest

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor 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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(15)

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. 10(A)(15)

8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO PROVIDE THAT THE MAYOR NOT PARTICIPATE IN COUNTY PROCUREMENTS WHEN THE MAYOR HAS A CONFLICT OF INTEREST

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 REGARDING MAYORAL
CONFLICTS IN COUNTY PROCUREMENT

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT WHEN THE COUNTY MAYOR DECLARES A CONFLICT OF INTEREST IN A PARTICULAR PROCUREMENT OF A COUNTY CONTRACT, THE CLERK OF THE CIRCUIT COURT SHALL EXERCISE ALL AUTHORITY PROVIDED BY THE CHARTER OR THE COUNTY COMMISSION TO THE MAYOR WITH REGARD TO SUCH PROCUREMENT INCLUDING THE AUTHORITY TO RECOMMEND A BID WAIVER?

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 Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-5¹

ADMINISTRATIVE ORGANIZATION AND PROCEEDURE

* * *

SECTION 5.03 FINANCIAL ADMINISTRATION

* * *

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county. >>Notwithstanding any other provision of the Charter to the contrary, in circumstances where the Mayor informs the Clerk of the Circuit Court in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Clerk of the Circuit Court and not the Mayor shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.<<

¹Words 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.

MEMORANDUM

Agenda Item No. 10(A)(17)

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

DATE: August 23, 2012

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

SUBJECT: Resolution placing a non-binding straw ballot question on the general election ballot submitting to the Electors whether they support Miami-Dade County issuing Public Health Trust Capital improvement revenue bonds for new or renovated Jackson Health System facilities and infrastructure and the expansion of primary care clinics

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(17)

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

Agenda Item No. 10(A)(17)

Veto _____

8-23-12

Override _____

RESOLUTION NO. _____

RESOLUTION PLACING A NON-BINDING STRAW BALLOT QUESTION ON THE GENERAL ELECTION BALLOT IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY WHETHER THEY SUPPORT MIAMI-DADE COUNTY ISSUING PUBLIC HEALTH TRUST CAPITAL IMPROVEMENT REVENUE BONDS FOR NEW OR RENOVATED JACKSON HEALTH SYSTEM FACILITIES AND INFRASTRUCTURE AND THE EXPANSION OF PRIMARY CARE CLINICS

WHEREAS, the Public Health Trust is an agency and instrumentality of Miami-Dade County which operates Jackson Health System, including Jackson Memorial Hospital, primary care clinics and other designated facilities; and

WHEREAS, Jackson Memorial Hospital was originally established over ninety (90) years ago and major portions of it have not been upgraded or significantly refurbished for many years, resulting in conditions necessitating expenditures and investment in capital projects to ensure the future viability of Jackson Health System, including its flagship hospital, Jackson Memorial Hospital; and

WHEREAS, the Public Health Trust has faced significant fiscal issues over the past decade resulting in the Public Health Trust deferring and delaying needed expenditures for capital projects and infrastructure and the expansion of its network of primary care clinics; and

WHEREAS, new or renovated capital improvement projects and infrastructure and the expansion of primary care clinics would benefit the community and retain Jackson Memorial Hospital as a top-class, world-renown Hospital; and

WHEREAS, this Board wishes to determine whether the residents of Miami-Dade County support Miami-Dade County issuing Public Health Trust capital improvement revenue bonds for the purposes delineated above,

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

Section 1. A non-binding straw ballot question shall be placed on the Tuesday, November 6, 2012 general election for the purpose of submitting to the qualified electors of Miami-Dade County the non-binding straw ballot question as set forth below.

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:

NON-BINDING STRAW BALLOT ON MIAMI-
DADE ISSUING PUBLIC HEALTH TRUST
CAPITAL IMPROVEMENT REVENUE BONDS

Would you support Miami-Dade County issuing Public Health Trust capital improvement revenue bonds for new or renovated Jackson Health System facilities and infrastructure and the expansion of the Jackson Health System's network of primary care clinics?

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 Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

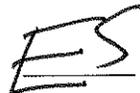
The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Eugene Shy, Jr.

MEMORANDUM

Agenda Item No. 10(A)(18)

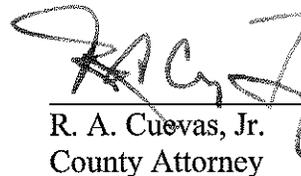
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: August 23, 2012

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

SUBJECT: Resolution calling a
countywide special election for
the purpose of submitting to the
Electors of Miami-Dade County
the question of whether to
establish an elected Supervisor
of Elections as a Charter Office

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(18)

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. 10(A)(18)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO ESTABLISH AN ELECTED SUPERVISOR OF ELECTIONS AS A CHARTER OFFICE

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 ESTABLISHING
ELECTED SUPERVISOR OF ELECTIONS
AS A CHARTER OFFICE

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT, COMMENCING IN 2014, THE SUPERVISOR OF ELECTIONS SHALL BE AN ELECTED CHARTER OFFICE RATHER THAN APPOINTED BY THE MAYOR, WHO SHALL HAVE MORE INDEPENDENCE THAN THE CURRENT APPOINTED SUPERVISOR OF ELECTIONS, AND WHO MAY BE RECALLED BY VOTERS RATHER THAN BE SUBJECT TO SUSPENSION, REPRIMAND, REMOVAL OR DISCHARGE AT THE DISCRETION OF THE MAYOR?

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 Chairman Joe A. Martinez. The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.



By: _____
Deputy Clerk

Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE - 1¹

* * *

SECTION 1.07. - VACANCIES.

Any vacancy in the office of >>Supervisor of Elections,<< Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 45 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election

* * *

ARTICLE - 3

SECTION 3.01. - ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS>>, THE MAYOR AND SUPERVISOR OF ELECTIONS<<.

A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections. >>Notwithstanding any provision of Section 2.02 of this Charter, the Supervisor of Elections, who shall head the Office of the Supervisor of Elections, shall be elected, commencing with the countywide election to be held at the same time as the state primary election in 2014 and every four years thereafter.<<

B. A candidate must receive a majority of the votes cast to be

¹Words 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.

elected. ~~[[Effective with the election for County Commission in 2004, if]]~~
>>If< no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, ~~[[beginning with the elections in 2004,]]~~ the terms of office of the Mayor>>, the Supervisor of Elections,<< and County Commissioners shall commence on the second Tuesday next succeeding the date of the general election in November.

D. Notwithstanding any other provision of this Charter, effective with the term of Mayor scheduled to commence in October, 1996, no person shall be elected as Mayor for more than two consecutive four-year terms. Neither service as Mayor or County Commissioner prior to the terms scheduled to commence in October, 1996, nor service of a partial term subsequent to October, 1996, shall be considered in applying the term limitation provisions of this section.

SECTION 3.02. - RESERVED.

SECTION 3.03. - NONPARTISAN ELECTIONS.

All elections for Mayor>>, Supervisor of Elections,<< and the ~~[[other]]~~ members of the Board >>of County Commissioners< shall be nonpartisan and no ballot shall show the party designation of any candidate. No candidate shall be required to pay any party assessment or state the party of which he is a member or the manner in which he voted or will vote in any election.

SECTION 3.04. - QUALIFICATIONS AND FILING FEE.

A. All candidates for the office of Mayor>>, Supervisor of Elections,<< or County Commissioner shall qualify with the Clerk of the Circuit Court no earlier than the 84th day and no later than noon on the 70th day prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

B. Notwithstanding the foregoing, a person who seeks to qualify as a candidate for the office of Mayor>>, Supervisor of Elections,<< or County Commissioner and who meets the petition requirements of this section is not required to pay the filing fee required by this section or any other qualifying fee required by the state (collectively the "Qualifying Fee"). A candidate who seeks to qualify without paying the Qualifying Fee must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the

compilation by the Supervisor of Elections for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to state law. The format of the petition shall be prescribed by the Supervisor of Elections and shall be used by candidates to reproduce petitions for circulation. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the Supervisor of Elections. The Supervisor shall check the signatures on the petitions to verify their status as voters in the geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the Supervisor of Elections shall certify the number of valid signatures. The Supervisor of Elections shall determine whether the required number of signatures has been obtained and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall be eligible to qualify pursuant to this section without paying the Qualifying Fee.

* * *

ARTICLE - 5

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

* * *

>>SECTION 5.09. OFFICE OF SUPERVISOR OF ELECTIONS.

A. Commencing in 2012, there shall be an Office of the Supervisor of Elections headed by a Supervisor of Elections, as provided in the Charter.

B. The Office of the Supervisor of Elections shall carry out the policies of the Board of County Commissioners, and shall perform all of the duties and functions of the supervisor of elections as transferred and assigned by Section 9.01(C) of this Charter and as required by law. Except for budgeting, funding, and emergency management matters, the Supervisor of Elections, as well as persons working under the supervision of the Supervisor of Elections, shall perform their duties independent of and without supervision from the Mayor or the Commission. Notwithstanding any provision herein, the Mayor and Commissioners shall be permitted to communicate and make inquires of the Office of the Supervisor of Elections for the purpose of transmitting constituent inquiries or assisting the Mayor or Commissioners in the exercise of their powers as set forth in this Charter.

C. All other matters necessary or advisable for the functioning of the Office of the Supervisor of Elections shall be established by ordinance of the Board of County Commissioners.<<

* * *

ARTICLE-8

INITIATIVE, REFERENDUM AND RECALL

* * *

SECTION 8.02. RECALL.

Any member of the Board of County Commissioners, the Mayor, the Property Appraiser, ~~[[the Sheriff or Constable]]~~ >>or the Supervisor of Elections<< maybe removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

1. The Clerk of the Circuit Court shall approve the form of the petition.
2. The person or persons circulating the petition must obtain signatures of electors of the county, district, or municipality concerned in numbers at least equal to four percent of the registered voters in the county district or municipality on the day on which the petition is approved, according to the official records of the County Supervisor of Elections.
3. The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.
4. The Board of County Commissioners must provide for a recall election not less than 45 nor more than 90 days after the certification of the petition.
5. The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.
6. If the majority is against recall the officer shall continue in office under the terms of his previous election. If the majority is for recall he shall, regardless of any defect in

the recall petition, be deemed removed from office immediately.

7. No recall petition against such an officer shall be certified within one year after he takes office nor within one year after a recall petition against him is defeated.

* * *

ARTICLE-9

GENERAL PROVISIONS

Section 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS

A. On May 1, 1958, the following offices are hereby abolished and the powers and functions of such offices are hereby transferred to the Mayor, who shall assume all the duties and functions of these offices required under the Constitution and general laws of this state: County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration. The Mayor may delegate to a suitable person or persons the powers and functions of ~~[[sueh]]~~ >>the<< offices >>of County Tax Collector, County Surveyor, and County Purchasing Agent. As of second Tuesday next succeeding the date of the general election in November 2014, the powers and functions of the Office of the County Supervisor of Registration are transferred from the Mayor to the Office of the Supervisor of Elections<<.

MEMORANDUM

Agenda Item No. 10(A)(19)

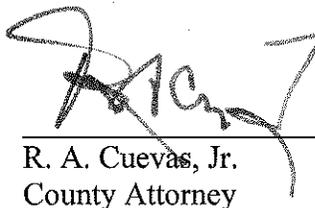
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election in Miami-Dade County to be held with the general election on November 6, 2012 for the purpose of submitting to the electors of Miami-Dade County whether to establish an elected police director as a charter office

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



R. A. Cuevas, Jr.
County Attorney

RAC/Imp



MEMORANDUM

(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(19)

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. 10(A)(19)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO ESTABLISH AN ELECTED POLICE DIRECTOR AS A CHARTER OFFICE

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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 ESTABLISHING
ELECTED POLICE DIRECTOR
AS A CHARTER OFFICE

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT, COMMENCING IN 2014, THE OFFICE OF POLICE DIRECTOR SHALL BE AN ELECTED CHARTER OFFICE RATHER THAN APPOINTED BY THE MAYOR, WHO SHALL HAVE MORE INDEPENDENCE THAN THE CURRENT ADMINISTRATIVE POLICE DIRECTOR, AND WHO MAY BE RECALLED BY VOTERS RATHER THAN BE SUBJECT TO SUSPENSION, REPRIMAND, REMOVAL OR DISCHARGE AT THE DISCRETION OF THE MAYOR?

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 Chairman Joe A. Martinez. The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE - 1¹

* * *

SECTION 1.07. - VACANCIES.

Any vacancy in the office of >>Miami-Dade County Police Director,<< Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 45 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election

* * *

ARTICLE - 3

SECTION 3.01. - ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS>>, THE MAYOR AND THE POLICE DIRECTOR<<.

A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections.

B. A candidate must receive a majority of the votes cast to be elected. ~~[[Effective with the election for County Commission in 2004,]]~~ if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two

¹Words 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.

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candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter[~~], beginning with the elections in 2004,~~] the terms of office of the >>Miami-Dade County Police Director,<< Mayor and County Commissioners shall commence on the second Tuesday next succeeding the date of the general election in November.

D. Notwithstanding any other provision of this Charter, effective with the term of Mayor scheduled to commence in October, 1996, no person shall be elected as Mayor for more than two consecutive four-year terms. Neither service as Mayor or County Commissioner prior to the terms scheduled to commence in October, 1996, nor service of a partial term subsequent to October, 1996, shall be considered in applying the term limitation provisions of this section.

* * *

SECTION 3.04. - QUALIFICATIONS AND FILING FEE.

A. All candidates for the office of >>Miami Dade County Police Director,<< Mayor or County Commissioner shall qualify with the Clerk of the Circuit Court no earlier than the 84th day and no later than noon on the 70th day prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

B. Notwithstanding the foregoing, a person who seeks to qualify as a candidate for the office of >>Miami-Dade County Police Director,<< Mayor or County Commissioner and who meets the petition requirements of this section is not required to pay the filing fee required by this section or any other qualifying fee required by the state (collectively the "Qualifying Fee"). A candidate who seeks to qualify without paying the Qualifying Fee must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Supervisor of Elections for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to state law. The format of the petition shall be prescribed by the Supervisor of Elections and shall be used by candidates to reproduce petitions for circulation. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the Supervisor of Elections. The Supervisor shall check the signatures on the petitions to verify their status as voters in the geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the Supervisor of Elections shall certify the number of valid signatures. The Supervisor of Elections shall determine whether the required

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number of signatures has been obtained and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall be eligible to qualify pursuant to this section without paying the Qualifying Fee.

* * *

ARTICLE - 5

ADMINISTRATIVE ORGANIZATION AND PROCEDURE

SECTION 5.01. DEPARTMENTS.

There shall be departments of finance, personnel, planning, law, >>police<< and such other departments as may be established by administrative order of the Mayor. All administrative functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Mayor.

* * *

>>SECTION 5.09. DEPARTMENT OF POLICE.<<

Commencing with the primary election to be held in 2014, and every four years thereafter, the Miami-Dade County Police Director shall be elected on a non partisan basis, by a majority of the qualified electors voting at a county-wide election held within Miami-Dade County. The Miami-Dade County Police Director shall be the head of the Miami-Dade Police Department and shall carry out the policies adopted by the Board of County Commissioners and shall not be subject to the provisions of Article 2 of the Charter except as set forth herein. The Miami-Dade County Police Director shall designate a qualified law enforcement officer of the County to assume the duties and authority of the Police Director during periods of temporary absence or disability of the Police Director, unless disapproved by a two-thirds vote of the Commissioners then in office at the Commission's next regularly scheduled meeting. Except for budgeting, funding, and emergency management matters, the police director shall perform his or her duties independent of and without supervision from the Mayor or the Commission.<<

* * *

ARTICLE- 8

* * *

SECTION 8.02. - RECALL.

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Any member of the Board of County Commissioners, the Mayor, the Property Appraiser, ~~[[the Sheriff or Constable]]~~ >>Police Director<< may be removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

* * *

ARTICLE-9

GENERAL PROVISIONS

Section 9.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS

* * *

C. On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the Mayor, who shall assume all the duties and functions of this office required under the Constitution and general laws of this state. ~~[[The Mayor may delegate to a suitable person or persons the powers and functions of such office.]]~~ >>On the second Tuesday next succeeding the date of the general election in November 2014, the powers and functions of the Office of Sheriff are transferred from the Mayor to the Miami-Dade County Police Director. The powers and functions transferred to the Miami-Dade County Police Director shall not include those which pertain to corrections and the operation of the County jails and detention facilities and the custody of the prisoners therein, but shall include such other powers and responsibilities as a set forth in state law or County Ordinance.<<

MEMORANDUM

Agenda Item No. 10(A)(20)

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

DATE: August 23, 2012

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

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to prohibit outside employment, increase salaries and limit the number of terms of service of the County Commissioners

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM

(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(20)

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. 10(A)(20)
8-23-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO PROHIBIT OUTSIDE EMPLOYMENT, INCREASE SALARIES, AND LIMIT THE NUMBER OF TERMS OF SERVICE OF COUNTY COMMISSIONERS

WHEREAS, The Board of County Commissioners pursuant to Section 9.07 of the Miami-Dade County Home Rule Charter desires to place the attached Charter amendment before the electors of Miami-Dade County on the November 6, 2012 General Election ballot,

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 General Election on Tuesday, November 6, 2012, 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
RELATING TO SALARIES, SERVICE, AND TERM LIMITS
OF COUNTY COMMISSIONERS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT COUNTY COMMISSIONERS SHALL:

- DEVOTE FULL-TIME SERVICE TO THE OFFICE OF COMMISSIONER AND HOLD NO OTHER EMPLOYMENT;
- NO LONGER RECEIVE THE \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA, ADJUSTED ANNUALLY BY THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$92,097); AND
- SERVE NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS IN OFFICE EXCLUDING TERMS OF SERVICE COMMENCED PRIOR TO 2012?

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 Dennis C. Moss. The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.06. SALARY >>AND SERVICE AS A COUNTY COMMISSIONER<<.

Each County Commissioner shall receive [[a]] >>an annual<< salary [[of \$6,000 per year payable monthly]] >>determined pursuant to general law applicable to non-charter counties<< and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board. >>Such salary shall be payable monthly. County Commissioners shall devote full-time service to the office of County Commissioner and hold no other employment.<<

* * *

ARTICLE-3

ELECTIONS

Section 3.01 ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

* * *

>>E. Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four-year terms. No service as a Commissioner prior to 2012 shall be considered a part of or counted toward the two term limit.<<

¹Words 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.

MEMORANDUM

Agenda Item No. 10 (A) (21)

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

DATE: August 23, 2012

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

SUBJECT: Resolution rescinding
resolution no. R-254-12
and canceling a countywide
special election in Miami-
Dade County to be held in
conjunction with a general
election on Tuesday
November 6, 2012

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/Imp



MEMORANDUM
(Revised)

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

DATE: August 23, 2012

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

SUBJECT: Agenda Item No. 10(A)(21)

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
- Application for Renewal required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(21)
8-23-12

RESOLUTION NO. _____

RESOLUTION RESCINDING RESOLUTION NO. R-254-12
AND CANCELING A COUNTYWIDE SPECIAL ELECTION IN
MIAMI-DADE COUNTY, FLORIDA, SET TO BE HELD IN
CONJUNCTION WITH A GENERAL ELECTION ON
TUESDAY, NOVEMBER 6, 2012

WHEREAS, on March 8, 2012, the Board of County Commissioners adopted Resolution No. R-254-12 to place a ballot question on the November 6, 2012 General Election ballot regarding the amendment of the Miami-Dade Home Rule Charter to provide for term limits for County Commissioners; and

WHEREAS, the Board of County Commissioners desires to remove that ballot question from the November 6, 2012 General Election Ballot; and

WHEREAS, an application for renewal has been signed and submitted in accordance with Rule 7.01(l) of the Rules of Procedure of the County Commission,

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

Section 1. Resolution No. R-254-12 is hereby rescinded and of no force or effect.

Section 2. The special election called by Resolution No. R-254-12 is cancelled and the ballot question set forth therein shall not appear on the November 6, 2012 General Election ballot.

Section 3. In the event the ballots have been prepared or printed for the November 6, 2012 General Election: (1) all votes cast on that ballot question shall not count and shall not be deemed the approval of any amendment to the Miami-Dade Home Rule Charter; (2) the Supervisor of Elections for Miami-Dade County shall post a notice at each polling place and within each absentee ballot that has not yet been mailed informing voters that the ballot question

has been withdrawn and a vote on that ballot question will have no force or effect; and (3) the Supervisor of Elections shall not report or publish, except as required by Chapter 119 of the Florida Statutes, the tabulation of the votes cast on such ballot question.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of August, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal