

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading: 7-8-21)
May 18, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the
Rules of Procedure of the
Board of County Commissioners;
amending section 2-1 of the
Code to provide a deadline for
the approval of County ballot
questions prior to an election;
providing an exception upon
a two-thirds vote

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum




Date: July 8, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to BCC Rules Deadline for Ballot Questions
#211074

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County, as the proposed changes are procedural.



Jimmy Morales
Chief Operations Officer


FIS03821 211074

Memorandum



Date: July 8, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Relating to BCC Rules Deadline for Ballot Questions #211074

The proposed ordinance relates to the rules of procedure of the Board of County Commissioners, amending Section 2-1 of the Code of Miami-Dade County, Florida. If approved, this ordinance will provide a deadline for the approval of County ballot questions prior to an election, providing an exception upon a two-thirds vote.

Ballot creation, translations, proofing, testing, printing, and mailing requires a lot of coordination; therefore, this ordinance will provide a positive impact for the Miami-Dade County residents, and the Elections Department. It would greatly benefit voters by providing them ample notice that a particular initiative will be on their ballot, and it benefits the department by giving sufficient time for election preparation, which mirrors qualifying deadlines in Florida Statutes and the County Code.

A handwritten signature in blue ink, appearing to read "Jimmy Morales". The signature is stylized and somewhat abstract, with a prominent vertical stroke on the left and a horizontal stroke extending to the right.

Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 8, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 7(B)
7-8-21

ORDINANCE NO. _____

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE A DEADLINE FOR THE APPROVAL OF COUNTY BALLOT QUESTIONS PRIOR TO AN ELECTION; PROVIDING AN EXCEPTION UPON A TWO-THIRDS VOTE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Charter and state law permits the Board of County Commissioners to approve straw ballot questions, commissioner-sponsored proposed amendments to the Home Rule Charter and any other questions related to the County for placement on election ballots; and

WHEREAS, prior to placement of a ballot question approved by the Board on an election ballot, the Miami-Dade County Supervisor of Elections must translate the ballot question, create an election ballot for such ballot question and all other races and propositions properly placed on such election ballot, program the election ballot into the voting equipment, print the election ballot, and mail the election ballot to County electors who have requested to receive a vote-by-mail ballot; and

WHEREAS, the orderly process of elections requires that County ballot questions be approved and presented to the Miami-Dade County Supervisor of Elections with sufficient time to accomplish these tasks and prepare the election ballot in accordance with state law; and

WHEREAS, timely approval of County questions on election ballots also provides the County electorate with sufficient time to review the merits of the County question and cast an informed vote on the matter before them; and

WHEREAS, this Board wishes to set forth a deadline for the placement of County questions on election ballots to afford sufficient opportunity for the Miami-Dade County Supervisor of Elections to prepare the election and for the electorate to become educated and informed on the matters presented on the election ballot,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec 2-1. RULES OF PROCEDURE OF THE COUNTY COMMISSION.

* * *

PART 9. ADDITIONAL ORDINANCES PRESCRIBING
COUNTY COMMISSION PROCEDURE

* * *

Rule 9.03.05 County ballot questions, including Home Rule Charter amendments and straw ballot questions.

>>(a)<< The Board shall place no more than three (3) County questions on any general election ballot that includes a presidential election.

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.

>>(b) All County questions shall be approved by the Board of County Commissioners no later than seventy-seven (77) days prior to the date of the election except for County questions placed on a general election ballot which shall be approved no later than the earlier of seventy-seven (77) day prior to the general election or one week prior to the primary election.

(c)<< For purposes of this ~~[[rule]]~~ >>section<<, "County questions" shall mean straw ballot questions, commissioner-sponsored proposed amendments to the Home Rule Charter and any other questions related to the County that are proposed by the Board. This subsection shall not apply to amendments to the Home Rule Charter proposed by initiatory petition pursuant to section 9.07 of the Home Rule Charter. Once the Board has voted to place three (3) County questions on any general election ballot that includes a presidential election, each additional County question may be placed on such a ballot only with an affirmative vote of two-thirds (2/3rds) of those commissioners present. >>County questions may be approved after the time provided in this section only with an affirmative vote of two-thirds (2/3rds) of those commissioners present.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:



Prepared by:



Oren Rosenthal

Prime Sponsor: Senator René García