

MEMORANDUM

Agenda Item No. 11(A)(18)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

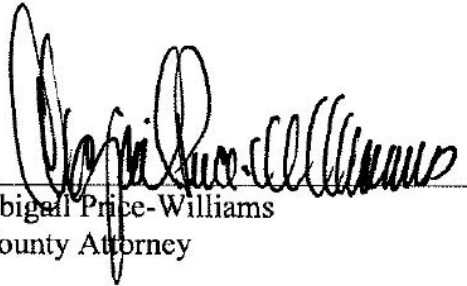
DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution calling a Countywide special election in Miami-Dade County, Florida, to be held in conjunction with a general election on Tuesday, November 3, 2020, for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Home Rule Charter to establish an Independent Civilian Panel as set forth by ordinance

Resolution No. R-681-20

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Barbara J. Jordan and Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: July 8, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(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
- ☐ 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. 11(A)(18)
7-8-20

RESOLUTION NO. R-681-20

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 3, 2020, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO ESTABLISH AN INDEPENDENT CIVILIAN PANEL AS SET FORTH BY ORDINANCE

WHEREAS, the Independent Review Panel (“IRP”) was created in 1980 after substantial unrest in the community; and

WHEREAS, the IRP was empowered to hold public hearings, prepare reports, and propose recommendations regarding serious complaints or grievances made against employees, agencies, or instrumentalities of Miami-Dade County; and

WHEREAS, the IRP was last funded during the 2008-2009 fiscal year; and

WHEREAS, in 2009, the County Commission did not provide funding for the IRP because of the economic downturn, and funding for the IRP has not been recommenced since; and

WHEREAS, since that time, the community has maintained its demand for an entity that could provide independent oversight of Miami-Dade County employees and accountability to the community for any transgressions or behavior that violates Miami-Dade County policies and procedures; and

WHEREAS, the Citizen’s Bill of Rights of the Miami-Dade County Home Rule Charter makes clear that County “government has been created to protect the governed, not the governing;” and

WHEREAS, this Board believes that amending the Home Rule Charter to create and establish the Independent Civilian Panel as an independent Home Rule Charter entity will provide greater permanence and preserve the Independent Civilian Panel's authority to protect the residents and visitors of Miami-Dade County; and

WHEREAS, the Board desires to allow the electors of Miami-Dade County the opportunity to express their will on the question of whether to amend the Home Rule Charter to create and establish the Independent Civilian Panel as a Home Rule Charter entity,

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 the General Election on Tuesday, November 3, 2020, 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 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 INDEPENDENT
CIVILIAN PANEL AS A CHARTER ENTITY

SHALL THE COUNTY CHARTER BE AMENDED TO ESTABLISH AN INDEPENDENT CIVILIAN PANEL AS A CHARTER ENTITY WITH THE AUTHORITY TO REVIEW COUNTY LAW ENFORCEMENT POLICIES, PATTERNS, PRACTICES AND CLOSED INTERNAL INVESTIGATIONS, CONDUCT FAIR AND INDEPENDENT INVESTIGATIONS, ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS, AND PUBLIC HEARINGS ON COMPLAINTS AGAINST COUNTY LAW ENFORCEMENT, AND ISSUE WRITTEN FACT-FINDINGS, RECOMMENDATIONS, REPORTS, AND EVALUATIONS AS SET FORTH BY ORDINANCE?

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 Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of section 3.07 of the Home Rule Charter.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Barbara J. Jordan and Commissionner Daniella Levine Cava. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Daniella Levine Cava** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye
Rebeca Sosa, Vice Chairwoman	nay
Esteban L. Bovo, Jr.	nay
Jose “Pepe” Diaz	nay
Eileen Higgins	aye
Joe A. Martinez	aye
Dennis C. Moss	aye
Xavier L. Suarez	aye
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of July, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "OR", is written over a horizontal line.

Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-9¹

GENERAL PROVISIONS

* * *

>>SECTION 9.11. THE INDEPENDENT CIVILIAN PANEL.

There is hereby created and established the Independent Civilian Panel to provide external community investigations, reviews, and alternative dispute resolution processes regarding the County's police department. The Independent Civilian Panel shall be represented by independent legal counsel and staffed by an independent executive director appointed by the Independent Civilian Panel, subject to approval by the County Commission, who shall appoint other such professional personnel as required. The County Commission shall provide by ordinance for the membership, adequate budget and powers, functions and responsibilities of the Independent Civilian Panel. The powers of the Independent Civilian Panel shall include, but not be limited to, the authority to subpoena witnesses, documents and recordings, review County law enforcement policies, patterns, practices and closed internal investigations, conduct fair and independent investigations, alternative dispute resolution proceedings, and public hearings on complaints against the County's police department or its employees, and issue written fact-findings, recommendations, requests, reports, and evaluations to the public and government officials.<<

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.