

MEMORANDUM

Amended
Special Item No. 2

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

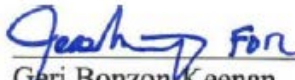
DATE: May 5, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to inventory County employees, real property, assets, equipment, contracts, grants and licenses used by the Miami-Dade Elections Department; directing the Office of Policy and Budgetary Affairs to study the operation of the County Supervisor of Elections in the 10 largest counties; directing the County Mayor to create a transition plan and draft agreements for the reestablishment of the Miami-Dade County Supervisor of Elections Office; propose amendments to Implementing Order 4-76 to provide for the transition to the constitutional Office of Supervisor of Elections and continued provision of County employees as poll workers; and providing for reports to the Board

Resolution No. R-463-22

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairman Jose "Pepe" Diaz and Commissioner Raquel A. Regalado.


Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM

(Revised)

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

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Gen Bonzon-Keenan
County Attorney

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ 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	Amended
Veto	_____		Special Item No. 2
Override	_____		5-5-22

RESOLUTION NO. R-463-22

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INVENTORY COUNTY EMPLOYEES, REAL PROPERTY, ASSETS, EQUIPMENT, CONTRACTS, GRANTS AND LICENSES USED BY THE MIAMI-DADE ELECTIONS DEPARTMENT; DIRECTING THE OFFICE OF POLICY AND BUDGETARY AFFAIRS TO STUDY THE OPERATION OF THE COUNTY SUPERVISOR OF ELECTIONS IN THE 10 LARGEST COUNTIES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CREATE A TRANSITION PLAN AND DRAFT AGREEMENTS FOR THE REESTABLISHMENT OF THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS OFFICE; PROPOSE AMENDMENTS TO IMPLEMENTING ORDER 4-76 TO PROVIDE FOR THE TRANSITION TO THE CONSTITUTIONAL OFFICE OF SUPERVISOR OF ELECTIONS AND CONTINUED PROVISION OF COUNTY EMPLOYEES AS POLL WORKERS; AND PROVIDING FOR REPORTS TO THE BOARD

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution sets forth that Miami-Dade County, through the adoption of the Miami-Dade County Home Rule Charter, may abolish, or provide a method for abolishing, the county constitutional offices in Art. VIII of the Florida Constitution; and

WHEREAS, in 1957, the electors of Miami-Dade County adopted the Miami-Dade County Home Rule Charter and abolished certain constitutional offices including the predecessor office to the Miami-Dade supervisor of elections as well as the predecessor officers to the offices of Tax Collector, Property Appraiser, and delegated the powers and responsibilities of those offices to the Miami-Dade County Manager or such other persons designated by the County Manager; and

WHEREAS, the powers and responsibilities of the abolished Miami-Dade County constitutional offices, including the Supervisor of Elections Office, were exercised by the County Manager or the County Manager's designee until the adoption of the "Strong Mayor" amendment to the Miami-Dade County Home Rule Charter in 2007; and

WHEREAS, since 2007, the Home Rule Charter vests the powers and responsibilities of the abolished Miami-Dade County constitutional offices in the County Mayor or County Mayor's designee; and

WHEREAS, the appointed Miami-Dade County Supervisor of Elections as the director of the Miami-Dade County Elections Department has exercised the powers and performed the duties and functions of the constitutional Supervisor of Elections' Office by designation from the County Mayor or County Manager; and

WHEREAS, acting as the successor office to the constitutional Supervisor of Elections' Office, the Miami-Dade County Supervisor of Elections and the Miami-Dade County Elections Department currently performs the duties assigned by state law to the County Supervisor of Elections, including, administering all elections, conducting voter registration, voter education, issuing voter information cards, providing vote-by-mail voting, maintaining election equipment, hiring and training election workers, renting and equipping polling places, providing information and statistics on voter registration, voting and elections, qualifying candidates for office, receiving campaign finance reports, as well as all other such duties assigned to the constitutional Supervisor of Elections by County ordinance or Florida law; and

WHEREAS, in addition to elections related functions, the Miami-Dade Elections Department has also been assigned other duties by this Board and the County Mayor; and

WHEREAS, the Miami-Dade Elections Department is currently funded in the County's Fiscal Year 2021-22 Adopted Budget through revenues generated by the Countywide millage rates as well as revenues from fees, grants, contracts and other sources; and

WHEREAS, the County's Fiscal Year 2021-22 Adopted Budget includes funding for the employees, real property, assets, contracts, and licenses currently used by the Miami-Dade Elections Department; and

WHEREAS, under the County's Fiscal Year 2021-2022 Adopted Budget, the Miami-Dade Elections Department has 110 full-time equivalent budgeted positions; and

WHEREAS, on November 8, 2018, the electors of the State of Florida adopted an amendment to the Florida Constitution removing the constitutional grant of authority of Miami-Dade County and other charter counties to: (1) abolish the county constitutional offices of sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court; (2) transfer the duties and functions of those offices to another officer or office; (3) change the length of the four-year term of office; or (4) establish any manner of selection other than by election by the electors of the county; and

WHEREAS, the 2018 amendment to the Florida Constitution provided that the provision relating to constitutional officers shall not take effect in Miami-Dade County until January 7, 2025, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2024; and

WHEREAS, as a result of the 2018 amendment, the constitutional Miami-Dade County Supervisor of Elections' Office will be reestablished as an independent elected position in Miami-Dade County; and

WHEREAS, this Board desires to offer to transfer the budgeted positions and classifications and all employees who agree to transfer from the Miami-Dade Elections Department, and all real property, assets, contracts, grants and licenses currently used by the Miami-Dade Elections Department to perform functions assigned to the constitutional office of supervisor of elections to the Miami-Dade County Supervisor of Elections' Office commencing with its reestablishment on January 7, 2025 in order to perform the required constitutional duties; and

WHEREAS, the potential transfer of those budgeted positions and classifications and employees who agree to transfer from the Miami-Dade Elections Department and the real property, assets, equipment, contracts, grants and licenses currently used by the Miami-Dade Elections Department to perform functions assigned to the constitutional supervisor of elections will require planning and preparation by the County to adequately address all issues that may arise with such transfers to the Miami-Dade County Supervisor of Elections' Office; and

WHEREAS, Implementing Order 4-76 currently provides that County employees assisting the Elections Department should be excused from their regular assignment to assist the Miami-Dade Elections Department as poll workers and receive two days of administrative leave upon completion of all election duties to be used within one year from the date of the election worked; and

WHEREAS, commencing with the re-establishment of the Supervisor of Elections' Office on January 7, 2025, this Board desires to allow County employees to continue to serve as poll workers; and

WHEREAS, this Board desires that the County Mayor or County Mayor's designee immediately commence the necessary inventories and research necessary to accomplish the transition to the constitutional Supervisor of Elections' Office, prepare draft agreements to accomplish the transition, and provide reports to the Board of County Commissioners,

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

Section 1. The County Mayor or County Mayor's designee shall create an inventory listing all real property, assets, equipment, contracts, grants and licenses currently used by the Miami-Dade Elections Department and all budgeted positions and employees of the Miami-Dade Elections Department currently used to perform functions assigned to the constitutional office of supervisor of elections. Such inventory shall, at a minimum, identify whether such real property, asset, equipment, contract, grant or license is used exclusively for the provision of those functions exclusively assigned to the constitutional office of supervisor of elections or assigned for additional County related tasks and whether such budgeted position is filled or vacant. For all filled budgeted positions, such inventory shall also include the date of employment, the current salary and benefits, and the current rank or position held of the employee filling the position. For all real property, assets, equipment, contracts, grants and licenses, such inventory shall include the date acquired by the County, the current fair market value, the remaining term of any contract or useful life of such asset or equipment, as applicable, and any restrictions on the transfer to a successor office. The County Mayor or County Mayor's designee shall defer the purchase of any new real property for the Miami-Dade Elections Department and shall defer the lease of any new real property when such lease does not contain a provision for termination for convenience exercisable by the County or the County's successor in interest until after the reestablishment of

the Supervisor of Elections' Office and shall identify any future need for real property to perform the duties of the constitutional supervisor of elections in the inventory. By exception and notwithstanding the foregoing, the County Mayor or County Mayor's designee may lease a warehouse for the Miami-Dade Elections Department prior to the reestablishment of the Supervisor of Elections' Office upon approval by the Board of County Commissioners. The County Mayor or County Mayor's designee shall transmit this inventory, as a report to the Board, detailing the methodology used to create the inventory and any incomplete portions of the inventory by August 15, 2022. Such report shall redact all information that is exempt from disclosure under Florida's Public Records Law but shall provide an opportunity for members of the Board and other authorized individuals to review such information upon request. The County Mayor or County Mayor's designee shall update the report and inventory at least every two months thereafter until January 7, 2025 and transmit such updates to the Board. The report, and any updates thereto, shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

Section 2. The Office of Policy and Budgetary Affairs is directed to study the operations of the County Supervisor of Elections in the 10 largest counties in Florida and provide a benchmarking report to the Board, by August 15, 2022, detailing the staffing, funding, and resources provided by such counties to perform the statutory responsibilities of the office as well as any additional functions or responsibilities performed by the Supervisor of Elections in those counties. The report shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

Section 3. The County Mayor or County Mayor's designee shall create draft transfer agreements, in consultation with the County Attorney's Office, to be offered to the Miami-Dade County Supervisor of Elections' Office to effectuate the transfer of positions and job classifications of the Miami-Dade Elections Department and all employees who agree to transfer to the Supervisor of Elections' Office under the terms of the transfer agreements as well as the transfer of all real property, assets, equipment, contracts, grants and licenses currently used by the Miami-Dade Elections Department to perform those functions assigned to the constitutional office of supervisor of elections. Such draft agreements shall also provide, at a minimum, for: (1) the financial transition to the Miami-Dade County Supervisor of Elections' Office of any accounts necessary to perform the functions of the office, including the budget, funding and financial processes for the newly reestablished office; (2) the transfer of positions, job classifications and employees of the Miami-Dade Elections Department necessary to perform those functions exclusively assigned to the constitutional office of supervisor of elections to the Miami-Dade County Supervisor of Elections' Office, including provision for the transfer of leave balances, positions and benefits; (3) the transfer of real property by lease agreement or otherwise and provision for the utilities and maintenance of such property necessary to perform those functions exclusively assigned to the constitutional office of supervisor of elections to the Miami-Dade County Supervisor of Elections' Office; (4) the transfer of assets, equipment, and licenses by lease agreement or otherwise as well as the maintenance of such assets and equipment necessary to perform those functions exclusively assigned to the constitutional office of supervisor of elections to the Miami-Dade County Supervisor of Elections' Office; (5) the transfer of grants and contracts of the Miami-Dade Elections Department necessary to perform those functions exclusively assigned to the constitutional office of supervisor of elections to the Miami-Dade County

Supervisor of Elections' Office, where appropriate; and (6) the provision of administrative and other services for the operation of the Miami-Dade County Supervisor of Elections' Office, on a long term basis, by employees of Miami-Dade County, as appropriate. The proposed draft agreements shall be presented to the Board as a report on or before January 15, 2023. Such report shall also include a description of any outstanding issues that may exist as of the date of the report. The County Mayor or County Mayor's designee shall update the draft agreements as directed by the Board of County Commissioners at least every three months thereafter until January 7, 2025, and transmit such updates to the Board. The report, and any updates thereto, shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65 along with an agenda item recommending either the approval of the draft transfer and operating agreements or such further action as may be directed by the Board.

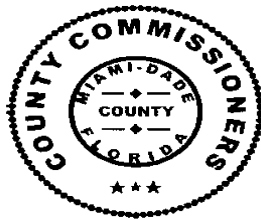
Section 4. The County Mayor or County Mayor's designee is directed to prepare a report containing a proposed amendment to Implementing Order 4-76 to account for the transition to the reestablished constitutional Supervisor of Elections' Office including provisions for County employees to assist Supervisor of Elections' Office as poll workers and receive two days of administrative leave upon completion of all election duties to be used within one year from the date of the election worked. The report, and any updates thereto, shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65 by January 1, 2024.

Section 5. Immediately upon the certification of the General Election in 2024, the County Mayor or County Mayor's designee shall present any draft agreements approved by the Board of County Commissioners to the Supervisor of Elections-elect for Miami-Dade County and shall present any proposed amendments to the draft transfer and operating agreements to the Board of County Commissioners for approval prior to December 27, 2024.

The Co-Prime Sponsors of the foregoing resolution are Chairman Jose “Pepe” Diaz and Commissioner Raquel A. Regalado. It was offered by Commissioner **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of May, 2022. 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "OR" followed by a flourish.

Oren Rosenthal