

MEMORANDUM

Agenda Item No. 11(A)(7)

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

DATE: July 7, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution calling a countywide special election in Miami-Dade County, Florida, at the request of the School Board of Miami-Dade County, Florida to be held in conjunction with a General Election on Tuesday, November 8, 2022, for the purpose of submitting to the electors of Miami-Dade County the question of whether to authorize the School Board of Miami-Dade County, Florida to levy an ad valorem tax for operating expenses of the School Board

Resolution No. R-656-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

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

DATE: July 7, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(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
- ☐ 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)(7)
7-7-22

RESOLUTION NO. _____ R-656-22

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, AT THE REQUEST OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AUTHORIZE THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA TO LEVY AN AD VALOREM TAX FOR OPERATING EXPENSES OF THE SCHOOL BOARD

WHEREAS, section 1011.73, Florida Statutes, authorizes the School Board of Miami-Dade County, Florida (“School Board”) to adopt a resolution seeking to place a ballot measure before the electors of Miami-Dade County asking voters to approve an ad valorem tax millage for a period not to exceed four years and to be used for operating expenses of the School Board; and

WHEREAS, section 1011.73 also provides that such School Board resolution shall direct the Board of County Commissioners of the County to call an election at which the electors of Miami-Dade County may vote on such ballot measure; and

WHEREAS, the Board of County Commissioners has the discretion to decide whether to place the ballot question on a previously scheduled countywide election or call a stand-alone, special countywide election for the purpose of placing the School Board measure before the voters; and

WHEREAS, section 1011.73, Florida Statutes, further provides that all expenses for the cost of the election shall be paid by the School Board; and

WHEREAS, on May 18, 2022, the School Board adopted a resolution placing an ad valorem tax millage question before the electors of Miami-Dade County and the School Board now requests that the County place the School Board measure before the voters at the November 2022 General Election; and

WHEREAS, this Board desires to honor the School Board's request to place this measure on the November 8, 2022 General Election ballot rather than call a separate stand-alone special election in order to save the School Board and the taxpayers the cost of funding a separate stand-alone special election,

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

Section 1. In accordance with section 1011.73(2), Florida Statutes, 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 8, 2022, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal approved by the School Board of Miami-Dade County, Florida seeking approval of an ad valorem tax millage for School Board operating expenses.

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:

REFERENDUM TO APPROVE AD VALOREM LEVY FOR
TEACHERS, INSTRUCTIONAL PERSONNEL, STUDENT
SAFETY AND SECURITY

SHALL THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, LEVY ONE (1) MILL OF AD VALOREM TAXES FOR SCHOOL OPERATIONAL PURPOSES TO CONTINUE IMPROVING COMPENSATION FOR TEACHERS AND INSTRUCTIONAL PERSONNEL AND TO IMPROVE SCHOOL SAFETY AND SECURITY FOR PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS, WITH OVERSIGHT BY A CITIZEN ADVISORY COMMITTEE BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2027?

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. Vote-by-mail paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such vote-by-mail 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. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

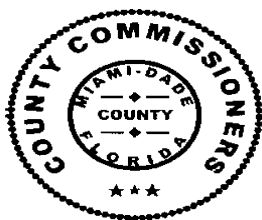
Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

Section 10. This Resolution shall sunset and the special election called herein shall be cancelled in the event that: (1) such resolution is either reconsidered and repealed by the School Board; or (2) such resolution is invalidated by a court of competent jurisdiction.

The Prime Sponsor of the foregoing resolution is Vice-Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Oliver G. Gilbert, III**, 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	absent	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 7th day of July, 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.

MBV

Michael B. Valdes
Oren Rosenthal