

MEMORANDUM

Amended
Agenda Item No. 11(A)(12)

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, 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 amend the Home Rule Charter to require that acts of the Board of County Commissioners to transfer ownership or governing authority of the Miami International Airport, PortMiami or Miami-Dade Expressway Authority shall only become effective upon approval by a majority vote of the qualified electors in Miami-Dade County at the next available general election

Resolution No. R-659-22

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



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

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

DATE: July 7, 2022

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Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
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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
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(12)
7-7-22

R-659-22
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 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO REQUIRE THAT ACTS OF THE BOARD OF COUNTY COMMISSIONERS TO TRANSFER OWNERSHIP OR GOVERNING AUTHORITY OF THE MIAMI INTERNATIONAL AIRPORT, PORTMIAMI OR MIAMI-DADE EXPRESSWAY AUTHORITY SHALL ONLY BECOME EFFECTIVE UPON APPROVAL BY A MAJORITY VOTE OF THE QUALIFIED ELECTORS IN MIAMI-DADE COUNTY AT THE NEXT AVAILABLE GENERAL ELECTION

WHEREAS, Miami International Airport was founded in 1928 and now offers more flights to Latin America and the Caribbean than any other U.S. airport, is America's second-busiest airport for international passengers, boasts a lineup of over 90 air carriers, and is the top U.S. airport for international freight; and

WHEREAS, Miami International Airport is also the leading economic engine for Miami-Dade County, generating business revenue of \$31.9 billion annually; and

WHEREAS, Miami International Airport, the County's General Aviation Airports and related aviation industries directly and indirectly account for 275,708 jobs, or one out of every 4.6 jobs, in Miami-Dade County; and

WHEREAS, Miami International Airport is owned by Miami-Dade County and operated by the County Mayor through the Miami-Dade Aviation Department under the policy and governing directives of the Board of County Commissioners; and

WHEREAS, PortMiami is one of America's fastest-growing global gateways and contributes more than \$43 billion annually to Miami-Dade County's local economy and supports over 334,500 jobs; and

WHEREAS, PortMiami is known worldwide as the Cruise Capital of the World, welcoming more cruise passengers to its terminals than any other port, and is a prime destination for cargo capable of serving post Panamax cargo ships; and

WHEREAS, PortMiami is owned by Miami-Dade County and administered by the County Mayor through the Seaport Department/PortMiami under the policy and governing directives of the Board of County Commissioners; and

WHEREAS, on December 13, 1994, the Board of County Commissioners adopted Ordinance 94-215, forming the Dade County Expressway Authority (now known as the Miami-Dade Expressway Authority) pursuant to the Florida Expressway Authority Act; and

WHEREAS, the Miami-Dade Expressway Authority is a user-funded transportation agency dedicated to improving the mobility of people and goods as well as the economy in Miami-Dade County; and

WHEREAS, on May 3, 2019 the Florida Legislature, by sections 13, 14, 15, 16, and 17 of Chapter 2019-169 of the Laws of Florida (the "Greater Miami Expressway Agency Act"), attempted to create the Greater Miami Expressway Agency wholly within Miami-Dade County, abolish the Miami-Dade Expressway Authority, and transfer all the assets, liabilities, and powers from the Miami-Dade Expressway Authority to the new agency; and

WHEREAS, on May 4, 2021, the Board of County Commissioners, in the exercise of the home rule powers vested in Miami-Dade County by Article VIII, Section 6 of the Florida Constitution of 1968 and the Miami-Dade County Home Rule Charter, adopted Resolution No. R-

21-35 superseding and nullifying Sections 13, 14, 15, 16, 17 of Chapter 2019-169 of the Laws of Florida as an unconstitutional special law applying only to Miami-Dade County (or a general law applying only in Miami-Dade County); and

WHEREAS, the Miami-Dade Expressway Authority is operated by a local government unit with membership partially appointed by the Board of County Commissioners; and

WHEREAS, on November 6, 1956, the people of Florida amended the Florida Constitution by adopting Article VIII, Section 11 of the Florida Constitution of 1885, preserved in Article VIII, Section 6 of the Florida Constitution of 1968 (“Home Rule Amendment”), which authorized the people of Miami-Dade County to adopt a home rule charter; and

WHEREAS, under the Home Rule Amendment, the electors of Miami-Dade County have the power, within certain areas, to adopt their own rules for the government of Miami-Dade County, with the Board of County Commissioners acting as our governing body; and

WHEREAS, on May 21, 1957 the electors of Miami-Dade County adopted the Miami-Dade County Home Rule Charter (“Home Rule Charter”), which acts as the "constitution" for Miami-Dade County government; and

WHEREAS, the Home Rule Amendment provides that the Home Rule Charter may provide a method to merge, consolidate, and abolish all county or district governments, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise; and

WHEREAS, the Miami International Airport, PortMiami, and the Miami-Dade Expressway Authority are all administered by and for the benefit of the people of Miami-Dade County, and their jurisdictions all lie wholly within Miami-Dade County; and

WHEREAS, this Board believes that to preserve the public's interests in these critical assets, the electors of Miami-Dade County should be required to approve any decision by the Board of County Commissioners to transfer the ownership, administrative authority or governing body of the Miami International Airport, PortMiami or Miami-Dade Expressway Authority at the next available general election following that Board decision; and

WHEREAS, this Board desires to place a proposal to amend the Home Rule Charter on the November 8, 2022 General Election ballot to ask the electors of Miami-Dade County whether to require approval by referendum at the next available general election of any legislation adopted by the Board of County Commissioners transferring the ownership or governing authority of the Miami-International Airport, PortMiami or Miami-Dade Expressway Authority before such legislation can go into effect,

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 8, 2022, 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 REQUIRING VOTER APPROVAL
FOR CHANGES TO GOVERNING STRUCTURE OF COUNTY
TRANSPORTATION ASSETS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT
ACTS OF THE BOARD OF COUNTY COMMISSIONERS TO
TRANSFER OWNERSHIP OR GOVERNING AUTHORITY OF
THE MIAMI INTERNATIONAL AIRPORT, PORTMIAMI OR
MIAMI-DADE EXPRESSWAY AUTHORITY MUST BE
APPROVED BY A MAJORITY VOTE OF THE QUALIFIED
ELECTORS IN MIAMI-DADE COUNTY AT THE NEXT
AVAILABLE GENERAL ELECTION?

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.

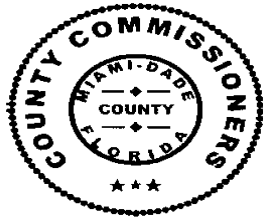
Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County 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 Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz and the Co-Sponsor is Commissioner Rebeca Sosa. It was offered by Commissioner **Joe A. Martinez** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "OR" or "Oren Rosenthal", written over a horizontal line.

Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

SECTION 1.02. RESOLUTIONS AND ORDINANCES

* * *

>>I. Each ordinance or resolution adopted by the Board of County Commissioners transferring the ownership or governing authority of the Miami International Airport, PortMiami or the Miami-Dade Expressway Authority shall only become effective upon approval by a majority vote of the qualified electors of Miami-Dade County at the next available general election.<<

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.