

Section 10. Initiative, Referendum, Recall, and Charter Amendments

10.01- Power of initiative- The people shall have the power to propose ordinances, including the ones that grant franchise or privileges, and to have them being adopted by the voters. This power shall be known as the Initiative. The person(s) proposing the exercise of this power shall submit the proposal to the City Commission which shall, without delay, approve as to form a petition for circulation. Within thirty days of the Commission's approval of the form of the Initiative petition, the person(s) circulating the petition shall obtain the signatures of at least twenty percent of the City's registered voters as evidenced by the official voter registration records for the regular election that immediately preceded the filing of the initiative petition.

Within ten days after the petition is filed with the City Clerk, the City Clerk, with the assistance of the Miami-Dade County Supervisor of Elections, shall determine whether the signatures therein are sufficient. An insufficient petition may be amended within thirty days of the City Clerk certifying that the petition is insufficient, by filing an amended petition containing additional papers signed and filed in conformance with the requirements applicable to the original petition, as set forth in this Section. The City Clerk shall examine an amended petition within ten days after it is filed. The City Clerk's finding that a petition is insufficient shall not prejudice the filing of a new petition for the same purpose.

Upon the presentation to the City Commission of a petition or petitions signed by sufficient qualified electors therein, being a proposed ordinance that said City Commission has authority to adopt, it must either adopt such measure without alteration within sixty (60) days of the issuance of a certificate of a petition's sufficiency by the City Clerk and Miami-Dade County supervisor of elections or submit the same to its electorate at the next succeeding City election occurring more than sixty (60) days after issuance of the City Clerks and Miami-Dade County Supervisor of Elections' certificate as to the petition's sufficiency or submit the proposed ordinance to a vote of the electors through a special election to be held not less than sixty days and not more than one hundred and twenty days from the date of the Commission's final action on the proposed ordinance. The proposed ordinance submitted to a vote of the electors shall be in its original form as set forth in the underlying Initiative petition.

10.02 Referendum- With the exception of an appropriation ordinance or an ordinance making the annual tax levy, the electors shall have the power to approve or reject at the polls any ordinance passed by the Commission or submitted by the Commission for a vote of the electors. This power shall be known as referendum.

- (A) *Effective Dates for Ordinances.* No ordinance shall go into effect until thirty days after its passage, unless: (1) the text of the ordinance declares it to be an emergency measure for urgent public need, and for the preservation of peace, health, safety or property; and (2) the ordinance is passed by a vote of at least four-fifths of the members of the Commission. No ordinance granting or amending any public utility measure, or

amending or repealing any measure adopted by the electors through a referendum, shall be regarded as an emergency ordinance.

- (B) *Referendum Petitions.* Within thirty days after the Commission passes an ordinance that is subject to referendum, a petition signed by at least ten percent of the total number of registered voters in the City may be filed with the City Clerk requesting that such ordinance, or any specified part thereof, be repealed or submitted to a vote of the electors. A referendum petition shall clearly specify the ordinance or part thereof for which repeal or a vote of the electors is sought; however, the petition is not required to contain the text of the ordinance. For purposes of determining whether at least ten percent of the City's registered voters have signed a referendum petition, the total number of registered voters in the City shall be evidenced by Miami-Dade County's official voter registration records for the regular election that immediately preceded the filing of the referendum petition and Miami-Dade County Supervisor of Election's verification of the required signatures.
- (i) *Commission Action in Relation to Referendum Petitions.* If the City Clerk finds a referendum petition or an amended referendum petition to be sufficient: (1) the City Clerk shall certify that fact to the Commission at its next regular meeting; and (2) until the electors approve the ordinance, as provided herein, the ordinance or the part thereof specified in the referendum petition shall not go into effect and further action under the ordinance shall be suspended if the ordinance has already gone into effect. Moreover, upon receipt of the Clerk's certification of a referendum petition, the Commission shall formally reconsider the ordinance or part thereof at issue in the referendum petition. If the ordinance or part thereof at issue in the referendum petition is not repealed after the Commission's reconsideration of said ordinance or part thereof, the referendum petition shall be submitted to the electors at a municipal election held at least thirty days after the Commission's reconsideration vote. . If, however, no regular election is scheduled within six months from the date of the Commission's reconsideration of the ordinance, the Commission shall submit the referendum petition to a vote of the electors through a special election to be held not less than sixty days and not more than one hundred and twenty days from the date of the Commission's reconsideration but no later than 120 days after the Commission's reconsideration vote.. The Commission, by a vote of at least four-fifths of its members, may submit the ordinance or part thereof at issue in the referendum petition to the electors at a special election to be held at least thirty days after the Commission's reconsideration vote. If when submitted to the electors any ordinance or part thereof is not approved by a majority of those voting thereon, it shall be deemed repealed.
- (ii) *Form of Referendum Ballot.* Any number of ordinances or parts thereof may be voted on in the same election and may be submitted on the same ballot. The form of the ballot shall be prepared by the City Attorney and also comply with all applicable requisites of the Miami-Dade County Supervisor of Elections and the applicable provisions of Florida law.
- (iii) *Preliminary Steps - Referendums for Expenditures, Bond issues, Appropriations, and Franchises.* If a referendum petition filed in relation to an ordinance passed

by the Commission involves the expenditure of money, a bond issue, the granting of a franchise, or a public improvement, all preliminary steps to such actual expenditure, actual issuance or sale of bonds or actual execution of the contract for such franchise or improvement may be taken prior to the referendum election.

- (iv) *Emergency Ordinances Subject to Referendum.* Any emergency ordinance or other ordinance which, according to the provisions of Section 10 of this Charter, have gone into effect prior to the filing of a referendum petition thereon shall be subject to referendum as in the case of other ordinances and further action thereunder shall be suspended from the date of the Clerk's certification to the Commission that a sufficient referendum petition has been filed. If, when submitted to a vote of the electors any such ordinance is not approved by a majority of those voting, said ordinance shall be considered repealed and all rights and privileges conferred by it shall be null and void. Nonetheless, any such repealed ordinance shall be deemed to have sufficient authority for any payments made or expenses incurred in accordance therewith prior to the date of the Clerk's certification to the Commission that a sufficient referendum petition has been filed as to the ordinance.
- (v) *Conflicting ordinances.* If two or more ordinances adopted or approved at the same election conflict with respect to any of their provisions, the provisions of said ordinances that do not conflict shall go into effect. With regard to the provisions that do conflict, the provisions contained in the ordinance that receives the highest affirmative vote shall prevail.
- (vii) *Signatures and Affidavits for Referendum and Recall Petitions.* The signatures for referendum or recall petitions are not required to be appended to one paper; however, for each separate petition paper there shall be attached an affidavit of the petition circulator,
- (viii) *Referendum Petition Papers.* All petition papers concerning a referendum petition shall be assembled and filed with the City Clerk as one instrument. Within ten days after a petition is filed, the City Clerk with the assistance of the Miami-Dade County Supervisor of Elections shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of electors. Upon completing his or her examination of the petition, the City Clerk shall attach thereto a certificate showing the result of the examination. If the City Clerk should certify that the petition is insufficient, he or she shall set forth in his or her certificate the particular manner(s) in which the petition is defective and shall at once notify the petitioners' committee of his or her findings.
- (ix) *Amendment of Referendum and Recall Petitions.* A referendum petition may be amended within ten days of the City Clerk certifying that the petition is insufficient, by filing an amended petition containing additional papers signed and filed in conformance with the requirements applicable to the original petition, as set forth in this Section. The City Clerk shall examine the amended petition within ten days after filed. If the City Clerk determines that the amended petition is again insufficient, he or she shall file the amended petition in his or her office, notify the petitioners' committee of his or her findings, and take no further action on such

insufficient petition. The City Clerk's finding that a petition is insufficient shall not prejudice the filing of a new petition for the same purpose.

10.03 Recall- Recall and recall petitions shall be governed by applicable State and County laws.

10.04 Charter Amendments-

The Charter may be amended in accordance with these provisions:

(a)

Initiation by Resolution. The Commission may, by resolution, propose amendments to this Charter and upon passage of the initiating resolution shall submit the proposed amendment to a vote of the electors at the next general election held within the City or at a special election called for such purpose.

(b)

Initiation by Petition. The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced, in the form, filed, certified as to its sufficiency and/or withdrawn in the same manner as an ordinance proposed by initiative pursuant to 10.01. Upon certification of the sufficiency of the petition, the City Commission shall submit the proposed amendment to a vote of the electors at the next general election if such election is scheduled to be held not less than sixty (60) days or more than one hundred and twenty (120) days from the date on which the petition was certified or at a special election called for that purpose. A special election, if necessary, shall be held not less than sixty (60) days or more than one hundred and twenty (120) days from the date on which the petition was certified.

(c)

Results of Election. If a majority of the qualified electors voting on a proposed amendment vote for its adoption, it shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.