



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners

Legislative Analysis

October 18, 2011
9:30 A.M.
Commission Chamber

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Miami-Dade County Board of County Commissioners
Meeting Agenda**

Supplemental Analysis

October 18, 2011

These analyses are in addition to those attached to the BCC agenda kit.

Item Number(s)

8F2
11A1
11A3
11A4
11A5

Acknowledgements:

Bia Marsellos, Legislative Supervisor
Michael Amador-Gil, Senior Legislative Analyst
Mia Marin, Legislative Analyst
Elizabeth Owens, Legislative Analyst

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 8(F)2
File Number: 112074
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: October 12, 2011

Summary

This resolution authorizes the County Mayor or his designee to exercise option-to-renew (OTR) periods for five (5) competitively bid contracts; which, if exercised, would bring the cumulative value of each contract in excess of \$1 million.

Pursuant to Section 2-8.1 of the Code and Master Procurement Administrative Order AO 3-38, the Board of County Commissioners' (Board) authorization is required to direct the County Mayor or his designee to award contracts and to exercise OTR clauses bringing the cumulative value of the contracts in excess of \$1 million.

The Administration states the following: (1) prior to this request to exercise the options period, market research was conducted to ensure that pricing and quality are competitive; and (2) the allocation represents the maximum spending authority based on past usage.

Budgetary Impacts

In total, this procurement package is requesting \$4.008 million in award allocations for OTR periods.

Compliance and/or Performance Issues

Several of the vendors for Item No. 5, Towing Services (County Vehicles), have a history of compliance and/or performance issues as listed on handwritten pages 12 and 13 of the item.

The vendors listed under Item Nos. 1 to 4 do not have compliance and/or performance issues.

Item No.	Summary of Contracts <i>Comments and Questions</i>
1	Specialized Flat Tire Repair Services <u>Initial Contract Term and Amount:</u> The initial term was for 12 months, from November 6, 2008 to October 31, 2009, for \$258,248, with

Item No.	Summary of Contracts Comments and Questions
	<p>four (4), 12-month OTR periods.</p> <p>On September 15, 2009, the Department of Procurement Management (DPM) authorized an additional \$24,000, bringing the initial contract amount to \$282,248.</p> <p><u>Request to Exercise</u></p> <p>This item is requesting to exercise the 3rd and 4th OTR period in the amount of \$239,000 for each period.</p> <ul style="list-style-type: none"> • Why are both OTRs necessary at this time? <p>Cumulative Value of Contract with OTRs = \$1.327 million.</p> <p><u>Vendors</u></p> <p>Central Tire Corp (local) and Pelar Trading Corp. (local).</p> <p>Comments / Questions</p> <p>The following is the current allocation under the 2nd OTR period:</p> <ul style="list-style-type: none"> • Aviation - \$10,000 • Corrections and Rehabilitation - \$5,000 • Fire Rescue - \$10,000 • General Service Administration (GSA) - \$60,043 • Transit - \$45,025 • Park and Recreation - \$44,830 • Seaport - \$1,000 • Water and Sewer - \$82,350 • Unallocated \$24,000 <p>Under the proposed item, there is no request for an allocation from Corrections and Rehabilitation (MDCR). According to Internal Services, MDCR did not request an allocation in the Notice of Expiring Contract form for this option to renew because MDCR has not used the contract in the past three years.</p> <p>In addition, the allocation to Transit is not included in this request, and will be processed separately in order to secure CITT approval. According to Internal Services, Transit will request \$46,000 per year which exceeds the unallocated funds amount of \$39,000.</p> <ul style="list-style-type: none"> • How will Transit resolve the issues of their allocation exceeding the unallocated amount?
2 & 3	<p>Financial Advisory Services for the General Segment (Item No. 2)</p> <p><u>Initial Contract Term and Amount:</u></p> <p>The initial term was for 36 months, from November 2, 2006 to December 1, 2009, for \$941,000, with two (2), 24-month OTR periods.</p> <p>According to Resolution No. 1275-09, the initial contract value increased from \$850,000 to \$941,000 to accommodate increased usage. In addition, the Board of County Commissioners (BCC) approved a 30-day contract extension, extending the expiration date from November 1, 2009 to December 1, 2009 (See Additional Information).</p>

Item No.	Summary of Contracts <i>Comments and Questions</i>						
	<p><u>Request to Exercise</u> This item is requesting to exercise the 2nd and final OTR period, December 2, 2011 to December 1, 2013, in the amount of \$567,000.</p> <p>Cumulative Value of Contract with OTRs = \$2.075 million.</p> <p><u>Vendor</u> Public Financial Management Inc. (non-local).</p> <p>Financial Advisory Services for the Enterprise Segment (Item No. 3)</p> <p><u>Initial Contract Term and Amount:</u> The initial term was for 36 months, from November 2, 2006 to December 1, 2009, for \$850,000, with two (2), 24-month OTR periods.</p> <p>According to Resolution No. 1275-09, BCC approved a 30-day contract extension, extending the expiration date from November 1, 2009 to December 1, 2009.</p> <p><u>Request to Exercise</u> This item is requesting to exercise the 2nd and final OTR period, December 2, 2011 to December 1, 2013, in the amount of \$567,000.</p> <p>Cumulative Value of Contract with OTRs = \$1.984 million.</p> <p><u>Vendor</u> Public Resource Advisory Group Inc. (non-local).</p> <table border="1" data-bbox="240 1331 1458 1892"> <tr> <th colspan="2" data-bbox="240 1331 431 1360">Additional Information Regarding the Initial Contracts for Item Nos. 3 and 4</th></tr> <tr> <th data-bbox="240 1360 431 1423">Legislative Reference</th><th data-bbox="431 1360 1458 1423">Legislative History Summary</th></tr> <tr> <td data-bbox="240 1423 431 1892">10/06/09 File No. 092594</td><td data-bbox="431 1423 1458 1892"> <p>The following requests were provided in this procurement package:</p> <ul style="list-style-type: none"> • <u>Contract No. RFQ 90 – Financial Advisory Services (General Segment)</u>: Authority to exercise the two remaining OTR periods to provide financial advisory services for the Finance Department for those departments that are not covered in the Aviation and Enterprise segment agreements; and • <u>Contract No. RFQ 91 – Financial Advisory Services (Enterprise Segment)</u>: Authority to exercise the two remaining OTR periods to provide financial advisory services for the Finance Department for the Solid Waste, Seaport, Transit, and Water and Sewer departments that constitute the Enterprise Segment. <p>During the BCC discussion of File No. 092594, the BCC asked Administration to address the following concerns with these contracts:</p> <ul style="list-style-type: none"> • Exercising multiple renewal options through 2013; and • Deferral of this item provided staff the opportunity to determine operational implications relative to the contracts needing to be renewed. • In addition, there were several issues with the Financial Advisory Services (Aviation segment) contract which was also included in the procurement package. </td></tr> </table>	Additional Information Regarding the Initial Contracts for Item Nos. 3 and 4		Legislative Reference	Legislative History Summary	10/06/09 File No. 092594	<p>The following requests were provided in this procurement package:</p> <ul style="list-style-type: none"> • <u>Contract No. RFQ 90 – Financial Advisory Services (General Segment)</u>: Authority to exercise the two remaining OTR periods to provide financial advisory services for the Finance Department for those departments that are not covered in the Aviation and Enterprise segment agreements; and • <u>Contract No. RFQ 91 – Financial Advisory Services (Enterprise Segment)</u>: Authority to exercise the two remaining OTR periods to provide financial advisory services for the Finance Department for the Solid Waste, Seaport, Transit, and Water and Sewer departments that constitute the Enterprise Segment. <p>During the BCC discussion of File No. 092594, the BCC asked Administration to address the following concerns with these contracts:</p> <ul style="list-style-type: none"> • Exercising multiple renewal options through 2013; and • Deferral of this item provided staff the opportunity to determine operational implications relative to the contracts needing to be renewed. • In addition, there were several issues with the Financial Advisory Services (Aviation segment) contract which was also included in the procurement package.
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Item No.	Summary of Contracts Comments and Questions	
		<ul style="list-style-type: none"> Administration was requesting to exercise the OTR along with a retroactive approval for \$538,000 which exceeded the initial \$1 million spending authority under the County Manager. <p>The BCC bifurcated the procurement package, deferring this item to October 20, 2009.</p>
	10/20/09 File No. 092813	This item was withdrawn (see substitute, File No. 092914).
	10/20/09 File No. 092914	<p>4 Day Rule Invoked. <i>The next Commission Meeting was scheduled for November 3, 2009, two days after the contract expired and another Request for Proposal (RFP) process would need to be conducted in order for the contract to be placed on the agenda; therefore, the BCC approved an extension of 30 days without modifying existing terms of the financial services agreement if the vendor agreed and refer the package to the November 3, 2009 BCC meeting.</i></p> <p>In addition, the BCC expressed the following concerns for both contracts:</p> <ul style="list-style-type: none"> The OTR provision. <ul style="list-style-type: none"> Administration clarified that the renewal provisions were necessary in the event the County needed access to additional financial services. The resolution was an add-on to the agenda and the first OTR date of November 2, 2009, was a reminder to members of this Commission that they had been prudent to stopping retroactive approvals. The November 1, 2009 expiration date contained within both contracts. <ul style="list-style-type: none"> Administration clarified that both contracts expire on November 1, 2009; That a million dollar financial advisory service contracts were not necessary when the County had its own Finance Department. <ul style="list-style-type: none"> Administration explained that these services provided the necessary level of expertise to assist the County to identify investment opportunities. Services would be paid for directly through the transactions and not from the General Fund.
	11/03/09 File No. 092914	Withdrawn (see Substitute File No. 092841).
	11/03/09 File No. 092841 R-1275-09	<p>The BCC approved the substitute item under Resolution No. 1275-09.</p> <p>The substitute procurement package differed from the original in that the authorization requested for both contracts was for one OTR period; and for Contract No. RFQ 90 – Financial Advisory Services (General Segment), the initial contract value increased from \$850,000 to \$941,000.</p>
4	<p>Landscaping and Lawn Maintenance Services</p> <p><u>Initial Contract Term and Amount:</u> The initial term was for 12 months, from November 1, 2007 to October 31, 2008, for \$251,150, with four (4), 12-month OTR periods.</p> <p>On March 27, 2008, DPM authorized an additional \$3,000, bringing the initial contract amount to \$254,150.</p> <p><u>Request to Exercise</u> This item is requesting to exercise the 4th and final OTR period in the amount of \$209,000.</p> <p>Cumulative Value of Contract with OTRs = \$1.133 million.</p> <p><u>Vendors</u> McFamily Enterprise, Inc. (local) and Superior Landscaping & Lawn Service, Inc. (local).</p>	

Item No.	Summary of Contracts Comments and Questions
5	<p>Towing Services (County Vehicles)</p> <p><u>Initial Contract Term and Amount:</u> The initial term was for 12 months, from December 15, 2008 to November 30, 2009, with four (4), 12-month OTR periods.</p> <p>The initial contract amount was for \$725,005. On July 21, 2009, under Resolution No. 1061-09, this contract was modified to include an allocation to Transit in the amount of \$740,000, increasing the initial contract amount to \$1,465,005.</p> <p>In addition, under the 1st OTR period, the starting date of the OTR term was adjusted to December 1st and the ending date was adjusted to December 31st.</p> <p>Under the 2nd OTR period, the contract amount was decreased by \$29,000.</p> <p><u>Request to Exercise</u> This item is requesting to exercise the 3rd, 4th and 5th OTR period in the amount of \$739,000 for each.</p> <ul style="list-style-type: none"> • <i>Why are all the remaining OTRs necessary at this time?</i> <p>Cumulative Value of Contract with OTRs = \$6.557 million.</p> <p><u>Vendors</u></p> <ul style="list-style-type: none"> • Kauff's of Miami, Inc. (local), • Westbrook Motors, Inc. (local), • A-1 Redland Economy Towing (local), • Blanco Towing, Inc. (local), • Banos Towing Service Corp. (local), • Excalibur Towing Service Corp. (local), • Midtown Towing of Miami, Inc. (local), and • Southwest Transport, Inc. (local). <p>Comments / Questions</p> <ul style="list-style-type: none"> • <i>Why is this item requesting to authorize the remaining OTR periods instead of just the 3rd OTR period in light of the performance/compliance issues with several of the vendors?</i> <i>According to Internal Services, the violations listed in this item are from the other towing contract (RFQ97). RFQ97 is monitored by the Miami-Dade Police Department and Procurement Management. These violations are minor compared to the services provided under this contract and do not justify default/termination action. The vendors are immediately notified of any violations and these issues are resolved promptly.</i> • <i>What safeguards are in place if additional issues occur?</i> <i>The towing contracts allow the County to suspend any vendor until the violation is corrected, or default/terminate the vendor from the contract, whichever is in the County's best interest.</i>

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 11A1

File Number: 112090

**Committee(s)
of Reference:** Board of County Commissioners

Date of Analysis: October 13, 2011

Summary

This resolution waives formal bid procedures and directs the County Mayor or the Mayor's designee to negotiate Change Order No. 4 to Miscellaneous Construction Contract (MCC) No. MCC-7-05 with Mike Gomez Construction Consulting, Inc. (Mike Gomez).

The proposed Change Order will increase the contract duration until no later than December 1, 2011; provides for a termination for convenience clause; and authorizes the County Mayor or Mayor's designee to execute such change order without need for subsequent Board of County Commissioners (BCC) action.

Although this contract award was for five (5) years in the amount of \$50,125,000, after various change orders the cumulative amount totals \$70,125,000.

Date	Item Description	Legislation Action
R-955-06 9/12/06	Contract Award Recommendation	Gomez was recommended for the MCC-7-05 totaling \$50,125,000, for five (5) year term. The MCC contract includes minor renovations, refurbishments, repairs, modifications, upgrades, installation of landscaping and related lighting, irrigation and maintenance work, and various types of emergency and periodic maintenance for various airport facilities. The MCC contract allowed Gomez to enter into subcontractor agreements; develop, implement and monitor specific measurable programs with methods, procedures and time frames for subcontractor participation; increase the overall level of certified CSBEs participation; provide full scope management and administrative services on all awarded projects; and make available this MCC contract to other County departments.
R-459-08 5/06/08	Change Order No. 1	The BCC approved Change Order No. 1 to MCC Contract MCC-7-05 to revise the CSBE goal participation and to incorporate mandatory provisions for federally funded projects. The Review Committee changed the project goal from 35 percent to 23 percent based on \$11,737,895. Pursuant to R-459-08: The goal is based on the aggregate of the Part 1, Part 2, and Part 3 Construction Management services of work, not on contract as a whole. The contractor may satisfy this goal in a manner of its choosing, subject to approval of SBD and consistent with the Special Provisions of the contract. Question: What is the current status of the CSBE goals?
R-472-10 5/04/10	Change Order No. 2	The BCC approved Change Order No. 2 to increase the contact amount by \$10 million for a total of \$60,125,000. Pursuant to R-472-10: The justification for the change order was the MCC-7-05 contract had already committed to projects worth more than \$49 million, leaving approximately \$1 million available for bidding and award of additional projects. MDAD had identified projected valued at \$10 million for bidding through the MCC-7-05 contract. Some of the projects with crucial time constraints, as well as tenant relocation

Date	Item Description	Legislation Action
		projects, maintenance projects, and projects for preservation of existing facilities. Federally mandated airfield safety projects including lighting, signage and markings as well as energy reduction projects such as shifting from incandescent to low energy diode LED are also potential candidates for MCC projects.
R-183-11 3/03/11	Change Order No. 3	The BCC directed the County Mayor or the Mayor's designee to negotiate Change Order No. 3 to Miscellaneous Construction Contract No. MCC-7-05 with Mike Gomez Construction Consulting, Inc. The Change Order increased the contract duration issuance of a successor contract or until no later than September 30th, 2011, and increased the contract amount in an amount not to exceed \$10 million dollars. For a total of \$70,125,000

Previous Contracts with Miami-Dade County

The Office of Capital Improvement's Capital Improvement Information System (CIIS) list MCC-7-05 for Mike Gomez Construction Consulting, Inc. No performance evaluation is provided in the CIIS for this firm by the Miami-Dade Aviation Department.

Pursuant to Small Business Development's firm history report, dated February 2011, shows an extensive amount of contracts awarded to subcontractors under the MCC-7-05 contract.

Additional Information

In response to questions pertaining to whether the BCC has approved extending other MCC contracts similar to the Mike Gomez Construction Consulting contract, the Miami-Dade Aviation Department provided the information below:

- The BCC has approved contract extensions for some MCC contracts for MDAD (see below).
MCC-7-05 Mike Gomez Construction Consulting, Inc.
MCC-6-02 TGSV Enterprises, Inc.
MCC-5-97 Dacra/DMI/MG Joint Venture
MCC-4-93 TGSV/C2M/Sterling Joint Venture
MCC-3-91 Gerrits/Urban Joint Venture
MCC-2-88 CRSS Constructors, Inc.
MCC-1-86 Tatum, Gomez, Smith & Vitale Construction
- The MCC-4-93 contract above was a 4 year term (36 months for work and one year to complete = 4 years). Additionally, the two change orders referenced below extended that contract for 360 days (180 days per change order), essentially adding a year and making this a 5 year contract.
 1. Change Order 1 to MCC-6-02, approved by BCC 4/25/06, R-392-06 extended time 180 days
Change Order 1 to MCC-4-93, approved by BCC 1/23/97, R-92-97 extended time 180 days
 2. Change Order 2 to MCC-4-93, approved by BCC 9/23/97, R-1024-07 extended time another 180 days

On September 12, 2011, the Regional Transportation Committee forwarded the MCC (ITB No. MCC-8-10) award to Munilla Construction Management, LLC d/b/a MCM (MCM), for a term of four years, with up to one additional year to complete all authorized work initiated during the previous four-year term of the Contract, in the maximum contract amount of \$50,125,000. *Legistar 111885 is pending BCC approval.*

Similar to the MCC-7-05 contract, MCM will be able to recommend, solicit and obtain CSBE contract measures for projects.

Prepared by: Michael Amador-Gil

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

Agenda Items: 11(A)3, 11(A)4, and 11(A)5

File Numbers: 111732, 111755 and 111747

Date of Analysis: October 14, 2011

Summary

These resolutions propose the creation of a Charter Review Task Force, setting forth powers and responsibilities and providing for a sunset; however, they differ in the following areas: Membership; Membership selection process; Selection of the Task Force Chair; Staffing requirements; Additional tasks provided for while conducting the review of the Home Rule Charter; Deadline for written recommendations to be submitted to the Board of County Commissioners; Date of Sunset provision; and Intent to place recommendations on a ballot. **(See Attachment A for a side by side comparison of the proposed resolutions.)**

Previous Task Force Composition and Recommendations

On April 24, 2007, through Resolution No. 462-07, the Board of County Commissioners (BCC) created a Charter Review Task Force (Task Force) consisting of 21 members including each County Commissioner and the Mayor, or their respective designees; four (4) members selected by each of the four (4) largest municipalities in Miami-Dade County; and three (3) members selected by the League of Cities representing the smaller cities in Miami-Dade County. The chair was selected by the chair of the BCC.

Prior to the 2007 Task Force, the BCC adopted Ordinance 99-56 on May 25, 1999, creating a Charter Review Task Force consisting of 13 members comprised of each County Commissioner or their designee. A Final Report was presented to the BCC on July 10, 2001. (See Attachment B for additional information regarding the 1999 Task Force recommendations.)

The 2007 Task Force convened for the first meeting on July 9, 2007 and held a total of 20 meetings, including four (4) public hearings, concluding with their last meeting on January 23, 2008. According to the minutes, although the Task Force consisted of 21 members there were typically an average of 14 members present at meetings. The Final Report, including the 18 Task Force recommendations listed below, was presented to the BCC on January 29, 2008.

1. The Public Safety Director should remain an appointed position. However, the Task Force recommended that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that: *the Public Safety Director (i.e. Sheriff, Police Chief) shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Public Safety Director could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed by Task Force: 10-5)*
2. The Supervisor of Elections should remain an appointed position. However, the Task Force recommended that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that: *the Supervisor of Elections shall be appointed by the Mayor for a period of four (4) years, at the expiration*

*of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Supervisor of Elections could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. **(Motion passed by Task Force: 10-5)***

3. The position of Property Appraiser become an elected position. **(Motion passed by Task Force: 12-4)**
4. The Task Force recommends that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that *County Commissioners shall receive a population based salary provided by Florida's Statutory formula (approximately \$91,995); Commissioner's terms in office shall be limited to two, four-year terms; and Commissioners shall be prohibited from having outside employment.* **(Motion passed by Task Force: 14-0)**
5. The Tax Collector remains as an appointed position. **(Motion passed by Task Force: 14-0)**
6. The manner in which the Board of County Commissioners is currently comprised shall remain as is, with 13 single-member Commission Districts. **(Motion passed by Task Force: 14-1)**
7. The County Commission appoint an independent Task Force to prepare and submit a comprehensive plan in 2009 for countywide incorporation, accomplished through annexation and/or incorporation, subject to amendments or changes by two-thirds vote of the County Commission, and that such plan be placed on the ballot for all citizens to vote on at a general election in 2010. **(Motion passed by Task Force: 9-5)**
8. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to *empower future Charter Review Task Forces to place proposed Charter amendments directly on the ballot, if the proposed Charter amendment is approved by a two-thirds vote of the Task Force members present; and to provide that the appointment process for future Task Force members be the same as contained in Sections 1 and 2 of the resolution creating the current Charter Review Task Force, with the exception that the provision allowing Commissioners to appoint themselves to the Task Force be deleted.* **(Motion passed by Task Force: 9-5)**
9. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended *to provide that the time period to collect signatures for proposed Charter amendments and citizens' initiatives be extended to 120 days and that proposed Charter amendments must only be placed on the ballot during a general election.* **(Motion passed by Task Force: 14-0)**
10. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to *require the County Commission to hold a public hearing on any citizen initiated changes to the Home Rule Charter on the date the County Commission sets the election date on the proposed Charter amendment. A public hearing shall also be required for any Charter amendment initiated by the County Commission.* **(Motion passed by Task Force: 14-0)**
11. The electors of Miami-Dade County be asked whether of the Home Rule Charter should be amended to *provide that the County Commission hold a public hearing on the proposed initiative at the time a citizen initiative petition is presented to the County Commission for possible passage or repeal of an ordinance.* **(Motion passed by Task Force: 14-0)**

12. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that *the County Commission shall adopt no resolutions or ordinances regulating the citizen petition procedures as defined in the Home Rule Charter.* **(Motion passed by Task Force: 14-0)**
13. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to reflect that *the certification and petition gathering provisions contained in Article 8 of the Home Rule Charter should also govern citizen initiative petition procedures to amend the Home Rule Charter.* **(Motion passed by Task Force: 14-0)**
14. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that *the Clerk of the Court, rather than the County Commission, approve as to form any citizen initiative petition.* **(Motion passed by Task Force: 14-0)**
15. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that *bid protests shall be heard by hearing officers charged with making final determinations based on findings of facts and conclusions of law; that the appeal process shall be governed by the rules of procedure set forth in State of Florida's Administrative Procedure Act; and that the findings of the hearing officer would be final, subject to appeal by a disappointed bidder to the County Commission solely on an abuse of discretion standard.* **(Motion passed by Task Force: 8-6)**
16. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that *any Comprehensive Development Master Plan application requesting that the Urban Development Boundary (UDB) line be moved must be approved by a vote of at least ¾'s of the County Commissioners then in office; that every five years an independent body shall be constituted to conduct a comprehensive and holistic study as to where the UDB line should be drawn; and that if a change in the location of the UDB line is recommended by such independent body and such change in location is approved by a simple majority vote of County Commissioners present, such recommendations must be submitted for approval by the electorate in the form of a referendum.* **(Motion passed by Task Force: 9-5)**
17. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that *all zoning applications, including variances and setbacks, be heard first by the Community Councils with any appeals from those decisions being heard by hearing officers charged with making final determinations based on findings of fact and conclusions of law, that the appeal process shall be governed by the rules of procedure set forth in the State of Florida's Administrative Procedure Act and that the findings of the hearing officer would be final subject to appeal to the County Commission solely on an abuse of discretion standard.* **(Motion passed by Task Force: 14-0)**
18. That the electors of Miami-Dade County be asked whether Section 9.07 of the Home Rule Charter shall be amended in the following manner **(Motion passed by Task Force: 17-0):**
 - a. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted to the Clerk.
 - b. Amendments to this Charter proposed by initiatory petitions of electors *shall be governed by the following procedure:*
 1. *The person proposing the amendment shall submit to the Clerk a proposed petition, in the form specified in section (2) below, and proposed ballot language, including a title. The Clerk shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.*
 2. *The petition shall be printed in 14-point font and contain the following information: (a) the title and text of the proposed amendment, printed in English, Spanish and Creole; (b) a statement in each petition circulator's own handwriting, setting forth his or her own name,*

both in printed and signature form; (c) the residence address of the circulator; (d) dates between which all the signatures on each individual petition were obtained; and (e) a sworn statement that the circulator personally circulated the petition and witnessed each signature as it was being written.

3. *Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.*
4. *The Board of County Commissioners shall call an election to be held within 60-120 days of the date that a certified petition is presented to the County Commission. Such election shall be called in conjunction with the next scheduled general election.*
- c. *Amendments to this Charter may be proposed by the Board of County Commissioners at any time. Elections on charter amendments proposed by the Board shall be held not less than 60 nor more than 120 days after the Board adopts a resolution proposing any amendment.*
- d. *The result of all elections on charter amendments shall be determined by a majority of the electors voting on the proposed amendment.*
- e. *All current ordinances and resolutions regulating initiative petitions shall be repealed.*

Subsequently, various recommendations have been placed on election ballots. The list below provides the Miami-Dade County Elections results.

November 4, 2008- General Election* Registered Voters: 1,245,138; Ballots Cast: 872,260; Voter Turnout 70.05%	Election Results
<i>*On May 20, 2008, the BCC adopted Ordinance 08-62 providing for the election of the Property Appraiser. The election was held on November 4, 2008 and final results were provided from the run-off election held on December 16, 2008.</i>	
<i>Shall the Charter be amended to transfer the powers, duties and responsibilities of the County Manager to the County Mayor and provide that the County Manager shall assist the Mayor in the administration of county government only to the extent directed by the Mayor?</i>	Yes- 51.78% No- 48.22%
<i>Shall the Charter be amended to provide that County Commissioners shall: Devote full-time service to the office of Commissioner and hold no other employment; and No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually by the county's population (currently approximately \$91,995) used by other Florida counties, including Broward County?</i>	Yes- 48.47% No- 51.53%
<i>Shall the charter be amended to permit candidates for the Office of County Commissioner or Mayor to qualify for office by either submitting a petition signed by specified number of registered voters or paying a qualifying fee?</i>	Yes- 55.67% No- 44.33%
<i>Shall the Charter be amended to provide that the Clerk, not the Board, shall approve initiative petitions proposing passage or repeal of an ordinance as to form and require the County Commission to hold a public hearing on any such petition at the next County Commission meeting, subsequent to the Clerk's approval of the petition?</i>	Yes- 50.94% No- 49.06%
<i>Shall the Charter be amended to provide that the Clerk of the Circuit Court, rather than the Board of County Commissioners, approve citizen initiative petitions as to form?</i>	Yes- 50.74% No- 49.26%
<i>Shall the charter be amended to require that the Board of County Commissioners provide a uniform, countywide system of fire protection and rescue services for all incorporated and unincorporated areas of the County with the exception of the cities of Miami, Miami Beach, Hialeah, Coral Gables and Key Biscayne which may provide for fire and rescue protection services in those cities?</i>	<i>Subsequently removed from ballot.</i>
August 24, 2010- Primary Election Registered Voters: 1,203,633; Ballots Cast: 215,486; Voter Turnout 17.90%	Election Results
<i>Shall the Charter be amended, effective November 2012, to eliminate the office of the County Manager as a charter office which currently assists the Mayor in administering County government?</i>	Yes- 58.29% No- 41.71%
<i>Shall the Miami-Dade County Home Rule Charter be amended to add the provision that no</i>	Yes- 63.72%

<i>municipality shall be abolished without the municipal governing body calling an election and without the approval of a majority of electors at such election to provide that the Board of County Commissioners may by ordinance abolish municipalities with twenty or fewer electors?</i>	No- 36.28%
<i>Shall the Charter be amended to make it consistent with the practice of all Florida Charter Counties by allowing the Board of County Commissioners to grant a franchise or amend a franchise agreement upon approval by a 2/3 vote of board members present without requiring subsequent approval by a majority of the electorate as is currently provided in the Charter?</i>	Yes- 33.31% No- 66.69%
November 2, 2010-General Election Registered Voters: 1,208,073; Ballots Cast: 499,853; Voter Turnout 41.38%	Election Results
<i>Shall the Charter be amended to allow the County Commissioners to communicate with and ask questions of the County administrative services to assist with the performance of their duties as County Commissioners by removing the Charter requirement that Commissioners shall deal with the administrative service solely through the County Mayor or his or her designee?</i>	Yes- 62.90% No- 37.10%
May 24, 2011- Special Election Registered Voters: 1,218,291; Ballots Cast: 194,467; Voter Turnout 15.96%	Election Results
<i>Shall the Charter be amended to provide that County Commissioners shall: Devote full-time service to the Office of County Commission and hold no other employment; No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually by the County's population (currently approximately \$92,097); and Serve no more than three consecutive four-year terms in office excluding all terms prior to 2012?</i>	Yes- 29.01% No- 70.99%
<i>Shall the Charter be amended to provide that elected County Charter Officers shall be prohibited from lobbying the County for compensation for a period of two (2) years after leaving office?</i>	Yes- 50.02% No- 49.98%
<i>Shall the Charter be amended to provide for creation of a Charter Review Task Force who shall meet on presidential election years to propose Charter revisions; to prohibit elected County Charter Officer from serving as a member of the task force; and to submit those revisions approved by two-thirds majority of the task force directly to the electorate on the same ballot as the presidential elections?</i>	Yes- 39.67% No- 60.33%
<i>Shall the Charter be amended to create the Office of the Inspector General who shall be independent and shall, at a minimum, be empowered to perform investigations, audits, reviews and oversight of County contracts, programs, projects, abuse, waste and mismanagement as well as County funded contracts, programs and projects and provide Inspector General services to other governmental entities with such office's appointment, term, powers, duties and responsibilities to be further established by ordinance?</i>	Yes- 47.67% No- 52.33%
<i>Shall the Charter be amended to undo the "Strong Mayor" form of government approved by the voters in 2007 by returning the powers and responsibilities of administering County government from a "Strong Mayor" to an appointed County Manager who may be removed by the Commission or the Mayor with Commission approval?</i>	Yes- 36.62% No- 63.38%
<i>Shall the Charter be amended to provide that petitions for charter amendment, initiative, referendum and recall shall no longer require a sworn affidavit of a circulator and shall instead only require the name and address of a circulator?</i>	Yes- 28.99% No- 71.01%

Additional Election Information

Attachment C- Charter Amendments specific to Mayor and Commission Salary Amendments

Prepared by: Bia Marsellos & Elizabeth N. Owens

Proposed Resolutions Creating a Charter Review Task Force Board of County Commissioners (BCC) - Item Nos. 11A3, 11A4, 11A5				
Subject Area	2007 Charter Review Task Force (R-462-07)	11A3 Commissioner Jose "Pepe" Diaz	11A4 Commissioner Sally A. Heyman	11A5 Chairman Joe A. Martinez; Co-Sponsor: Commissioner Bruno A. Barreiro
# of Members	21	14	20	21
Membership Selection Process	<ul style="list-style-type: none"> Each Commissioner or their respective designee (13 members); The Mayor or his respective designee (1 member); Each of the 4 largest cities in Miami-Dade County selects a member (4 members); and The League of Cities selects 3 representing the smaller cities in Miami-Dade County (3 members). 	<ul style="list-style-type: none"> Each Commissioner nominates 2 people from which the BCC will select 9 members; The Mayor may nominate 5 people from which the BCC will select 2 members; and The League of Cities may nominate 5 people from which the BCC will select 3 members. 	<ul style="list-style-type: none"> Each Commissioner appoints a member totaling 13 members; The Mayor appoints 1 member; Each of the 4 largest cities in Miami-Dade County appoints a member totaling 4 members; and The League of Cities appoints 2 representing the smaller cities in Miami-Dade County. 	<ul style="list-style-type: none"> Each Commissioner or their respective designee (13 members); The Mayor or his respective designee (1 member); Each of the 4 largest cities in Miami-Dade County selects a member (4 members); and The League of Cities selects 3 representing the smaller cities in Miami-Dade County (3 members).
Task Force Chair	Selected by the Chair of the BCC.	Selected by the BCC.	Selected by the members of the Task Force.	Selected by the Chair of the BCC.
Composition	The Task Force will reflect racial, ethnic, and gender balance and diversity.	<p>Registered voters in Miami-Dade County meeting one or more of the following qualifications: Attorneys with government experience; law professors; professors of public administration; CEO from industries designated as Miami-Dade Cluster Industries by the Beacon Council; CEO from non-governmental organizations; or civic minded individuals knowledgeable with issues affecting Miami-Dade County.</p> <p>Current elected officials, Miami-Dade County employees and persons registered as lobbyists in Miami-Dade County, or have lobbied Miami-Dade County in the preceding year, are not eligible to serve on the Task Force.</p>	The Task Force will reflect racial, ethnic, and gender balance and diversity.	The Task Force will reflect racial, ethnic, and gender balance and diversity.
Staffing of the	The County Manager, County Attorney,	The County Mayor or the County	The County Mayor or the County	The County Mayor or the County

Attachment A

Task Force	and the County Clerk.	Mayor's designee, the County Attorney, and the County Clerk and all travel expenses for invited speakers will be reimbursed from general funds subject to the requirements of State Law.	Mayor's designee, the County Attorney, and the County Clerk.	Mayor's designee, the County Attorney, and the County Clerk.
Duties and Responsibility	The Task Force will review the Home Rule Charter of Miami-Dade County in its entirety and will prepare and submit written recommendations setting forth any proposed amendments or revisions to the Charter.	The Task Force will review the Home Rule Charter of Miami-Dade County in its entirety and will prepare and submit written recommendations setting forth any proposed amendments or revisions to the Charter.	The Task Force will review the Home Rule Charter of Miami-Dade County in its entirety and will prepare and submit written recommendations setting forth any proposed amendments or revisions to the Charter.	The Task Force will review the Home Rule Charter of Miami-Dade County in its entirety and will prepare and submit written recommendations setting forth any proposed amendments or revisions to the Charter.
Additional Tasks in Conducting the Review of the Home Rule Charter	<ul style="list-style-type: none"> • Study the Final Report of the last Charter Review Task Force; • Invite knowledgeable members of the community to appear and make recommendations; and • Conduct public hearings at various stages in the review process. 	<ul style="list-style-type: none"> • Invite experts from the National Civic League to assist in the review of, and provide recommendations for amendments and improvements to the Home Rule Charter; • Study municipal charters of similarly sized local governments to identify effective charter structures and provisions; • Conduct public hearings at various stages in the review process; and • Specifically address potential amendments to the Charter regarding term limits for County Commissioners, the composition of the Board including the potential for at-large or regional Board members, salary of Commissioners and the Mayor, creation of a Charter office of inspector general, percentage of electors required to initiate a recall for district and county-wide officers, and a comprehensive succession of power for vacant charter office. 	<ul style="list-style-type: none"> • Study the Final Report of the last Charter Review Task Force; • Invite knowledgeable members of the community to appear and make recommendations; • Conduct public hearings at various stages in the review process; and • Conduct regional public meetings to convey recommendations of the Task Force and receive any additional comments from the public prior to submission of a report to the BCC recommending charter amendment proposals. 	<ul style="list-style-type: none"> • Study the Final Report of the last Charter Review Task Force; • Invite knowledgeable members of the community to appear and make recommendations; and • Conduct public hearings at various stages in the review process.
Deadline for	Submitted within 180 days of the	Submitted within 180 days of the	Submitted no later than 120 days of	Submitted within 180 days of the

Attachment A

Written Recommendations to BCC	effective date of this resolution.	effective date of this resolution.	the effective date of this resolution, provided, however that nothing herein prohibits the Task Force from providing a report or reports to the Board prior to such time.	effective date of this resolution.
Sunset Provision	Does not address a sunset provision.	On the 320 th day from the effective date of this resolution.	On the 364 th day from the effective date of this resolution.	On the 320 th day from the effective date of this resolution.
Ballot Placement	Does not address ballot placement.	All matters approved by a 2/3's vote of the Task Force members will be placed on the Presidential election ballot in 2012 along with any other Charter Review Task Force recommendation the Board deems in the best interest of the residents of Miami-Dade County.	Any item approved by at least 2/3's of the membership of the Task Force will be placed on the ballot at the next available countywide election.	Does not address ballot placement.

**1999 Charter Review Task Force Recommendations
Final Report – July 10, 2001**

On May 25, 1999, under Ordinance 99-56, the Board of County Commissioners (BCC) created a Charter Review Task Force consisting of 13 members comprised of each County Commissioner or his or her designee. The following are the recommendations, broken down by categories, from the final report presented to the BCC on July 10, 2001:

Board of County Commissioners

- A provision be included in the Charter requiring that Commission ordinance, the Board be required to hold a meeting regarding redistricting and reapportionment, similar to the standards for state and federal legislatures.
- The provision for Commission salaries be removed from the Charter and that the Commission salaries be determined pursuant to state law.
- The Charter be revised to remove the Board's ability to appoint new members in favor of a special election to be held within 90-120 days of a vacancy. A special election should not be required if a general countywide election will occur within 180 days of a vacancy.
- The Commission should be permitted to establish its own rules of procedures, including the ability to organize itself and select a Chairperson and Vice Chairperson, and to establish Commission Committees. These Actions should not be subject to Mayoral veto. If the Board establishes Commission Committees, the Task Force also recommends that certain public hearings should by ordinance be permitted to be before either the Committees or the full Board.

Office of the Mayor

- In the absence of a Mayor, the Chairperson of the Commission should be appointed as Acting Mayor until a new Mayor is selected by special election and the Vice-Chairperson of the Commission should be appointed as the interim Chairperson. The recommended process continues with a special election to be held within 90-120 days to fill the vacancy. If the Acting Mayor chooses to run for Mayor, he or she would relinquish his or her position as Chairperson of the Commission and a special election would be held for that Commission seat on the same date as the Mayor special election. Should the Acting Mayor choose not to run for Mayor, he or she would return to the position of Chairperson once a new Mayor has been elected.
- The provisions regarding the Mayor's responsibilities be amended to require the Mayor's budget message be more priority setting in nature and occur in March, earlier in the budget process. Between June 1 and July 15, the County Manager should present the proposed budget. The Mayor's response to this proposed budget should be presented by the end of July, before the Board adopts the tentative millage rates.
- The Mayor's veto power should be limited to ordinances dealing with general legislation and appropriation of funds and not be extended to resolutions dealing with rules and procedures of the Board or to quasi-judicial or zoning matters. The line-item veto with respect to budget ordinances should be retained.

County Manager

- The provision of regarding the appointment of the Finance Director be amended to include the Clerk of the Courts in that appointment, as the Clerk has fiduciary responsibility per state statute.

- Amendment to the Charter provision adding language regarding the procurement of supplies, materials, and services other than professional: “Notwithstanding any other provision of this Charter, neither the Mayor nor any Commissioner nor any of their staff shall communicate with: a) the selection committee or appointed board; or b) the bidder or proposer or any representative of any bidder or proposer, regarding the solicitation, evaluation, negotiation, protest or award of any bid, RFP, or RFQ other than a public meeting of the Board or in writing.”
- Language should be added to the Charter indicating that County Manager or staff members’ participation in violation of the section of the Charter relating to these safeguards by elected officials is ground for removal of the County Manager or the staff member.
- Language should be added that permits County Commissioner inquiries of the administration regarding constituent services.

Municipalities and Incorporation

- Allow the Board to create limited purpose units of government, which would be dependent to the Board of County Commissioners, subject to an affirmative vote of area residents. The units would be provided with limited municipal taxing authority, certain municipal-type powers, the ability to fund and/or provide an enhanced level of service and be retrained from providing services already provided by the County (such as police, fire, library and solid waste collection).

Elections, Initiatives, Referendum and Recall

- Include the Mayor in the list of offices subject to recall.
- The number of signatures required for recall be increased to 5% for countywide offices and 10% for district elected offices.
- Initiative petitions submitted with signatures of at least 5% of registered voters would be placed on the ballot of the next general election while the Board would have the option to schedule a special election for initiative petitions with the signatures of at least 10% of registered voters.
- Allow initiatory petitions for Charter amendments for which signatures of 10% of registered voters have been gathered to be accepted at any time and scheduled for a special election, unless submitted during a predetermined period prior to a general election.
- County elections to be held in September with runoffs, if necessary in November, at the time of the general election.

Administrative Organization and Other Issues

- The position of the Inspector General to be included in the Charter.
- The Inspector General be authorized to perform audits and that the jurisdiction of the Inspector General be extended to include other governmental entities in the County by interlocal agreement.
- The provision regarding the Ethics Commission be amended to remove the requirement that the Commission be made up of five members, in favor of establishing the number of members by Board ordinance.
- Revise language to allow non-district funding sources for special district purposes that are regional in scope.
- The referendum requirement for the creation of franchises be removed from the Charter.

Technical Changes

- Include removing language and references to board and departments that are no longer in existence, and other housekeeping amendments.

MAYOR AND COMMISSION SALARY AMENDMENTS

Attachment C

<u>DATE</u>	<u>CHARTER AMENDMENT</u>	<u>RESULTS</u>		
10/17/61 Special Charter Amendment Election	Shall the Home Rule Charter of Government for Dade County, Florida be amended by adoption of an amended Charter, which limits and redefines the powers of the County Commission, reduces the number of County Commissioners to five, fixes Commissioner's salaries at \$15,000 per annum, provides such revised Charter shall become effective immediately upon adoption, prescribes method by which such revised Charter may be abolished and contains other provisions as set forth in the initiatory petitions on file with Clerk of the County Commission.	For:	97,170	48%
		Against:	<u>105,097</u>	52%
		Total:	202,267	
11/5/63 Special Constitutional Charter and Bond Election	Amendment to Section 1.06 of The Home Rule Charter to provide a salary of \$15,000 for the Mayor and a salary of \$10,000 for other County Commissioners.	For:	47,010	38%
		Against:	<u>76,645</u>	62%
		Total:	123,655	
11/07/67 Special Charter Amendment Election	Whether Section 1.06 of the Home Rule Charter shall be amended to provide that after June 10, 1968, each member of the Board of County Commissioners shall receive, in addition to the \$6,000 annual salary, \$50 for each day's attendance at official board meetings, such per diem payments not to exceed \$9,000 annually for each member of the Commission?	For:	17,034	36%
		Against:	<u>46,248</u>	64%
		Total:	63,282	
3/14/72 Presidential Preference Primary	A Full Time Strong Mayor with a minimum salary of \$40,000, a Full Time Vice-Mayor with a salary of \$12,000, a Chairman of the Board of County Commissioners with a salary of \$14,000 and Commissioners with a Salary of \$10,000.	For:	66,998	32%
		Against:	<u>144,274</u>	68%
		Total:	211,272	
3/9/76 Presidential Preference Primary	Shall the Charter be amended to provide annual salaries for the Mayor and County Commissioners, in accordance with State Law instead of \$6,000 per year?	For:	43,706	17%
		Against:	<u>206,693</u>	83%
		Total:	250,399	
3/11/80 Presidential Preference Primary	Shall Section 1.06 of the Home Rule Charter be amended to provide that the Mayor and County Commissioners receive a salary of \$12,000 per year instead of the current \$6,000 per year?	For:	68,029	38%
		Against:	<u>113,171</u>	62%
		Total:	181,200	
5/8/90 Special Election	Shall the Charter be revised to – Increase Commission salaries to statutory amount for non-charter county commissioners (currently approximately \$51,600)?	For:	22,867	22%
		Against:	<u>82,214</u>	78%
		Total:	105,081	

<u>DATE</u>	<u>CHARTER AMENDMENT</u>	<u>RESULTS</u>
9/10/02 Primary Election	Shall the Charter be amended so that county commissioners no longer receive the \$6,000 annual salary established in 1957, and they commence receiving as of the effective date of this amendment, the salary provided by a state formula based on population used by other Florida counties, including Broward County (currently approximately \$80,500)?	For: 121,997 45% Against: <u>147,891</u> 55% Total: 269,888
8/31/04 Primary Election	Miami-Dade Home Rule Charter Amendments Relating to Salaries and Terms of County Commissioners. <ul style="list-style-type: none"> - In an effort to encourage more persons who are dedicated to good government to run for office, shall County Commissioners no longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by a State statutory formula based on population used by other Florida counties, including Broward County (currently approximately \$84,213), and - Commencing with the election of County Commissioners in 2006, shall Commissioners be limited to four consecutive four-year terms? 	For: 125,634 49% Against: <u>131,162</u> 51% Total: 256,796
9/5/06 Primary Election	Miami-Dade Home Rule Charter Amendment Relating to Salary of County Commissioners Shall the Charter be amended to provide that County Commissioners no longer receive the \$6,000 annual salary established in 1957, but shall receive instead the population based salary provided by State statutory formula (currently approximately \$88,919) and used by other Florida counties, including Broward County?	For: 65,150 42% Against: <u>90,424</u> 58% Total: 155,574
11/4/08 General Election	Home Rule Charter Amendment Relating to Salaries and Service of County Commissioners Shall the Charter be amended to provide that county Commissioners shall: <ul style="list-style-type: none"> • Devote full-time service to the office of Commissioner and hold no other employment; and • No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually by the county's population (currently approximately \$91, 995), used by other Florida counties, including Broward County? 	For: 336,273 48% Against: <u>357,515</u> 52% Total: 693,788