



Charter Review Task Force Meeting

Wednesday, January 9, 2008

10:00 am

Main Library Auditorium, 1st Floor

101 West Flagler Street

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes
 - A. Approval of November 28, 2007 meeting minutes
 - B. Approval of December 12, 2007 meeting minutes
4. Old Business
 - A. Discussion of Issue 7 - Study of Balance of Power between Mayor & Board of County Commissioners
 - Review Functions of Mayor vs. County Manager
 - Review Powers of Commission Auditor & Legislative Analysis
 - Review of Procurement Authority
 - Review of Budget Process
 - Review of Zoning Authority
5. New Business
 - A. Discussion of Workshop and Public Hearing on January 16, 2008
 - B. Discussion of Draft Final Report – January 29, 2008
6. Adjournment – Next Meeting: Thursday, January 17, 2008
10:00 am
Stephen P. Clark Government Center
111 NW 1st Street
Conference Rooms 18-3 & 18-4

**Charter Review Task Force
January 9, 2008**

AGENDA PACKAGE

Please be reminded that discussions among or between members regarding matters which might be considered by the Task Force must be held in accordance with the requirements of the Sunshine Law. Therefore, please reserve any discussion with Task Force members regarding information in your agenda packet and other Task Force topics, until the Task Force meets.

3-A



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Charter Review Task Force

Board of County Commissioners
Vizcaya Village “Garage”
3250 South Miami Avenue

Wednesday, November 28, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
(305) 375-1967



CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
NOVEMBER 28, 2007

The Charter Review Task Force convened in a meeting on November 28, 2007, at 10:00 a.m. on the Vizcaya Village “Garage”, 3250 South Miami Avenue. The following members were present: Chairman Victor M. Diaz, Jr. and members David Dermer, former Mayor of the City of Miami Beach; Carlos Diaz-Padron, former Mayor of the City of West Miami; Maurice Ferre, former Mayor of the City of Miami; City of Miami Gardens Mayor Shirley Gibson; Commissioner Carlos Gimenez; Mr. Robert A. Ginsburg; Mr. Murray Greenberg; Ms. Elizabeth Hernandez; Mr. Robert Holland; Mr. Francois Illas; Mr. Richard Kuper; Mr. Jorge Luis Lopez; and Mr. Ignacio Vazquez; (Ms. Lynn Dannheiser; Mr. Miguel De Grandy; Mr. Larry Handfield; Mr. John Hogan; Raul L. Martinez, former Mayor of the City of Hialeah; Mr. H. T. Smith and Ms. Soler-McKinley were absent).

1. Call to Order

Chairman Diaz called the meeting to order at 10:21 a.m.

2. Roll Call

The following staff members were present: County Manager George Burgess; Assistant County Manager Susanne M. Torriente; Assistant County Attorneys Cynthia Johnson-Stacks, Oren Rosenthal and Monica Rizo; Assistant to the County Manager Maggie Fernandez; Ms. Jennifer Glazer-Moon, Director, Office of Strategic Business Management; and Deputy Clerks Doris Dickens and Judy Marsh.

3. Approval of Minutes

A. Record of Statements of the November 15, 2007 Workshop

B. Review of Draft Motions of November 20, 2007 Task Force Meeting

Chairman Diaz noted completed minutes of the November 20, 2007 Task Force meeting were not yet available; however, a record of the votes taken at that meeting were included in today’s agenda package.

4. Old Business

A. Discussion of Issue 6 – Study of Initiative, Referendum, Petition & Recall

- County Attorney's Office Legal Opinion (oral report)

Chairman Diaz noted today's meeting would begin with discussion on the following motion made by Mayor Ferre on November 20, 2007 regarding Issue 6 – Study of Initiative, Referendum, Petition & Recall:

It was moved by Mayor Ferre that the Task Force recommend that amendments to the Charter may be proposed by petition of electors numbering not less than ten (10%) percent of the total number of electors in Miami-Dade County; that the time period to collect valid signatures be extended to 120 days in lieu of 60 days, provided that five (5%) percent of the total number of required signatures be collected in 60 days, followed by a public hearing; and that 60 days following the public hearing, the petitioner gathers the remaining five percent of required signatures; and that a valid petition be placed on the ballot for the next general election. This motion was seconded by Mr. Hogan.

Assistant County Attorney Oren Rosenthal noted as instructed at the November 20, 2007 Task Force meeting, he had reviewed the legal implications of Mr. De Grandy's proposed amendment on Mayor Ferre's motion that this Task Force recommend to the County Commission that a source document that specifically states the nature of the ballot question and its intent be attached when a petitioner submits a petition to amend the Charter or that a redlined Charter be attached to the petition.

Assistant County Attorney Rosenthal explained that adding Mr. De Grandy's proposed amendment as a specific requirement within the Charter would crystallize the issues that were before the voters and potentially before the Courts and to make it easier for people to successfully challenge an initiatory petition.

Mr. Lopez questioned whether the strong mayor initiative had a different text that was ultimately implemented.

In response to Mr. Lopez' inquiry, Chairman Diaz noted there was a change in what was initially attached to the petition and what was ultimately attached to the County Commission's memorandum calling for a special election on the strong mayor proposal. He noted the attachment to the County Commission's memorandum was what was implemented.

Mr. Ginsburg noted he was opposed to the main motion and Mr. De Grandy's proposed amendment. He said imposing more requirements meant more citizens groups would not be able to meet those requirements. Mr. Ginsburg noted he supported extending the time period to

collect signatures to 120 days, in lieu of 60 days, and he also supported the proposal to place the petition on the ballot for the general election.

Mr. Greenberg noted it might not be feasible to impose more obstacles on the citizens. He pointed out that whenever the Charter was finally written it must be in legal form, and the language in the petition needed to be reviewed and at some point, the petition needed to be reviewed by the County Commission. Mr. Greenberg said he felt that to require the petition to be legal and in final form before collecting the signatures, presented one more obstacle for the petitioners. He noted he felt the bifurcation would prolong the process of people trying to effectuate change. Mr. Greenberg noted if the petition was placed on the general election ballot, it could take another two years before anything was done.

Following Mr. Ginsburg's and Mr. Greenberg's comments, Mayor Ferre stated that Mr. De Grandy's proposed amendment was unacceptable.

Mayor Ferre noted the Task Force members appeared to have reached a consensus on the 120 days and on placing the petition on the general election. He explained the reason for the bifurcation and asked that the public hearing and the second process must begin within 30 days after the public hearing.

Mr. Greenberg noted the concern was that 120 days would now include a 30-day gap, making it 150 days.

It was moved by Mayor Ferre that the Task Force recommend to the County Commission that the certification of signatures and public hearing occur within 30 days. This motion was seconded by Ms. Hernandez.

Mayor Ferre noted, in light of the County Manager's concerns regarding the time, he would offer an alternate motion.

It was then moved by Mayor Ferre that the time period for collection of valid signatures be extended to 120 days without the bifurcation; that the required ten (10%) percent of signatures for a Charter amendment be gathered; and that any proposed Charter amendments must be placed on the ballot for a general election. This motion was seconded by Commissioner Gimenez.

Following discussion on the public hearing process, it was moved by Mayor Ferre that once the petition was approved as to form, the County Commission must hold a public hearing on the proposed petition pursuant to the Charter requirement, and after the public hearing the petitioners

would have 120 days to gather the required signatures before the question was placed on the ballot for the general election. This motion was seconded by Ms. Hernandez.

Mr. Lopez suggested the Task Force discuss the new Florida law as it pertains to the “opt out” provision.

Commissioner Gimenez spoke in support of the proposal to extend the period to collect signatures to 120 days and to place the petition on the ballot for the general election.

Chairman Diaz concurred with the intent of Mayor Ferre’s motion. He noted although he understood that the County Commission might not be receptive to the proposed citizen initiative, he would like to see all Charter questions guided by the kind of discussion that had occurred among members of this Task Force.

Mayor Dermer noted the initiative process was the last method people had to fight a hostile government and to require anything other than a ministerial task of the County Commission after the signatures were certified was not good for the process.

Pursuant to the members’ comments, Mayor Ferre requested the foregoing motion be bifurcated in order to vote separately on the public hearing requirement.

The Task Force voted on the foregoing motion made by Mayor Ferre and seconded by Ms. Hernandez, which recommended that the time period in the Charter to collect signatures for proposed Charter amendments be expanded to 120 days and that Charter amendments must be placed on the general election. This motion, upon being put to a vote, passed by a vote of 14-0, (Mayor Martinez, Mr. Smith, Ms. Soler-McKinley, Ms. Dannheiser, Mr. De Grandy, Mr. Handfield and Mr. Hogan were absent).

It was moved by Mayor Ferre that with regard to Charter changes, the public hearing be held on the day the County Commission approved the petition as to form. This motion was seconded by Mr. Lopez.

Mayor Ferre and Mr. Lopez accepted a friendly amendment proposed by Mayor Dermer that the ministerial act of certifying the petition be done at a public hearing.

Commissioner Gimenez asked that the issues be placed as two separate questions on the ballot.

Upon being put to a vote, the foregoing motion passed by a vote of 14-0, (Mayor Martinez, Mr. Smith, Ms. Soler-McKinley, Ms. Dannheiser, Mr. De Grandy, Mr. Handfield and Mr. Hogan were absent).

Chairman Diaz called for additional amendments to the Charter.

In response to Mr. Lopez, Chairman Diaz said a motion was adopted by the Task Force on November 20, 2007 that recommend to the County Commission that the provision of the Charter that addresses the need for periodic Charter review be amended to provide that the Charter Review Task Force, once appointed by the County Commission, will have the power to put recommendations directly on the ballot, unless vetoed by a 2/3 super majority vote of the County Commission.

Discussion ensued among the Task Force members regarding the foregoing motion made on November 20th.

Mr. Greenberg said currently, the County Commission controls a majority of the appointments and if this Task Force wanted a future task force to have the ability to place recommendations directly on the ballot, the Task Force members might wish to consider the appointment of the members.

Chairman Diaz said he felt it was worth considering empowering the Charter Review process. He noted he was not sure the Task Force should include in the Charter the composition of the Charter Review in perpetuity; however, he felt clarification regarding the number of members appointed by the County Commission and the number of members appointed by outside groups would be appropriate. Chairman Diaz said he felt the super majority requirement would place checks and balances on the Commission.

Mayor Diaz-Padron noted that to empower a non-elected board with that kind of authority may not be well received, particularly when they had not been through the scrutiny of an election.

In response to Mayor Diaz-Padron, Mr. Greenberg said the Task Force appointees would not be given the power to change the County Commission. He noted this was done by the State Constitutional Revision Committee and in Broward County. Mr. Greenberg said although the Commission had significant input, it did not necessarily control where the thought originated from and he suggested a structure be established so that some people would not be beholden to the Commission.

Responding to Mr. Illas' inquiry whether the minutes of the November 20th meeting were amended, Chairman Diaz noted the minutes were not completed; however, the issue regarding the County Commission's veto power was discussed.

Mr. Illas said the current process allowed for those involved in government to have input on the appointment to County boards and brought people from different aspects. By engendering this he noted, a mix was achieved, but it was still in the hands of those who made the appointments.

Ms. Hernandez said the Task Force was charged with looking at the issues and she would hate to see this process change. She noted the responsibility remained with the County Commission.

Mr. Lopez said there were other ways by which the County Commission made appointments and he recommended the Task Force members bring back ideas at the next meeting on how to enhance this issue.

Mr. Holland suggested placing a limitation on the number of items emanating from the Task Force that could be placed directly on a ballot.

Commissioner Gimenez agreed with Mr. Lopez and noted he would like this issue discussed at the next meeting. He requested information on the composition of the State Revenue and Taxation Committee, which had the authority to place items directly on the State Constitutional Ballot without approval of the Legislature. Commissioner Gimenez said he felt it would be the legacy of this Task Force to leave behind a structure for the composition of future Charter Review Task Forces.

Mayor Ferre said the primary objective of the Task Force was to recommend to the County Commission, issues that should be placed on the ballot for approval/rejection by the electors. He noted he was not opposed to having a super majority vote or participation from the various municipalities.

Chairman Diaz noted the discussion regarding this issue would carry over to the December 12, 2007 Task Force meeting. He noted it was important to define the selection of a body that would be empowered with authority, and the check and balance on the power of that body and whether the check and balance shall lie in the Mayor and the County Commission or whether the check and balance should be in a higher voting requirement of the body. Chairman Diaz said he was hopeful the Task Force would not lose the sense of consensus and empowerment by getting bogged down by the issue of whether they were insulting or bypassing the elected officials. He noted the Charter was a grant of authority to the people of Miami-Dade County, and the Task Force was seeking to empower the people to have more meaningful opportunities to vote. Chairman Diaz agreed that there should be an appropriate role for elected officials in the Charter

Review process. He suggested the members consider the role of the Commission in the selection of the members and the possibility of elected officials having a super majority veto power.

Discussion ensued among the Task Force members regarding Mayor Dermer's concern that the ordinances adopted by the County Commission regarding initiative, referendum, and recall infringed on freedom of speech for those advocating citizen initiatives and were in conflict with the Charter.

In response to Chairman Diaz' inquiry, Mr. Greenberg noted a Charter amendment could be made that would clarify the County Commission's role. He said there was a difference between being in conflict with a Charter provision and implementing a Charter provision. Over the years, the County Attorney's Office felt the County Commission had the power to enact ordinances to implement Charter provisions, but did not have the power to adopt ordinances that were in conflict with the Charter, Mr. Greenberg noted. He also noted he approved the ordinances for legal sufficiency during his tenure as County Attorney because he believed those ordinances were implementing a Charter provision.

Mr. Ginsburg noted the real question was whether the Task Force wanted to propose a Charter amendment stating that the County Commission could not adopt any ordinances relating to this issue.

It was moved by Mayor Dermer that the Task Force recommend that the County Commission shall not pass any legislation with respect to initiative, referendum, and recall; and the Charter should be the sole governing body. This motion was seconded by Ms. Hernandez.

In response to Commissioner Gimenez' comments that he would be more comfortable if the motion was to the effect that the petition gathering or initiative process would follow State law, Mr. Ginsburg said currently this was not addressed in State law.

Chairman Diaz noted if it was the consensus of the Task Force that the power of the County Commission be eliminated by enacting implementing legislation and diluting the initiative and referendum process, then a subsequent motion implementing State law could be made at the next Task Force meeting.

Commissioner Gimenez agreed with Mayor Dermer's comments regarding the petition process; however, he noted there were some abuses that needed to be looked at.

Chairman Diaz noted the Charter describes the initiative process and if the Task Force felt there were problems or wanted to empower citizen initiatives this was the forum and now was the time to do so. He noted he was willing to discuss this further at the next Task Force meeting;

however, this was an important section of the Charter as it explained how County government could be changed.

Commissioner Gimenez noted the State guidelines should be followed as Miami-Dade County was a subdivision of the State.

Chairman Diaz noted further discussion on the foregoing issue was deferred.

Chairman Diaz referenced a motion that passed unanimously regarding expanding the timeframe for citizens to amend the Charter. He noted the 60-day time limit was also in Article 8, Section 8.01(2) of the Charter, and it was the shortest time period of any jurisdiction that the Task Force studied. Chairman Diaz asked whether the Task Force members were comfortable leaving it at 60 days.

Mr. Ginsburg noted he would not support a motion to change the 60-day timeframe for citizens to amend the Charter.

It was moved by Mr. Ginsburg that the word “form” in Section 8.01(1) of Article 8 of the Charter be changed to “legality” as a petition could be in appropriate form but be illegal. This motion was seconded by Mayor Gibson.

Discussion ensued on the foregoing motion.

Ms. Hernandez agreed with Mr. Ginsburg noting that the County Attorney was the person who had to make that decision.

Chairman Diaz spoke in opposition to the foregoing motion. He noted he felt the intent of the motion was right but he did not wish to insert the County Attorney’s Office in a legal role of gatekeeper on whether a petition could go forward or not. Chairman Diaz said regardless of the County Attorney’s opinion, ultimately the gatekeeper’s role on the legality of a petition was the Court of law and including this within the Charter would not eliminate the ability of someone to go to Court and challenge the County Attorney’s opinion. He noted he did not wish this to be an additional infringement on the public’s right to petition through initiative and referendum.

Mr. Greenberg said the Court was the ultimate arbiter; not the ultimate gatekeeper and the law was clear that unless a provision was unconstitutional, it should be allowed to go forward.

Mr. Vazquez noted he felt that legal sufficiency was better than form because the County Attorney's Office would evaluate the question based on previous case law.

Commissioner Gimenez spoke in opposition to the foregoing motion. He noted the County Attorney's Office could not be the arbiter of what was legal and someone outside County government needed to determine if it was legal.

Mr. Lopez spoke in support of the motion. He noted the County Commission could not adopt ordinances without having legal sufficiency and he felt the public should have the same standard and consistency. Mr. Lopez said people's initiatives and thoughts should be structured and the electorate should be held to the same standard as the Commission on legality.

Mr. Illas noted the government needed to be restricted on its exercise of power while the public should have full exercise of power.

Chairman Diaz concurred with Mr. Illas' comments. He noted he would not shackle the people's basic rights to petition what they did not like about their government.

Mr. Lopez noted the proposed amendment was a clarification which provided a legal vehicle for people to petition their government.

Commissioner Gimenez disagreed with Mr. Lopez and noted he would vote against the motion. He noted when the County Attorney placed an item before the County Commission he could be held accountable by the Commission and therefore the County Attorney had a stake in the game.

Ms. Hernandez noted the County Attorney worked for the County Commission but she did not believe the County Attorney could act illegally as there was a higher body.

Mr. Ginsburg noted previously in his role as county attorney when an initiative petition came before the County Commission he did not represent the Commission at that time, but the people who were exercising their Charter rights to prepare an ordinance. Mr. Ginsburg said if the Task Force was afraid of interfering with the public's right to initiative it should take the County Commission out of the approval as to form. He noted the need to review it as to form because it established the starting date for collecting signatures and in his opinion, the ability to ensure that what was adopted by the County Commission was a valid County ordinance.

It was moved by Ms. Hernandez that the foregoing motion be tabled. This motion was seconded by Commissioner Gimenez and upon being put to a vote, passed unanimously by those members present.

Chairman Diaz noted he had received numerous requests for further public hearings and he inquired whether the Task Force members wished to conduct additional public hearings between now and January 29, 2008, on prior recommendations or to solicit additional public comments on the remaining issues.

It was moved by Mr. Illas that one final public hearing be held at which written recommendations would be made available for public consideration prior to final presentation of the Task Force's recommendations and that the public hearing be held at one centralized location with interactive technology. This motion was seconded by Ms. Fernandez, and upon being put to a vote, passed by those members present (Mr. Ginsburg and Mr. Vazquez voted "no").

Chairman Diaz noted information regarding the public hearing would be posted on the Task Force's Website.

B. Prioritization of Pending Issues of Study

Chairman Diaz noted at the last meeting the Task Force members voted to reprioritize Issues 7 through 15. He asked that Task Force members reprioritize pending study issues, starting with Issue 8 and provide staff with their responses during the course of today's (11/28) meeting. Chairman Diaz said Issue 15 was governed by State Law. He noted staff would count the votes from the responses received and circulate an email to Task Force members indicating the order in which the issues would be considered at the remaining meetings.

C. Discussion on Sheriff's Powers & Department of Corrections

Chairman Diaz noted in some counties the Sheriff exercised control over the Department of Corrections. He noted prior to presentation of the Task Force's recommendations regarding the Public Safety Director, the County Attorney's Office requested clarification on whether it was the Task Force's intent to extend its recommendation to include the Department of Corrections.

Assistant County Attorney Cynthia Johnson-Stacks noted in trying to draft the questions, staff realized that this issue should be brought to the Task Force for clarification. She noted after researching State law, staff concluded there was no legal requirement that Corrections functions or Fire Rescue functions be included within the definition of the Police Department. Ms. Johnson-Stacks further noted staff also consulted with the legal department of the Broward County's Sheriff's Office and their conclusion supported staff's conclusion.

Mr. Vazquez noted he felt the Corrections Department should be excluded and be its own entity outside the scope of the Police Department. He further noted if the Task Force was considering the Sheriff as an elected constitutional office, he would recommend the Police Department,

Corrections Department and Fire Rescue be under the overall functions and responsibilities of the Sheriff.

Assistant County Attorney Johnson-Stacks advised that in Broward County, those functions were added to the Police Department function via an interlocal agreement.

5. New Business

A. Discussion of Issue 7 – Study of Balance of Power between Mayor & Board of County Commissioners

- Review Functions of Mayor vs. County Manager
- Review Powers of Commission Auditor

Commissioner Gimenez requested information regarding the way in which government was structured between the Mayor, the Commission and the Manager in the following cities: Los Angeles, Chicago, New York, Atlanta and Houston.

Chairman Diaz noted the Task Force would continue its consideration of the foregoing motion and Issue 7, study of balance of power between the Mayor and Board of County Commissioners, at the next meeting. He noted the following requests for information:

- Research regarding the composition of the State Constitutional Revision Committee;
- Research regarding the composition of the Tax Revision Committee;
- Research regarding the composition of Broward County's Charter Review Task Force and their enabling legislation;
- Research regarding the State law and petition gathering, and whether there had been other implementing ordinances relating to Section 8 of the Charter; and
- Research regarding the way in which government was structured between the Mayor, the Commission and the Manager in the City of Los Angeles, Chicago, New York, Atlanta and Houston.

In response to Mr. Vazquez' suggestion that the Task Force revisit and make a recommendation regarding the strong mayor issue, Chairman Diaz noted this issue could be discussed under Issue 7.

6. Adjournment

There being no further business to come before the Charter Review Task Force the meeting was adjourned at 12:44 p.m.

Victor M. Diaz, Jr., Chairman
Charter Review Task Force

3-B



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Charter Review Task Force

Board of County Commissioners
Main Library Auditorium, 1st Floor
101 West Flagler Street

Wednesday, December 12, 2007
As Advertised

Harvey Ruvin, Clerk
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Judy Marsh, Commission Reporter
(305) 375-1967



**CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
DECEMBER 12, 2007**

The Charter Review Task Force convened in a meeting on December 12, 2007, at 10:00 a.m. in the Main Library Auditorium, First Floor, 101 West Flagler Street. The following members were present: Chairman Victor M. Diaz, Jr. and members Mr. Miguel De Grandy; David Dermer, former Mayor of the City of Miami Beach; Carlos Diaz-Padron, former Mayor of the City of West Miami; Maurice Ferre, former Mayor of the City of Miami; City of Miami Gardens Mayor Shirley Gibson; Commissioner Carlos Gimenez; Mr. Robert A. Ginsburg; Mr. Murray Greenberg; Mr. Robert Holland; Mr. Jorge Luis Lopez; Mr. H. T. Smith; Ms. Yvonne Soler-McKinley and Mr. Ignacio Vazquez; (Ms. Lynn Dannheiser; Ms. Elizabeth Hernandez; Mr. Francois Illas; Mr. Richard Kuper, Mr. Larry Handfield; Mr. John Hogan; and Raul L. Martinez, former Mayor of the City of Hialeah were absent).

1. Call to Order

Chairman Diaz called the meeting to order at 10:20 a.m.

2. Roll Call

The following staff members were present: County Manager George Burgess; Assistant County Manager Susanne M. Torriente; Assistant County Attorneys Monica Rizo and Oren Rosenthal; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Diane Collins and Judy Marsh.

3. Approval of Minutes

A. Approval of November 20, 2007 meeting minutes

It was moved by Mr. Vazquez that the minutes of the November 20, 2007 Charter Review Task Force meeting be approved. This motion was seconded by Mayor Gibson, and upon being put to a vote, passed by a unanimous vote of those members present.

B. Approval of November 28, 2007 meeting minutes

Chairman Diaz requested approval of the minutes of the November 28, 2007 Charter Review Task Force meeting be deferred. He noted he would work with staff to correct discrepancies within the minutes and the minutes would be redistributed.

4. Old Business

A. Discussion of Issue 6 – Study of Initiative, Referendum, Petition & Recall

Chairman Diaz summarized the discussion and requests for additional information regarding the study of initiative, referendum, petition and recall which occurred at the November 28, 2007 Charter Review Task Force meeting. He noted pursuant to Commissioner Gimenez' request on November 28th, a memorandum was distributed by staff today (12/12) regarding the composition of the State Constitution Revision Commission and the State Taxation and Budget Reform Commission.

Assistant County Attorney Monica Rizo provided an overview of the State Taxation and Budget Reform Commission, and the State Constitution Revision Commission. She noted both Commissions had authority to place proposals directly on the ballot, however, the State Taxation and Budget Reform Commission was required to have a two-thirds vote consensus in order to place proposals on the ballot.

Following discussion among the Task Force members, it was moved by Mr. Lopez that the Task Force recommend to the County Commission, that the Charter be amended to provide that future Charter Review Task Forces be comprised in the same manner as the existing Task Force, and have the authority, upon a two-thirds vote of the members present, to place Charter amendments on the ballot. This motion was seconded by Mayor Diaz-Padron.

Mr. Holland offered a friendly amendment to the foregoing motion limiting the Charter Review Task Force to placing no more than two questions on the ballot at any one time. This amendment was not accepted by Mr. Lopez.

Mr. Lopez noted he felt the proposed Charter amendment would be a legacy of the Task Force and he suggested if the amendment was not placed on the ballot, that it be proposed as an initiative by the Task Force members.

Mayor Ferre expressed concern regarding commissioners appointing themselves to serve on the Charter Review Task Force, and asked that this issue be addressed.

Mr. Smith offered a friendly amendment to the motion made by Mr. Lopez to provide that designees of the County Commissioners be appointed to the Charter Review Task Force. This amendment was accepted by Mr. Lopez and Mayor Diaz-Padron.

Upon concluding their discussion, the Task Force voted on Mr. Lopez' motion that the Task Force recommend to the County Commission that the Charter be amended to provide future Charter Review Task Forces with the power to place proposed Charter amendments directly on the ballot if supported 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 enacting resolutions that created the current Charter Review Task Force, with the exception of that portion that allowed a Commissioner to appoint him or herself to the Task Force, which was deleted. This motion was seconded by Mayor Diaz-Padron and upon being put to a vote, passed by a vote of 13-1, (Mr. Vazquez voted "no") (Ms. Dannheiser, Mr. Handfield, Ms. Hernandez, Mr. Hogan, Mr. Illas, Mr. Kuper and Mayor Martinez were absent).

Chairman Diaz referred to discussion at the meeting of November 28, 2007 relating to a motion made by Mayor Dermer proposing a charter amendment removing the power of the Board of County Commissioners to pass legislation relating to initiative referendum petitions. He noted the motion was subsequently modified to provide that the Board's power be in accordance with State law, and then tabled, with a direction that staff report on State law currently regulating the initiative reform process. Chairman Diaz stated the focus of the Task Force's discussion had been on the ability of the County Commission to burden the process of citizen initiative, other than as provided for in the Charter, or to regulate what could be said in the process of citizen initiative.

Assistant County Attorney Oren Rosenthal advised the Task Force that the petition content and the petition gathering process was not governed by State law; however, constitutional initiatory petitions were governed by State law through the Division of Elections Rules and Regulations. He noted general State laws also addressed issues relating to fraud.

Chairman Diaz noted the State had not regulated in any way, what could or could not be said in the citizen initiatives process as a matter of State Constitutional law or State Statutory law.

Mayor Dermer withdrew his motion which was tabled at the November 28th Task Force meeting.

It was then moved by Mayor Dermer that the Task Force recommend to the County Commission that the Charter be amended to provide that the Board of County Commissioners shall make no law limiting the petition process as defined in the Charter. This motion was seconded by Mayor Ferre.

Mr. Ginsburg offered a friendly amendment to the foregoing motion to change the word “limiting” to “regulation.” This amendment was accepted by Mayor Dermer and Mayor Ferre.

Chairman Diaz noted he felt the intent of Mayor Dermer’s motion was to state that the right of the people to initiate petitions to amend both the Charter and ordinances shall be restricted to provisions contained in the Charter.

Discussion ensued regarding whether the foregoing motion should also apply to recall petitions.

Mr. Greenberg spoke in support of the foregoing motion and recommended that it apply to initiative, referendum, recall and charter amendment petitions.

Mayor Ferre withdrew his second in order to allow Mr. Greenberg the opportunity to second the motion as amended. Whereupon the amended motion was seconded by Mr. Greenberg.

Chairman Diaz restated the amended motion on the floor was to recommend to the County Commission that the Charter be amended to provide that the County Commission shall make no law regulating the petition process as defined in Article 8 and Sections 9.06, 9.07 and 9.08 of the Charter.

Mr. Ginsburg noted he had no problem with the motion as it related to Section 8.01 of the Charter; however, he felt a separate motion might be necessary for Charter amendments under Section 9.07A because this section only addressed the certification of petitions, not the entire petition process.

Mr. De Grandy offered a friendly amendment to the foregoing motion that the County Commission shall adopt no ordinances or resolutions regulating Articles 8.01, 8.02, 9.06, 9.07 and 9.08 as defined in the Charter. This amendment was accepted by Mayor Dermer and Mr. Greenberg.

Following discussion, the amended motion as moved by Mayor Dermer and seconded by Mr. Greenberg, that the Task Force recommend to the County Commission that the Charter be amended to provide that the Board of County Commissioners shall adopt no resolutions or ordinances regulating the petition process as defined in Sections 8.01, 8.02, 9.06, 9.07 and 9.08 of the Charter, upon being put to a vote, passed by a vote of 14-0, (Ms. Dannheiser, Mr. Handfield, Ms. Hernandez, Mr. Hogan, Mr. Illas, Mr. Kuper and Mayor Martinez were absent).

It was moved by Mr. Ginsburg that the Task Force recommend to the County Commission that Section 9.07 of the Charter be amended to reflect that the certification and petition gathering

provisions of Section 8.01 of the Charter shall also govern initiatory petitions to amend the Charter. This motion was seconded by Ms. Soler-McKinley, and upon being put to a vote, passed by a vote of 14-0, (Ms. Dannheiser, Mr. Handfield, Ms. Hernandez, Mr. Hogan, Mr. Illas, Mr. Kuper and Mayor Martinez were absent).

Chairman Diaz noted at the November 28th Task Force meeting Mr. Ginsburg made a motion that the word “form” in Section 8.01(1) of Article 8 of the Charter be changed to “legality” as a petition could be in appropriate form but be illegal. He noted this motion, which was seconded by Mayor Gibson, was tabled after discussion.

Mr. Ginsburg clarified his motion was to recommend to the County Commission that Section 8.01(1) of the Charter be amended to provide that the Board shall approve initiative petitions as to form and legal sufficiency. The motion, upon being put to a vote, failed to carry by a vote of 11-3, (Mayor Diaz-Padron, Mayor Ferre, Mayor Gibson, Commissioner Gimenez, Mr. Greenberg, Mr. Holland, Mr. Smith, Ms. Soler-McKinley, Mr. Vazquez, Mayor Dermer and Chairman Diaz voted “no”) (Mr. Ginsburg, Mr. Lopez and Mr. De Grandy voted “yes”) (Ms. Dannheiser, Mr. Handfield, Ms. Hernandez, Mr. Hogan, Mr. Illas, Mr. Kuper and Mayor Martinez were absent).

It was moved by Mr. Ginsburg that the Task Force recommend to the County Commission that the Charter be amended to provide that initiative petitions shall be filed with the Clerk of Courts in the same manner as recall petitions, instead of coming before the County Commission. This motion was seconded by Mr. Lopez, and upon being put to a vote, passed by a vote of 13-0, (Ms. Dannheiser, Mr. Handfield, Ms. Hernandez, Mr. Hogan, Mr. Holland, Mr. Illas, Mr. Kuper and Mayor Martinez were absent).

B. Prioritization of Pending Issues of Study

Considered later in the meeting

5. New Business

A. Discussion of Issue 7 – Study of Balance of Power between Mayor & Board of County Commissioners

- Review Functions of Mayor vs. County Manager
- Review Powers of Commission Auditor

Ms. Amy Horton-Tavera, Office of Strategic Business Management, noted in response to the Task Force’s request, staff studied 16 benchmark jurisdictions, three of which were the largest

“strong mayor” counties in Florida, five national strong mayor counties and eight national cities. She noted for each jurisdiction, staff looked at the respective powers of the Mayor or elected executive; the Chief Administrative Officer (CAO); the Council; and the Council Auditor.

Ms. Horton-Tavera noted with respect to the Mayor, staff found a lot of consistency across the jurisdictions and typical powers included managing the administration, appointing the Chief Administrative Officer and department directors. She noted in most cases, appointment of department directors was subject to confirmation by the Council or the appointment could be overridden by the Council by a super majority vote. Ms. Horton-Tavera said in most jurisdictions, the Mayor had the authority to dismiss the CAO, department directors and in some cases, this could be overridden by the Council. She noted in all the jurisdictions, the Mayor had the authority and responsibility to prepare and submit the proposed budget to the Council for approval. Ms. Horton-Tavera said typically, the Mayor had veto power over the Council’s action, however, in most jurisdictions this could be overridden by a super majority vote of the Council. She noted typically, the Mayor had the authority to determine the organization of the jurisdiction, however, in some cases, the Charter placed a restriction on the number of departments and in some cases, the Council had powers to create departments.

Ms. Horton-Tavera discussed two jurisdictions with a hybrid form of government, where the Mayor also served on the Council, either as a Council member (Orange County); or as a ceremonial head that presided over the Council meetings (Cook County).

Ms. Horton-Tavera noted most of the Charters studied provided that the Chief Administrative Officer could exercise powers delegated by the Mayor. She noted some jurisdictions had more than one such individual and some jurisdictions had specific Charter provisions which provided that the legislative or veto powers of the Mayor could not be delegated to be the CAO. Ms. Horton-Tavera said two jurisdictions had no provisions for a CAO in their Charter.

Ms. Horton-Tavera noted the Council in all jurisdictions was the chief legislative policy-making body over the jurisdiction and in some jurisdictions the Council had the ability to confirm or override appointments or dismissals of agency directors or chief administrative heads. She stated in some counties, the Councils had specific powers to create, abolish or restructure departments or to adopt certain administrative rules and regulations.

Regarding the Commission Auditor, Ms. Horton-Tavera noted most of the jurisdictions either had a Council Auditor who was appointed by the Board and reported to the Board, or an elected comptroller who had audit responsibilities. She stated the duties of the Council Auditor were traditionally audit and financial responsibilities, and in some cases the Charter spelled out that the Auditor or Comptroller could provide analysis of the budget.

Mayor Ferre asked Ms. Horton-Tavera to determine who was responsible for procurement in other Florida cities, such as Jacksonville and Orlando. He noted he felt this Task Force and future Task Forces needed to look at procurement, zoning and lobbyists.

Chairman Diaz noted concern was expressed at the public hearings and by several County Commissioners regarding the need for a Charter provision that established a timeframe by which the Mayor must deliver the budget and a minimum timeframe for the budget to be considered by the County Commission.

County Manager George Burgess explained the current budget process and noted the budget must be submitted to the County Commission no later than July 15th. He stated staff preferred to submit the budget in June; however, this year staff was unable to do so because of the Special Session held in Tallahassee. Mr. Burgess noted the County Commission had until its final meeting in July to adopt tentative millages; two public budget hearings were held in September with the budget being adopted at the second hearing. He stated the County Commission had the months of July and August to digest the budget.

Chairman Diaz commented that in a strong mayor form of government, where the mayor had the power to administer county government, budget review was one of the most important functions that the County Commission could effectuate in order to shape policy. He commented on fiscal integrity and stated he felt it would be in the best interest of the people if commissioners had a longer timeframe to review the proposed budget.

In response to Chairman Diaz' inquiry, County Manager Burgess noted he felt the June 1st to July 15th range to submit the budget was reasonable.

Commissioner Gimenez noted the County Manager did not have to submit his budget until July 15th and the County Commission had to set the tentative millage at the last meeting in July. He noted the County Commission was in the process of drafting legislation regarding the timeframes to allow for time to review the budget, however, the Charter allowed for the July 15th date. Commissioner Gimenez stated he felt the County Commission should be more disciplined and spend more time working on the budget during the month of August.

Mr. Greenberg said he felt the issue regarding the timeframes could be addressed through ongoing dialogue. He noted commissioners had a difficult task in reviewing the budget.

Chairman Diaz noted he felt the Task Force needed to determine what could be done to minimize the conflicts between the County Commission and the Office of the Mayor in order to enhance County government. He stated not only did the County Commission need time to consider the Mayor's budget proposal but the people also needed time to comment on the proposed budget.

Mr. Ginsburg said transparency came at the County Commission level, not at the Executive level. He noted the County Commission's major role was through the budget process and perhaps the budget should originate with the County Commission instead of the Executive Office. Mr. Ginsburg agreed with Commissioner Gimenez that the Commission should be more disciplined; however, he disagreed that more should be done in August. He noted he felt there should be a committee dedicated to the budget that met regularly year round.

Commissioner Gimenez noted he was proposing legislation that would place more power in the Budget and Finance Committee to review the budget and put more discipline in the County Commission's role in the proposed budget throughout the year.

Mr. Lopez agreed with Mr. Ginsburg. He noted budget priorities were established by the Administration and the Commission's budget review was reactionary. Mr. Lopez stated he would like to see more public participation in future potential initiatives.

Chairman Diaz noted the Charter needed to be conformed in terms of defining the role of the Mayor and the County Administrator and he would like the terminology to clearly reflect that the strong Mayor was in charge. Chairman Diaz stated the County Manager could be called the Chief Administrative Officer or the Deputy Mayor for Administration.

Mr. Lopez asked for a breakdown of the issues.

Mayor Ferre noted the issue of the balance of power between the County Commission and the Mayor was the single most important issue before the Task Force. He stated the County Commission should have control over the budget and the budget process should be on a year round basis.

Mr. De Grandy asked Ms. Horton-Tavera to determine who provided the analysis for items to be placed on the agenda within the jurisdictions she had examined. He noted in the State Legislature, agencies would propose legislation but independent staff provided an analysis of the legislation.

Chairman Diaz noted Mr. De Grandy's suggestion would be added as an issue for discussion by the Task Force.

In response to Mayor Gibson's question, County Manager Burgess noted one of the Commission Auditor's responsibilities was to prepare an analysis of items that were presented to the County Commission. He said another responsibility of the Commission Auditor was to monitor, review and present recommendations to the Commission on the proposed budget that was submitted by

the Mayor; and to conduct any necessary audits that were in the Commission Auditor's Work Plan.

Mr. Charles Anderson, Commission Auditor, noted the Office of Commission Auditor had 22 employees.

Mayor Gibson noted in regard to the budget process, there were many areas for the Mayor and the Commission to interact together for the good of Miami-Dade County residents. She stated she felt commissioners were not precluded from asking the Mayor to have staff provide constituents within their Commission District with information regarding expenditure of County funds, and budget priorities. Mayor Gibson noted the County had changed the way in which information was disseminated on its Web page and she commended County Manager Burgess for adding transparency to the process in the County.

Mayor Gibson said apparently the Mayor had decided to allow County Manager Burgess to be very visible in the role that he played and the Mayor had the right to appoint that individual under his direction to assume any amount of responsibility and managing daily operations.

Mr. Burgess noted he did not believe one person was in charge of County government, and the Mayor would outline his expectation to whomever he empowered to do so. Regarding the budget process, Mr. Burgess said the County Code required the Manager to share priorities with the County Commission in January; the Charter required the Mayor to share budget policies by the end of March; and the Code required the Commission to submit reactions to that policy in mid-April. He noted the budget was an ongoing, continuous process. Mr. Burgess agreed that there was a need for involvement, dialogue and transparency and noted he was not aware of any strong mayor model where the mayor did not submit the balanced budget.

Mr. Greenberg noted before the strong mayor, the budget was the most significant tool the County Commission had to influence policy. He stated certain members of the Commission wanted to move the Budget Office under the purview of the Commission and they were advised that it could not be done under the current Charter.

Commissioner Gimenez stated he felt the Mayor and the Manager should continue to develop the budget which could then be changed by the Commission. He noted he now supported allowing the Administration to control the procurement process, and the Commission needed a more strengthened oversight of the process.

Commissioner Gimenez suggested that the Office of Commission Auditor be strengthened to ensure the policies established by the Commission were carried out by the Administration. He noted he would prefer the County Manager be referred to as Deputy Mayor to distinguish that he was not the Mayor.

Chairman Diaz noted the public needed to understand that the strong mayor was ultimately responsible for the administration of government.

Upon conclusion of the foregoing, the Task Force considered the following agenda item out of order.

4. B. Prioritization of Pending Issues of Study

Chairman Diaz asked Task Force members to submit any issues in addition to procurement, zoning, budget authority, commission staffing and reform of the Office of Commission Auditor they wished to address regarding the balance of power, so that information could be disseminated before the January 9th Task Force meeting.

Mr. De Grandy suggested the Task Force look at a strong, independent hearing examiner system if the procurement bid protest process were to be moved to the County Administration.

Chairman Diaz asked that staff send emails to the Task Force members who were absent from today's meeting outlining the issues that were framed and requesting that they submit substantive proposals at the January 9th meeting. He noted he would send a memorandum to Mayor Carlos Alvarez and members of the County Commission outlining the issues and providing an opportunity for their input.

Mayor Ferre noted although he was appointed by the Mayor he did not represent the Mayor.

Chairman Diaz noted the County Commission Chambers would be available the evening of January 18, 2008, and he asked staff to poll Task Force members to determine whether a sufficient number of members would be available on that date to participate in the Task Force's public hearing.

Mayor Ferre stated he felt the Task Force should concentrate on the County Commission's powers regarding the budget, overriding veto and its overview responsibilities. He also commented on the Commission's current authority over zoning, the Urban Development Boundary and procurement.

Chairman Diaz asked Mayor Ferre to provide additional information on the issues he was proposing at the January 9th Task Force meeting.

Chairman Diaz announced the next Task Force meeting was scheduled for January 9, 2008 at 10:00 a.m.

Adjournment

There being no further business to come before the Task Force, the Charter Review meeting was adjourned at 1:20 p.m.

Victor M. Diaz, Jr., Chairman
Charter Review Task Force

4-A

Memorandum



Date: December 7, 2007

To: Victor M. Diaz, Chairman
Charter Review Task Force

From: Susanne M. Torriente
Assistant County Manager

Subject: Additional Information - Charter/Review Task Force

As requested at the November 28, 2007 Charter Review Task Force, the following memorandum includes additional information related to the Task Force's issues for study.

- Attachment 1 - The revised grid to include the cities of Los Angeles, Chicago, New York, Philadelphia, Atlanta & Houston
- Attachment 2 - Powers and Structure of Broward County's Charter Review Commission (Charter of Broward County Charter - Article VI – Sections 6.01 and 6.02)

The information compiled by the County Attorney's Office will be included in the addendum agenda package at the December 12, 2007 Task Force meeting. This information is related to the structure and powers of the Florida Budget and Taxation Reform Commission and the Florida Constitution Revision Commission, as well as information on state law related to or that may govern citizen petitions.

I would like to thank Amy Horton-Tavera, Paul Mauriello, Cara Tuzeo, John Murphey and Tracie Auguste for pulling this data together.

c: Charter Review Task Force Members and Staff

**Selected Florida and National Counties/Cities with Elected Chief Executive Officer (CEO):
Powers of Executive, Chief Administrative Officer, Council and Commission Auditor**

Jurisdiction Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
Florida Jurisdictions						
Miami-Dade County		Commission/ Executive (Mayor)	Manage all departments and carry out Commission policies; Establish departments; Veto legislation including budget or budget component; Issue administrative orders; set County Manager compensation; (Mayor, 4 year term, limited to two consecutive terms) Appointment / Dismissal of Department Directors: Appoints County Manager and department directors; may dismiss the County Manager and department directors at will.	County Manager assists Mayor in administration of County government; Prepares County Budget for review by Mayor and Commission	Legislative and governing body of the County; Appropriate funds and adopt operating and capital budgets; Override Mayor's veto by 2/3 vote; Select chairperson and vice-chairperson; Establish committees; Chairperson appoints committee members (13 single member districts; 4 year term) Appointment / Dismissal of Department Directors: Commission may disapprove Mayor's appointment of the county manager and department directors by 2/3 majority of those commissioners then in office	Commission Auditor is appointed by the Commission. Provides the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.
Orange County	1 million	Commission / Executive (Mayor)	Execution of Board policy; Manage the operation of all elements of County government, consistent with the policies, ordinances and resolutions of the Board; Serve as chair of the Board; Vote on all matters before the Board; Prepare Board agendas and submit the annual budget estimate to the Board; Serve as ceremonial dignitary for County government; Call the Board into regular or special session; Prepare administrative regulations for approval by the Board (Mayor, 4 year term; limited to two full consecutive terms) Appointment / Dismissal of Department Directors: Appoint and dismiss the County Administrator, heads of county departments, divisions and other agencies, subject to confirmation by the Board	County Administrator assists the Mayor in the daily management of the County	Originate, terminate and regulate legislative and policy matters; Approve annual operating and capital budgets; Conduct studies in the operation of County programs and take actions for improvement; Elect a Vice Mayor to serve as official representative and ceremonial dignitary in the absence of the Mayor, may preside at Board meetings and execute documents approved by the Board (6 single member districts; 4 year term limited to two consecutive terms within the same district) Appointment / Dismissal of Department Directors: Confirm Mayor's appointment and dismissal of directors	Elected County Comptroller has independent audit responsibilities. The Comptroller's specific roles include serving as chief financial officer, county auditor, clerk of the board, recorder, and custodian of county funds and records. Council Auditor is appointed by the Council. Examine the accounting systems used by all offices and departments of the consolidated government and all independent agencies, and advise the Council as to whether all such systems provide for full disclosure of the financial results and adequate information for the management needs and budgetary requests of each such office, department, board and agency. Conduct a continuous internal audit of the fiscal operations of the consolidated government and all independent agencies. Submit such reports and financial statements to the Council as it may from time to time require. By ordinance, the Council Auditor also serves as contract manager for the independent external audit contract and opines on external audit
Duval (City of Jacksonville)	830,000	Council/ Executive (Mayor)	Shall be responsible for the conduct of the executive and administrative departments, the mayor shall administer, supervise, and control all departments and divisions created by the charter and departments and divisions created by the council; appointment of the directors and deputy directors (subject to confirmation by council) submit to council the annual budget (Mayor, 4 year term, 2 year term limit) Appointment / Dismissal of Department Directors: Appoints the department directors and division chiefs, subject to Council approval	The Chief Administrative Officer (CAO) oversees the day-to-day running of the consolidated government operations. He provides financial oversight and chairs the Mayor's Budget Review Committee. The CAO is appointed by the mayor and serves as a member of his staff.	All legislative powers are vested in the council, the council may legislate with respect to any and all matters which are within the powers of the consolidated government. The Council shall review budgets and appropriate money to the consolidated government and any independent agencies which request appropriations; fix the salaries of the tax collector, the sheriff, the supervisor of elections and the clerk of the circuit court Appointment / Dismissal of Department Directors: Approves appointments of department heads made by Mayor (14 single member districts, 5 at large, 4 year terms 2 term limit)	Council Auditor is appointed by the Council. Examine the accounting systems used by all offices and departments of the consolidated government and all independent agencies, and advise the Council as to whether all such systems provide for full disclosure of the financial results and adequate information for the management needs and budgetary requests of each such office, department, board and agency. Conduct a continuous internal audit of the fiscal operations of the consolidated government and all independent agencies. Submit such reports and financial statements to the Council as it may from time to time require. By ordinance, the Council Auditor also serves as contract manager for the independent external audit contract and opines on external audit
Montgomery County, MD	930,000	Council / Executive	Implements and enforces Montgomery County's laws and provides executive direction to the government; Power to veto legislation, but veto may be overridden by the affirmative vote of six council members; Appointment / Dismissal of Department Directors: Appoints County Administrative Officer and department heads, subject to Council approval; Submits annual budget and a comprehensive six-year program for capital improvements for Council approval (County Executive, 4 year term)	The Chief Administrative Officer shall, subject to the direction of the County Executive, supervise all departments, offices, and agencies of the Executive Branch, advise the County Executive on all administrative matters and perform such other duties as may be assigned by the County Executive, or by the Charter.	The Legislative Branch consists of the County Council; enacts public local laws; May override legislative veto by County Executive with six affirmative votes; Elects Council President; Appointment / Dismissal of Department Directors: Approves County Executives appointments of department heads; Approves operating and capital budget as well as six year capital improvement program (5 single member districts, 4 at large, 4 year terms)	Director of the Office of Legislative Oversight (OLO) is appointed by the Council. OLO staff conduct program evaluations, budget analyses, audits, investigations, and other special studies. OLO receives its assignments from the nine elected members of the County Council, which annually adopt a Council Resolution that sets forth the Work Program for the office.

Jurisdiction Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
Cook County, IL	5 million	Council/ Executive (President)	Directs the administrative functions of the County; Presides over all Board meetings (Board President; 4 year term) Appointment / Dismissal of Department Directors: Appoints County executive officers;	Chief Administrative Officer; Chief Financial Officer; Comptroller; Chief Information Officer; Chief Health Officer; Chief Human Resources Officer; Chief Public Safety Officer, each having discrete areas of authority and responsibility	Legislative and policy making body of the County; Appoint members to standing committees; Select committee chairs and vice-chairs; Create special committees and appoint members; Appropriate revenue and adopt budget (17 single member districts, one of which may also be Board President; 4 year term) Appointment / Dismissal of Department Directors: See under executive powers	County Auditor is appointed by the President of the County Board and ratified by a majority of the members of the County Board. Appointment of the Auditor shall be for a period of five years, and removal from office must be for cause and by a vote of a majority of the members of the County Board. The Auditor works with the external auditors on the County's annual financial audit, and performs audits of County fee departments and information systems in the County. The Auditors Office also performs special audits as directed by the County Board President and County Board of Commissioners.
Wayne County, MI	2 million	Commission/ Executive	Supervise, coordinate, direct and control all county facilities, operations and functions (except those of elected officials); Implement and enforce state laws and county ordinances, resolutions, orders and rules; Veto legislation by the Commission, including line items in an appropriation ordinance; Submit a reorganization plan to the Commission for approval; (Chief Executive Officer (CEO); 4 year term; partisan) Appointment / Dismissal of Department Directors: Appoint Deputy CEO, department directors, deputy directors and all other officials not in the classified service, subject to council approval.	Deputy CEO exercises the powers and duties of the CEO in his absence; Performs powers and duties delegated by the CEO County Administrative Officer assists the County Executive and supervises the administrative offices; appoints the chief officer of each administrative office (internal support agencies)	Legislative and policy making body of the County; Appropriate revenue; Approve all contracts; Override a veto of the CEO by 2/3 vote; Approve and amend rules and regulations issued by a department or county officer Appointment / Dismissal of Department Directors: Confirm CEO appointments for Deputy CEO, department heads, deputy directors and members of boards and commissions; (15 single member districts, 2 year term; partisan)	County Auditor is appointed by County Council. Responsible to the council for conducting independent audits of county agencies. In carrying out this purpose, the auditor shall perform the following audits: financial and compliance audits to supplement those performed by the state pursuant to general law, economy and efficiency audits, and program result audits. In addition, the auditor shall perform such special studies as may be requested by the council.
King County, WA	1.8 million	Council/ Executive	Supervise all administrative offices and executive departments; Veto legislation or object of expense in an appropriation ordinance; Prepare budget and submit to Council; (County Executive 4 year term no term limit; partisan) Appointment / Dismissal of Department Directors: Appoint the County Administrative Officer, chief officer of each executive department and members of all boards and commissions	County Administrative Officer supervises all activities of those offices and departments whose heads he appoints; Chief budget officer of the County; Prepares and submits budget to County Executive for approval by Council; Serves a term of 4 years	Legislative and policy making body of the County; Adopt a county budget; Elect a chairman and chairman pro tem; Override County Executive veto by a majority vote, plus one; (7 single member districts; 4 year term) Appointment / Dismissal of Department Directors: Confirm the County Executive's appointments for CAO and department heads;	The County Auditor is appointed by County Council. The county auditor may assist the external auditor in conducting a financial audit. The county auditor may also conduct a financial audit of any organization funded in whole or in part by county funds, if directed by a majority of the county council. The county auditor shall prepare and submit to the county council and the county executive reports in internal accounting control, administrative and operating practices and procedures, and other pertinent financial and compliance matters. All actions of the county council pursuant to this section shall be exempt from the executive veto.
Baltimore County, MD	800,000	Council / Executive	Supervise, direct and control the administrative services of the County; Present the Council with an annual budget; Veto legislation of the Council; Issue administrative orders, rules and regulations; (County Executive; 4 year term) Appointment / Dismissal of Department Directors: Appoint/dismiss the County Administrative Officer and department heads, subject to council approval; Appoint the members of all boards, commissions, and authorities; Serve on all boards and commissions; May delegate any duties of office to County Administrative Officer, except veto, subject to council approval	County Administrative Officer exercises supervision over all activities of those departments whose heads he appoints and the boards and commissions connected with such departments and shall be the contact officer between the Mayor and such departments, boards and commissions.	Legislative and policy-making body of the City. Adopts the annual operating budget ordinance for the next fiscal year. The Council may by ordinance add new powers and new duties to the powers and duties of the offices, departments, boards and commissions which are designated as the agencies of the executive and administrative branch of the City government. The Council may not, except as provided for in the Charter, increase the number of such agencies nor abolish any agency unless the agency no longer has any functions to perform. (10 single member districts, 7 at large; 4 year term no limitations) Appointment / Dismissal of Department Directors: See under executive powers	County Auditor is appointed by County Council. The county auditor may assist the external auditor in conducting a financial audit. The county auditor may also conduct a financial audit of any organization funded in whole or in part by county funds, if directed by a majority of the county council. The county auditor shall prepare and submit to the county council and the county executive reports in internal accounting control, administrative and operating practices and procedures, and other pertinent financial and compliance matters. All actions of the county council pursuant to this section shall be exempt from the executive veto.
City of Philadelphia, PA	1,400,000	Council - Executive (Mayor)	Submit statement of the finances and general conditions of the affairs of the City to Council; submit proposed budget to Council; call special meetings of the Council when required by public necessity; Veto legislation, including most line item budget appropriations, and to approve or disapprove ordinances in whole or in part as provided in the article on the Council, establish an agency in his office for receiving and answering all requests for information about the City or its government (Mayor, 4 year terms, limited to 2 terms) Appointment / dismissal of Department Directors: The Mayor shall appoint the Managing Director, the Director of Finance and the City Representative. ¹	The Managing Director shall exercise supervision over all activities of those departments whose heads he appoints and the boards and commissions connected with such departments and shall be the contact officer between the Mayor and such departments, boards and commissions.	Legislative and policy-making body of the City. Adopts the annual operating budget ordinance for the next fiscal year. The Council may by ordinance add new powers and new duties to the powers and duties of the offices, departments, boards and commissions which are designated as the agencies of the executive and administrative branch of the City government. The Council may not, except as provided for in the Charter, increase the number of such agencies nor abolish any agency unless the agency no longer has any functions to perform. (10 single member districts, 7 at large; 4 year term no limitations) Appointment / Dismissal of Department Directors: See under executive powers	County Auditor is appointed by County Council. The county auditor may assist the external auditor in conducting a financial audit. The county auditor may also conduct a financial audit of any organization funded in whole or in part by county funds, if directed by a majority of the county council. The county auditor shall prepare and submit to the county council and the county executive reports in internal accounting control, administrative and operating practices and procedures, and other pertinent financial and compliance matters. All actions of the county council pursuant to this section shall be exempt from the executive veto.

Selected National Comparables

Jurisdiction Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
City of Newark, NJ	300,000	Council - Executive (Mayor)	<p>Enforce the charter and ordinances of the municipality and all general laws; Prepare and submit to the council for its consideration and adoption an annual operating budget and a capital budget; establish schedules and procedures to be followed by all municipal agencies and supervise and administer the budgetary process (Mayor, 4 year terms, limited to 2 terms)</p> <p>Appointment / dismissal of Department Directors: Appoint department directors 2 with the advice and consent of the council. Each department head shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor. The mayor may remove any department head after notice and an opportunity to be heard. Prior to removal the mayor shall first file written notice with the council, and removal shall become effective unless the council disapproves by a two-thirds vote of the council.</p> <p>Administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the Office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies; Appoint a City Administrator, who shall serve at the pleasure of the Mayor; Administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this chapter (Mayor; 4 year terms, no term limits)</p> <p>Appointment / Dismissal of Department Directors: Appoint/dismiss the City Administrative Officer and department heads, subject to council approval; Appoint the members of all boards, commissions, and authorities; Serve on all boards and commissions</p>	<p>Business Administrator: Assists in the preparation of the budget, administers a centralized purchasing system, power to investigate the organization and operation of any and all departments, to prescribe standards and rules of administrative practices and procedures, and to consult with the heads of the departments under his jurisdiction; provided that with respect to any department of law or department of audit, accounts or control, the authority of the business administrator under this subsection shall extend only to matters of budgeting, personnel and purchasing.</p> <p>City Administrator: The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this chapter, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor.</p>	<p>Legislative and policymaking body of the City. Enact by ordinance, resolution or motion the local laws which govern the city; Approve the municipal budget; Establish financial controls; Establish city departments; Set salaries of elected officials and top appointed administrators, override a veto of the mayor. Council may reduce or increase appropriations requested by the Mayor.</p> <p>(5 single member districts, 4 at large; 4 year terms; no limitations)</p> <p>Appointment / Dismissal of Department Directors: See under executive powers</p>	None identified
Washington D.C.	600,000	Council - Executive (Mayor)	<p>Serve as the chief executive officer of the city; Communicate to the council at least once in each year a statement of the finances, government and affairs of the city; Organize or reorganize any agency under his jurisdiction; submit preliminary and executive budgets to the council (Mayor, 4 year term, 2 term limit)</p> <p>Appointment / Dismissal of Department Directors Appoint/remove all heads of departments, all city board members, and all other officers not elected by the people</p>	<p>Deputy Mayor: The mayor shall appoint one or more deputy mayors with such duties and responsibilities as the mayor determines.</p>	<p>Legislative and policy making body of the City; Create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality; Adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council (8 single ward districts, 5 at large; 4 year terms no term limits)</p> <p>Appointment / Dismissal of Department Directors: See under executive powers</p>	<p>The Office of the District of Columbia Auditor was established by federal legislation. The District of Columbia Auditor annually audits the accounts, operations, and programs of the District of Columbia Government and certifies revenue estimates in support of municipal bond issuances. Further, the Office of the Auditor is required by the Advisory Neighborhood Commissions Act of 1975, as amended, to provide oversight and conduct audits of the financial activities of the District government's 37 Advisory Neighborhood Commissions.</p>
City of New York, NY	8,200,000	Council - Executive (Mayor)	<p>Exercise supervision over all the administration of all departments of the city and delegate all or part of such supervision to the chief operating officer; Submit to the council for approval a comprehensive development policy; Submit to council the recommended annual budget; Approve or veto proposed legislation; Convene special meetings of the council at his or her discretion; Prescribe standards of administrative, management, and operating practices and procedures; At his or her discretion, initiate administrative reorganization within city government a. Approve purchases up to \$300,000; Prepare annually a plan for increasing the efficiency of city services. (Mayor, 4 year term; 2 term limit)</p> <p>Appointment / dismissal of Department Directors: Appoint chief operating officer and department directors, subject to confirmation by a majority of the city council. Directors may be removed at the pleasure of the mayor.</p>	<p>Chief Operating Officer: To the extent delegated by the mayor exercise supervision over all activities of city departments and the boards and commissions connected with such departments. In no event shall the mayor delegate to the chief operating officer or any other appointed officer or employee the power to approve or veto ordinances or resolutions, convene meetings of the council, serve as acting mayor, remove the chief attorney, chief financial officer, or chief operating officer, or amend budgets.</p>	<p>Adopt local laws which it deems appropriate; Provide for the enforcement of local laws by legal or equitable proceedings; Investigate any matters within its jurisdiction relating to the property, affairs, or government of the city or of any county within the city; review on a regular and continuous basis the activities of the agencies of the city, including their service goals and performance and management efficiency; Periodically review all city procurement policies and procedures; override Mayorial veto by 2/3 vote (51 single member districts, 4 year terms and 2 term limit)</p> <p>Appointment / Dismissal of Department Directors: Provide advice and consent for certain Mayorial appointment to city boards</p>	<p>Independently elected comptroller has the power to audit and investigate all matters relating to or affecting the city and advises the mayor and council on the financial condition of the city. The comptroller may audit all agencies and settle all claims for or against the city. The comptroller is elected and serves 4 year terms, 2 term limit.</p>
City of Atlanta, GA	500,000	Council - Executive (Mayor)	<p>The city internal auditor shall be appointed by a majority of the members of the audit committee, subject to confirmation by a majority of the council, for a period not to exceed six years. Removal of the city internal auditor from office before the expiration of the designated term shall be for cause by a vote of two-thirds of the members of city council. The auditor may conduct performance and financial audits of all departments, offices, boards, activities, and agencies of the city.</p>	<p>Legislative and policy making body for the city. Responsible for the approval of the city budget. May override mayorial veto by 2/3 vote. (12 single member districts, 3 at large, 4 year terms, no term limit)</p> <p>Appointment / dismissal of Department Directors: See under executive powers</p>	<p>The city internal auditor shall be appointed by a majority of the members of the audit committee, subject to confirmation by a majority of the council, for a period not to exceed six years. Removal of the city internal auditor from office before the expiration of the designated term shall be for cause by a vote of two-thirds of the members of city council. The auditor may conduct performance and financial audits of all departments, offices, boards, activities, and agencies of the city.</p>	

Jurisdiction Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
City of Houston, TX	2,100,000	Council/ Executive (Mayor)	<p>Exercise administrative control over all departments of the City; Submit to the Council the annual budget; Keep the Council at all times fully advised as to the financial condition and needs of the City; Prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of administrative departments. (Mayor, 2 year term, 3 term limit)</p> <p>Appointment / Dismissal of Department Directors: The Mayor shall have power to appoint, subject to confirmation by the City Council, such heads of departments in the administrative service of the City as may be created by ordinance, and the Mayor shall have the power to remove such heads of departments at any time he shall see fit without confirmation by the City Council.</p>	<p>Mayor acts as the Chief Administrative Officer.</p> <p>Administrative Officer: Subject to the direction and control of the mayor, supervise the administrative management of all city departments, boards, commissions and other city agencies established by this code and the laws of this state; may establish reporting procedures; require the submission of progress reports, and provide for the coordination of the activities of agencies; perform such other administrative and executive functions as may be delegated by the Mayor.</p>	<p>Legislative and policymaking body of the City. Be the sole judge of the election and qualification of its members; Organize its business, prescribe the rules of its proceedings and preserve order at its meetings; establish the official position of the City with respect to legislation proposed to or pending before the state or federal government; Override mayoral veto or actions of city boards of commissioners by 2/3 vote.</p> <p>Appointment / Dismissal of Department Directors: Approves appointments of department heads made by Mayor. (15 single member districts; 4 year term, 3 term limit)</p>	<p>The City Controller is elected independently. He shall not be removed from office except by impeachment proceedings, as provided for in the case of the Mayor and Councilmen, or recall as provided in this Charter. The City Controller shall be responsible for conducting internal audits, in accordance with professionally recognized auditing standards, of the operations of all City departments, offices, agencies and programs.</p>
City of Chicago, IL	2,800,000	Council/ Executive (Mayor)	<p>Supervise the conduct of all the officers of the city. Appoint and remove staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, subject only to budgetary appropriation; Prepare and submit the Mayor's proposed annual budget to the Council for consideration (Mayor, 4 year term, no term limits)</p> <p>Appointment / Dismissal of Department Directors: The mayor shall appoint, by and with the advice and consent of the city council, all officers of the city whose appointment is not otherwise provided by the laws of this state or the provisions of this code.</p>	<p>Subject to the direction and control of the mayor, supervise the administrative management of all city departments, boards, commissions and other city agencies established by this code and the laws of this state; may establish reporting procedures; require the submission of progress reports, and provide for the coordination of the activities of agencies; perform such other administrative and executive functions as may be delegated by the Mayor.</p>	<p>Legislative and policy making body of the city. Responsible for the approval of the city budget (50 single member districts, 4 year terms no term limits)</p> <p>Appointment / Dismissal of Department Directors: See under executive powers/authority</p>	<p>None identified</p>
City of Los Angeles, CA	3,800,000	Council- Executive (Mayor)	<p>Exercise management authority over all departments, agencies and appointed offices of the City; Appoint and remove staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, subject only to budgetary appropriation; Prepare and submit the Mayor's proposed annual budget to the Council for consideration; Establish procedures and implement as are necessary to effectively manage and supervise the responsibilities entrusted to the Mayor through the issuance of executive directives. (Mayor: 4 year term, 2 term limit)</p> <p>Appointment / Dismissal of Department Directors: Subject to council approval, appoint department directors and appointed offices, appoint the members of standing commissions and boards created by ordinance that are advisory to or manage a department or appointed office; remove from office any department director or city commission member (not council members)</p>	<p>None identified.</p>	<p>Legislative and policymaking body of the City. Be the sole judge of the election and qualification of its members; Organize its business, prescribe the rules of its proceedings and preserve order at its meetings; establish the official position of the City with respect to legislation proposed to or pending before the state or federal government; Override mayoral veto or actions of city boards of commissioners by 2/3 vote.</p> <p>Appointment / Dismissal of Department Directors: Approves appointments of department heads made by Mayor. (15 single member districts; 4 year term, 3 term limit)</p>	<p>The Director of the Office of Administrative and Research Services shall keep the Mayor and the Council advised of the condition, finances and future needs of the City, assist in the preparation of the annual budget in accordance with policies prescribed by the Mayor, and assist the Council in the review of the proposed budget. The elected Controller shall be the auditor and general accountant of the City and shall exercise a general supervision over the accounts of all offices, departments, boards and employees of the City.</p>

NOTES

- The Director of Finance is appointed from among three persons whose names are submitted to the Mayor by the Finance Panel. The Civil Service Commission is appointed by the Personnel Director. With the approval of the Mayor: (a) The Managing Director appoints the Police Commissioner, the Health Commissioner, the Fire Commissioner, the Street Commissioner, the Recreation Commissioner, the Welfare Commissioner, the Water Commissioner, the Commissioner of Public Property, the Commissioner of Licenses and Inspections, and the Commissioner of Records; (b) The Director of Finance appoints the Revenue Commissioner and the Procurement Commissioner.
- Under the Charter, the municipality shall have a maximum of nine departments, as the council may establish by ordinance. All of the administrative functions, powers and duties of the municipality, other than those vested in the offices of the municipal clerk and the municipal tax assessor, shall be allocated and assigned among and within such departments.

Information Sources: The information on this grid is from individual County/City websites. In most instances the entire charter text was accessible on the website.

ARTICLE VI .

CHARTER REVIEW COMMISSION

The Charter Review Commission is created for the purpose of conducting a comprehensive study of any or all phases of County government in conformance with this Article.

Section 6.01

CHARTER REVIEW COMMISSION

- A. There shall be a Charter Review Commission appointed by the County Commission on the first Tuesday in June of 2006 and every six (6) years thereafter.
- B. The Charter Review Commission shall consist of nineteen (19) members. Each Commissioner shall nominate two (2) members who reside in the Commissioner's District, and the County Commission shall appoint one (1) "at large" member. All nominations shall be subject to confirmation by a majority vote of the County Commission.
- C. The term of each member of the Charter Review Commission shall expire the day after the general election held after the first Monday in November two (2) years after the year in which said members were appointed. Any vacancy shall be filled by the County Commission in the same manner as the original appointment was made, for the remainder of the member's unexpired term.
- D. All members of the Charter Review Commission shall be electors of the County. Florida Legislators, County Commissioners, Constitutional Officers, the County Administrator, and County Employees may not serve on the Charter Review Commission.
- E. The County shall maintain copies of all written, recorded, and electronic records of the Charter Review Commission in conformance with the laws of the State of Florida as may be amended. Additionally, a compendium of the relevant documents as determined by the Charter Review Commission's Executive Director and Legal Counsel shall be maintained in perpetuity.

Section 6.02

POWER OF THE CHARTER REVIEW COMMISSION

- A. The Charter Review Commission shall hold a minimum of two (2) public hearings. By a vote of two-thirds (2/3) of the members of the full Charter Review Commission legally eligible to vote, the Charter Review Commission may submit a proposal to amend or revise the Charter to the County Commission.
- B. The Charter Review Commission must submit to the County Commission any proposed Charter amendments or revisions with associated ballot language no later than the first Tuesday in June of the year in which the term of the Charter Review Commission expires.
- C. The County Commission shall place the Charter Review Commission's proposed amendments and/or revisions with the associated ballot language approved by the Charter Review Commission on the general election ballot at the next general election.
- D. In exercising its powers, the Charter Review Commission shall perform the following:
 - (1) Elect a Chair and a Vice-Chair;
 - (2) Adopt such internal procedures and rules as may be necessary to carry out its duties;
 - (3) Employ legal counsel as may be necessary to carry out its duties; and
 - (4) Employ an Executive Director and such other administrative, professional, expert and clerical assistants as is necessary to carry out the duties.
- E. The County Commission shall include in its general budget for each fiscal year that the Charter Review Commission is in existence, such sums as are necessary to carry out the duties of the Charter Review Commission.

Memorandum



Date: January 4, 2008

To: Victor M. Diaz, Chairman
Charter Review Task Force

From: Susanne M. Torriente
Assistant County Manager 

Subject: Information Package for Charter Review Task Force – Meeting of January 9, 2008

At its December 12, 2007 meeting, the Charter Review Task Force consolidated several issues under Issue 7, Study of the Balance of Power between Mayor and Board of County Commissioners to include procurement and zoning authority, legislative analysis and the budget review process.

The outcome of research on procurement, zoning and legislative analysis is provided in Attachment A. The budget review process information is provided on Attachment B.

I would like to thank staff from the Office of Strategic Business Management and the Policy and Legislative Affairs division of the County Executive Office for compiling this information.

c: Charter Review Task Force Members and Staff

Selected Florida and National Counties/Cities with Elected Chief Executive Officer (CEO):
Procurement Policies / Zoning / Legislative Analysis

City/County	2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
Miami-Dade County	2.4 million	Commission/Executive (Mayor)	<p>Charter: Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Manager, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county. Code: County Manager has delegated authority to purchase goods and services up to \$1 million.</p>	<p>Administrative Order 3-21: Formal bid protests are filed with the Clerk of the Board and are then heard by a hearing examiner. Code Section 2-8.4: Board of County Commissioners is final arbiter of bid protest.</p>	<p>Zoning regulations are dictated under Chapter 33 of the Miami-Dade County Code. Zone changes, variances and certain Administrative Decision are appealable to the Board of County Commissioners. An appeal is filed through the Zoning Hearings Section, if it is to go before the Board of County Commissioners. All other items may only be appealed to Circuit Court.</p>	<p>Independent analysis is provided by staff from the Office of the Commission Auditor.</p>
Orange County	1 million	Commission / Executive (Mayor)	<p>Charter is silent. Code: All rights, powers, duties and authority relating to the procurement and contracting of goods and/or services for the board of county commissioners, including the authority to approve all purchases and sign those agreements, contracts, change orders and purchase orders for the purchase of goods and/or services governed by this article, provided they are in conformance with the law and all applicable rules and regulations, are vested in the chief of purchasing and contracts. All bid awards in excess of one hundred thousand dollars (\$100,000.00) must be approved by the board; provided, however, prior authority to award any bid exceeding this amount may be granted to the chief of purchasing and contracts by the board with the stipulation that award shall be made to the lowest responsive and responsible bidder within the budget amount for such purchase.</p>	<p>Purchasing Guidelines: 1. Purchasing manager reviews the documentation, talks with vendor and issues a written decision. 2. Vendor may appeal purchasing manager's decision to a protest committee composed of the purchasing manager (non-voting member), County Attorney's Office rep., County Administration rep. and user department rep. 3. Items that require Board approval may be appealed to the Board after being evaluated by the protest committee.</p>	<p>Chapter 38 dictates all Zoning matters in Orange County. The Zoning Division oversees the implementation of the code. Zoning variances, appeals, and special exceptions are brought before the Board of Zoning Adjustment.</p>	<p>No independent analysis occurs; professional staff provides legislative analysis.</p>
Florida Jurisdictions						

City/County	2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
Duval (City of Jacksonville)	830,000	Council / Executive (Mayor)		A majority vote of the respective Awards Committee is required to grant a bid protest. Otherwise the protest is denied and the decision is executed by the Mayor.	It is the responsibility of the Planning and Development Department to administer, enforce and interpret the Zoning Code pursuant to Chapter 30. Rezoning and administrative deviations shall be made to the Department; appeals are brought before the Commission.	Independent analysis is provided by staff from the Office of the Council Auditor.
Montgomery County, MD	930,000	Council / Executive	Charter: The Council shall prescribe by law a centralized system of purchasing and contracting for all goods and services used by the County. The centralized purchasing system shall be administered under the professional supervision of the Chief Administrative Officer subject to the direction of the County Executive. The Council shall prescribe by law for competitive procurement for purchases by or contracts with the County in excess of an amount or amounts established by law. Code: The Chief Administrative Officer has the authority and responsibility for: (1) the procurement of goods, services, and construction, and the management, control, warehousing, sale, and disposal of goods; (2) deciding matters of procurement policy; and (3) auditing and monitoring the implementation of regulations and the requirements of this Chapter. All rights, powers, duties, and authority to administer the procurement system are vested in the Chief Administrative Officer.	Code: Chief Administrative Officer is final arbiter of bid protest.	It is the responsibility of the Office of Zoning and Administrative Hearing (OZAH) to administer, enforce and interpret the Zoning Code pursuant to Chapter 59. Special Exemptions are brought before the County Board of Appeals.	Independent analysis is provided by staff from the Office of Legislative Oversight.
Cook County, IL	5 million	Council/ Executive (President)		Bid protests are filed with the Office of the Purchasing Agent. Decisions of the purchasing agent are final.	It is the responsibility of the Office of Building and Zoning to administer, enforce and interpret the Zoning Code pursuant to the Cook County Zoning Ordinance of 2001. Appeals are brought before the Commission.	No independent analysis occurs; professional staff provides legislative analysis.

Comparables

City/County	2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
Wayne County, MI	2 million	Commission/ Executive	Code: The chief executive officer is delegated the authority to fully approve and execute all contracts and contract modifications of less than \$50,000.00 for supplies and services and less than \$100,000.00 for construction.	Bid protest submitted in writing to Buyer. Buyer's decision is appealable to the Director of Purchasing. The Director is the final arbiter of the County's bid protest process.	Zoning regulations are determined by each municipality within Wayne County.	Independent analysis is provided by staff from the Department of Commission Policy Research and Analysis.
King County, WA	1.8 million	Council/ Executive	Charter: The county shall purchase all property and award all contracts by procurement processes established by ordinance or general law. Other: Contracts are subject to Council approval only if required in a budget proviso.	Bid protest is submitted to the Purchasing Agent for evaluation and issuance of a decision. An appeal of the Purchasing Agent's decision may be made to the Director of Finance. The Director of Finance is the final arbiter of the County's bid protest process.	The Department of Development and Environmental Services implements the Zoning code defined under Title 21A of the King County Charter. Variances are brought before a hearing examiner.	Independent analysis is provided by staff from the Council's Committee Staff (which includes Legislative Analysts and reports to the respective Chair of the Committee).
Baltimore County, MD	800,000	Council / Executive	Code: For contracts over \$50,000: A contract for the purchase of commodities in which the total purchase price is deferred or financed for a term of years and a contract for the lease or lease/purchase of commodities shall be approved by the County Council before it is executed....Except as otherwise provided by law, all contracts, including professional capital improvement services contracts, shall be signed on behalf of the county by the County Executive or the County Executive's designee approved by the County Council.	Bid protests are initially submitted to the Buyer or Senior Buyer. Appeals are evaluated by the Purchasing Agent. The Purchasing Agent is the final arbiter of the bid protest process.	The Office of Planning and Zoning oversees the implementation of Article 32. Appeals relating to zoning are brought before the County Board of Appeals.	Independent analysis is provided by staff from the Office of the County Auditor. <i>Note: The Council members do not have their own legislative staff; thus, the County Auditor staff is their legislative staff.</i>

City/County	2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
City of Philadelphia, PA	1,400,000	Council - Executive (Mayor)	<p>Charter: The Procurement Department shall have the power to purchase... all personal property to be procured with funds from the City Treasury. ... In the performance of its procurement functions, the Department shall consult with and consider recommendations of the Council, the Mayor, the officer, department, board or commission of the City or other governmental agency, whose requirements it is procuring. The Department may permit any officer, department, board or commission of the City or other agency to make a particular purchase or class of - purchases directly, but in any such case the Department shall first approve in writing the specifications for such purchase. ... The Administrative Board shall determine above what limit proposals for the purchase of equipment, material or supplies must be submitted by the Procurement Department to the Director of Finance for approval.</p>		<p>The Department of Licenses and Inspections enforces the Zoning code. Appeals are brought before the Zoning Board of Adjustments.</p>	<p>No independent analysis occurs; professional staff provides legislative analysis.</p>
City of Newark, NJ	300,000	Council - Executive (Mayor)	<p>Charter: The department of administration shall be headed by a director who shall be known and designated as business administrator. The department, under the direction and supervision of the mayor shall administer a centralized purchasing system.</p>	<p>Bid protests must be submitted to the City's legal department for evaluation and final determination.</p>	<p>The Department of Zoning oversees the implementation of the Zoning Code (chapter 40). Variances are brought before the Board of Adjustment and adjustments/appeals before the Planning Board.</p>	<p>Independent analysis is provided by staff from the Clerk's Office. Note: Only the Council President has a dedicated Legislative person; however, legislative analysis reports done by this person are generally provided to the other Council members as well.</p>

City/County	2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
Washington D.C.	600,000	Council - Executive (Mayor)	<p>Code: There is established an independent service agency to be called the Office of Contracting and Procurement ("OCP"), which shall be administered by the Chief Procurement Officer. By delegation from the Mayor, the CPO shall be the exclusive contracting authority for all procurements covered by this chapter. The Mayor and all independent agencies and entities of the District government shall submit to the Council for approval any proposal to contract out services covered by this chapter that involves expenditures in excess of \$1,000,000 during a 12-month period.</p>	<p>Bid protests are filed with the Contracts Appeals Board. The Board is composed of two administrative judges and one non-voting general counsel.</p>	<p>The Office of the Zoning Administrator administers, interprets and enforces the zoning regulations under Title 11 of the District of Columbia Municipal Regulations. Variances, special exemptions, and appeals are brought before the Board of Zoning Adjustment (BZA).</p>	<p>Independent analysis is provided by staff from the Council's Committee Staff (which includes Legislative Analysts and reports to the respective Chair of the Committee).</p>
City of New York, NY	8,200,000	Council - Executive (Mayor)	<p>Charter: The City has a Procurement Policy Board consisting of five members, three of whom are appointed by the mayor and two appointed by the comptroller. Each member serves at the pleasure of the appointing official. The mayor designates the Chair. The board promulgates rules establishing the methods for soliciting bids or proposals and awarding contracts. The board does not exercise authority with respect to the award or administration of any particular contract or contract dispute. In each City agency, staff members identify needs that support the agency's mission.</p> <p>Other: Each agency has an Agency Chief Contracting Officer to ensure that the rules set by the Procurement Policy Board (PPB) are followed during the procurement process. The Chief Procurement Officer (Director of the Mayor's Office of Contract Services) has oversight of this process and enforces the PPB rules. Other offices that approve procurement documents include OMB, Law, Division of Labor Services, and the Office of the Deputy Mayor for Operations. Certain contracts in excess of \$100,000 may</p>		<p>The Building Department has the authority to enforce the New York City Zoning Resolution (Articles 1-12) and interprets its provisions. Special permits and variances are brought before the Board of Standards and Appeals. The City Planning Commission may modify certain zoning requirements for a particular development.</p>	

City/County	2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
City of Atlanta, GA	500,000	Council - Executive (Mayor)	Charter: The governing body shall prescribe by ordinance or resolution the procedures for all purchases of real and personal property by the city. The mayor shall have the power to purchase supplies, material, equipment and personal property of every type and description, and services for the rental, repair, or maintenance of equipment, machinery, and other city-owned property; provided, however, the purchase amount does not exceed \$300,000.00. In exercising the power of purchasing and procurement, the mayor shall adhere to the provisions within this Charter and any ordinance governing purchasing and procurement; provided, however, when the mayor proposes to let a contract to one other than the lowest bidder or offeror or award a contract which has not been competitively procured, the contract shall be approved by the council prior to an award of contract.		Bureau of Buildings Zoning Division is responsible for interpreting and enforcing the zoning ordinance. The Zoning Review Board considers property rezonings and special use permits. The Board of Zoning Adjustments considers applications for variances and special exceptions.	
City of Houston, TX	2,100,000	Council/ Executive (Mayor)	Charter: No contract, agreement or other obligation involving the expenditure of money in excess of the limitation amount determined as provided in this paragraph, below, shall be ordered, authorized, entered into, or executed by any officer of the city unless same be, by authority of ordinance, resolution or motion.... The limitation amount referred to above shall be equal to the maximum dollar amount of an expenditure that the City is generally allowed to make without taking competitive bids for contracts under state law, as amended from time to time.	Bid protests are submitted in writing to the purchasing agent, who then meets with the vendor. The decision of the Purchasing Agent may be appealed to the Legal Department, which is the final arbiter in the bid protest process.	The Department of Planning and Development regulates land development in Houston. Since Houston is not a zoned city, development is governed by codes that address how property can be subdivided, but city codes do not speak to the land use.	No independent analysis occurs; professional staff provides legislative analysis.
City of Chicago, IL	2,800,000	Council/ Executive (Mayor)		Bid protests are filed with the Chief Procurement Officer. The Chief Procurement Officer may meet with the vendor and is the final arbiter of the bid protest process.	The Zoning Ordinance is defined under Title 17 of the Chicago Municipal Code and implemented by the Department of Zoning. Variations, appeals, and special uses are brought before the Zoning Board of Appeals.	Independent analysis is provided by staff from the Council's Legislative Reference Bureau.

City/County	2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
City of Los Angeles, CA	3,800,000	Council-Executive (Mayor)	<p>Charter: Except as otherwise provided in the Charter, no board, officer or employee shall make any type of contract obligating the City or any department to make or receive payments of money or other valuable consideration for a period longer than 3 years, unless first approved by the Council. If the Council does not approve the contract, the Council shall not modify the contract, but shall return it to the contracting authority for reconsideration and resubmission to Council. Code: Any action by any of the departments contracts which obligate the City for longer period of time than one year or which involves consideration reasonably valued in excess of Twenty Thousand Dollars (\$20,000) shall be taken by the head of the department by order or resolution. However, the Board of Commissioners of the Departments of Airports, Harbor and Water and Power may each authorize its General Manager to contract on behalf of its department where the contract does not involve consideration reasonably valued in excess of One Hundred-Fifty Thousand Dollars (\$150,000).</p>	<p>Bid protests are submitted in writing to the Procurement Analyst handling the item and the Analyst makes the final decision on the Procurement Department's behalf; there is no appeal process other than court action.</p>	<p>The zoning code is defined under the Municipal code, Chapter 1. The Office of Zoning Administration makes determinations on all applications for variances from zoning ordinances, many conditional uses and other special zoning permits. Appeals may be made to Area Planning Commissions or City Planning Commission.</p>	<p>Independent analysis is provided by staff from the Office of Chief Legislative Analyst.</p>
American Bar Association - Model Procurement Code (2000)	N/A	N/A	<p>The Chief Procurement Officer shall, in accordance with regulations, procure or supervise the procurement of all supplies, services, and construction needed by the (State).</p>	<p>The Chief Purchasing Officer, or designee, shall have the authority to settle and resolve a protest of an aggrieved bidder, offeror or contractor concerning the solicitation or award of a contract.</p>	N/A	N/A

NOTES

- 1 - The Director of Finance is appointed from among three persons whose names are submitted to the Mayor by the Finance Panel. The Civil Service Commission is appointed by the Personnel Director. With the approval of the Mayor: (a) The Managing Director appoints the Police Commissioner, the Health Commissioner, the Street Commissioner, the Recreation Commissioner, the Welfare Commissioner, the Water Commissioner, the Commissioner of Public Property, the Commissioner of Licenses and Inspections, and the Commissioner of Records; (b) The Director of Finance appoints the Revenue Commissioner and the Procurement Commissioner.
- 2 -Under the Charter, the municipality shall have a maximum of nine departments, as the council may establish by ordinance. All of the administrative functions, powers and duties of the municipality, other than those vested in the offices of the municipal clerk and the municipal tax assessor, shall be allocated and assigned among and within such departments.
- 3 - In all jurisdictions, unless otherwise specified, legislative analysis is done by the Commissioner/Councilperson's own staff. "Independent" legislative analysis refers to additional analysis done by separate staff.

Miami-Dade County
Office of Strategic Business Management
Selected Florida and National Jurisdictions - Budget Process

City/County	2005 Pop.	Form of Govt.	Budget Cycle	Executive Powers/ Authority over Budget	Chief Administrative Officer(s) Powers/Duties	Commission/ Council Powers/ Authority	Other Entities Having Budgetary Responsibilities	Staff Support to Admin.	Staff Support to Commission/ Council
Miami-Dade	2.4 mill	Commission/ Executive (Mayor)	In January, the County Manager's resource allocation priorities are released, in March the Mayor has a budget address, in April, the County Commission approves the resource Allocation policies, in July, the proposed resource allocation plan is released, in September there are 2 public hearings, budget approved by October	Vetoes legislation including budget or budget components	Prepares County Budget for review by Mayor and Commission (Charter Requirement)	Appropriate funds and adopt operating and capital budgets; Override Mayor's veto by 2/3 vote	None	Office of Strategic Business Management (OSBM)	Commission Auditor is appointed by the Commission. Provides the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.
Orange	1 mill	Commission/ Executive (Mayor)	Department budget meetings with the County Mayor and County Administrator are held in May; distribution of the proposed budget to the BCC and 2 public hearings on the proposed budget and millage rates occur in July. The Office of Management and Budget submits the final adopted budget in November.	Submits the annual budget estimate to the Board.	County Administrator assists the Mayor in the daily management of the County (Charter Requirement)	Approve annual operating and capital budgets	N/A	The Office of Management & Budget (OMB) has the primary responsibility for preparing and monitoring the County's revenue, expenditures, and capital improvement budgets.	Commission has a staff that reviews the budget and informs them on issues. The commission and mayor's office is responsible for the final funding and policy decisions.
Duval (City of Jacksonville)	830,000	Elected Executive/Commission	There are 3 budget hearings beginning in mid-August. In the first week of September, the council holds a budget hearing wrap up session where they vote on the budget.	Administers the central government, which includes 10 departments; Appoints the department directors and division chiefs, subject to Council approval (Mayor, 4 year term)	The Chief Administrative Officer (CAO) provides financial oversight and chairs the Mayor's Budget Review Committee.	Enacts legislation to provide for the needs of the community (city and county governments merged to become single entity). The Council has authority over the budgets of the general government and the independent agencies of the city.	N/A	The Budget Office (under the Department of Administration) provides support services to general government departments in the execution of the Annual Budget.	The Office of the Council Auditor (CAO) reviews the budget department by department for the council and makes recommendations to the council.

Miami-Dade County
Office of Strategic Business Management
Selected Florida and National Jurisdictions - Budget Process

City/County	2005 Pop.	Form of Govt.	Budget Cycle	Executive Powers/ Authority over Budget	Chief Administrative Officer(s) Powers/Duties	Commission/ Council Powers/ Authority	Other Entities Having Budgetary Responsibilities	Staff Support to Admin.	Staff Support to Commission/ Council
New York City, NY	8.2 mill	Council / Executive. The Council is presided over by the Public Advocate, an independent elected constitutional officer.	In January, the Mayor releases the Preliminary Budget. This is followed by a period of public comment during which the 59 Community Boards, the 5 Borough Boards and the City Council make recommendations on the budget to the Mayor. The Mayor then submits the Executive Budget to the City Council in April. The Council once again holds a set of hearings on the budget. After the hearings, the Council negotiates changes to the Executive Budget with the Mayor. Once an agreement has been reached, the Council votes to approve a budget for the upcoming fiscal year, which begins on July 1.	Issues a Preliminary Budget that is released in January and an Executive Budget in April. The mayor has the power, under the Charter, to veto any increase or addition to the budget or any change in terms or conditions approved by the Council, such veto is however, subject to an override by a two-thirds vote of the Council.	N/A	The City Council is responsible for adopting the expense and capital budget. The Charter states that the Council may increase, decrease, add or omit specific units of appropriation ("U/As") in the budget submitted by the Mayor and may add, omit or change any terms or conditions related to such appropriations.	The City Comptroller, an elected constitutional officer, is the City's chief fiscal officer; under the City Charter the Comptroller reviews and comments on the City's budget and four-year financial plan, including preparation of a number of specific reports and letter statements. Additionally, the Independent Budget Office is a publicly funded independent agency that provides nonpartisan budgetary, economic and policy analysis for residents and elected officials.	The Office of Management and Budget (OMB) is responsible for assisting the Mayor in developing and implementing the City's budget, and for advising the Mayor on policy affecting the City's fiscal stability and the effectiveness of City services.	None identified
Montgomery County, MD	930,000	Council / Executive	The County Executive submits proposed capital and operating budgets to the Council by January 15 and March 15, respectively. The Council holds public hearings and deliberates on the proposal. Council takes final action by June 1. Fiscal Year begins July 1. The final adopted budget is prepared by the Office of Management and Budget.	Submits annual budget and a comprehensive six-year program for capital improvements for Council approval	The Chief Administrative Officer shall, subject to the direction of the County Executive, supervise all departments, offices, and agencies of the Executive Branch, advise the County Executive on all administrative matters and perform such other duties as may be assigned by the County Executive, or by the Charter (Charter Requirement)	The County Council approves operating and capital budget as well as six year capital improvement program.	N/A	The Office of Management and Budget (OMB) is the department of County government that prepares the annual operating budget and six-year capital plan. OMB monitors expenditures and revenues periodically during the year. Budget transfers, supplemental appropriations and movement of positions are also OMB functions.	The Office of Legislative Oversight works on a project basis in accordance with a Council-approved work plan. The Legislative Central Staff consists of 1 Director, 8 Legislative Managers, 3 Attorneys and 8 Legislative Analysts. Central staff are assigned County departments much like the OMB staff and issue recommendations based on their independent analysis of the proposed budget.

Miami-Dade County
Office of Strategic Business Management
Selected Florida and National Jurisdictions - Budget Process

City/County	2005 Pop.	Form of Govt.	Budget Cycle	Executive Powers/ Authority over Budget	Chief Administrative Officer(s) Powers/Duties	Commission/ Council Powers/ Authority	Other Entities Having Budgetary Responsibilities	Staff Support to Admin.	Staff Support to Commission/ Council
Cook County, IL	5 mill	Commission / Executive (President)	During September & October the President conducts executive budget hearings. The President's budget recommendation is submitted to the Committee on Finance. From November to December the budget is made available for public review and public hearings are conducted. The Committee on Finance submits the proposed budget with its amendments to the Board for adoption.	Conducts executive budget hearings and submits proposed budget to Board	Cook County has a Chief Administrative Officer; Chief Financial Officer; Comptroller; Chief Information Officer; Chief Health Officer; Chief Human Resources Officer; Chief Public Safety Officer, each having discrete areas of authority and responsibility; (Legislative Requirements from County Code)	The Board appropriates revenue and adopts the budget.	N/A	The Department of Budget and Management Services is within the Bureau of Finance which reports to the President. This agency prepares the annual budget and coordinates development of long-term budgetary projections.	In this form of government the County Executive (President) is elected countywide and presides over the Commission. There is no mention in the code or online literature of support staff that report to other than the President.
Wayne, MI	2 mill	Commission / Executive	By June 3 the County Executive transmits the proposed budget to the County Commission. By June 18 the Commission introduces the Appropriation Ordinance. By July 18 at least 2 public hearings are held on the budget. Budget is adopted on September 1 and the fiscal year starts October 1. The County Executive establishes a schedule of periodic allotments for the Fiscal Year.	Transmits proposed budget to commission; has authority to veto line items in an appropriation ordinance	Deputy CEO exercises the powers and duties of the CEO in his absence; Performs powers and duties delegated by the CEO (Charter Requirement)	The Commission appropriates revenue and adopts the budget.	N/A	The Department of Management and Budget prepares a performance-based budget for major County operations, programs and activities.	The Department of Commission Policy Research and Analysis is the operational arm of the Committee on Ways and Means. They prepare an annual report on the budget and technical staff support and research assistance to all Commission Committees. The Commission also staffs an Office of Legislative Auditor General and Department of Commission Council.

Miami-Dade County
Office of Strategic Business Management
Selected Florida and National Jurisdictions - Budget Process

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King, WA	1.8 mill	Council / Executive	At least seventy-five days prior to the end of each fiscal year, the county executive presents to the county council a complete budget. At least thirty days prior to the end of the fiscal year, the county council adopts the budget for the next fiscal year.	Presents to the council annual statements of the county's financial affairs, the proposed budget and capital improvement plan	The County Administrative Officer assists the County Executive and supervises the administrative offices and appoints the chief officer of each administrative office (Charter Requirement; manages internal support agencies only)	The County Council adopts and approves the budget. The county council shall not adopt an additional or amended capital budget appropriation ordinance during the fiscal year unless requested to do so by the county executive.	In 2002 the County Executive convened a Budget Advisory Task Force, which transmitted its final recommendations the following year.	The Office of Management and Budget is an office of the County Executive.	The Council adopted a set of "Priorities for People" to guide development of the 2007 budget. The Council also initiated and executed a Citizen Budget Priorities Initiative in 2007 to inform preparation of the 2008 budget. Results were transmitted to the County Executive. The County Auditor reports to the council, but does not have a direct role in the budget process.
Baltimore, MD	800,000	Council / Executive	On or before April 16 of each year, the County Executive submits to the County Council a proposed budget for the ensuing fiscal year. The County Council may make reductions in the Executive's proposed budget, but may not increase any item or alter the revenue estimates. The Council must adopt a budget by June 1 or the Executive's proposed budget will stand adopted. The Office of Budget and Finance transmits the final adopted budget.	Submits to the County Council a proposed Operating Budget and Capital Improvement Program to the County Council.	The CAO is the chief budget officer of the County and prepares and submits the annual budget to the County Executive for presentation to the Council.	The County Council may make reductions in the Executive's proposed budget, but may not increase any item or alter the revenue estimates. The Council must adopt a budget by June 1 or the Executive's proposed budget will stand adopted. However, the adopted budget is not subject to Mayoral veto.	The County's budget guidelines stipulate that growth in the general fund operating budget should not exceed the county's growth in personal income. A Spending Affordability Committee provides projections of growth in personal income and recommends an estimated spending limit.	The Director of Budget and Finance is responsible for the formulation of the budget under the supervision of the County Administrative Officer and is responsible for the administration of the financial affairs of the County.	The County Auditor operates as part of the Legislative branch of the County Charter. Among the Auditor's duties are to assist the Council in its annual evaluation of the County executive's proposed budget. The Auditor reviews departmental budgets, recommends adjustments, and identifies issues that departments should be prepared to discuss.

Miami-Dade County
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City of Philadelphia, PA	1.4 mill	Council - Executive (Mayor)	It is considered better budgetary practice for the fiscal year to commence on or about July 1. This was not practicable for the City because real estate tax assessment and payment requirements, specified by statute, produce most of the City's revenue in the months of March, April and May. However, Council is empowered to change the fiscal year when modification of statutory provisions permits it and the problem of changing the taxing period has been thoroughly studied	Communicate to the Council at least once a year a statement of the finances and general conditions of the affairs of the City and also such information on financial matters as the Council may from time to time request	Same as executive powers	It shall be the duty of the Council, to adopt the annual operating budget ordinance for the next fiscal year; The consideration of the operating budget ordinance shall begin forthwith upon the receipt from the Mayor of his annual operating budget message and the proposed annual operating budget ordinance,	The Auditing Department, shall examine and approve or disapprove all requisitions submitted to it through the Director of Finance by any officer, department, board or commission of the City or other agency to which an appropriation has been made, Audits of the Financial Affairs of Officers, Departments, Boards, Commissions and Other Agencies	The Director of Finance is thus the chief financial officer of the City and all powers and duties concerning finances, accounting, and budgeting in the executive branch are directly or indirectly his, Budget Bureau - Prepares and directs oversight of the operating budget, provides financial forecasts and updates the City's Five-Year Financial Plan.	N/A
City of Newark, NJ	300,000	Council - Executive (Mayor)	The municipal budget shall be prepared by the mayor with the assistance of the business administrator. During the month of November, the mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or the business administrator at public hearings, which shall be held during that month, on the various requests. On or before the fifteenth day of the fiscal year the mayor shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable.	The municipal budget shall be prepared by the mayor with the assistance of the business administrator.	N/A	Council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of council.	N/A	The municipal budget shall be prepared by the mayor with the assistance of the business administrator	N/A

Miami-Dade County
Office of Strategic Business Management
Selected Florida and National Jurisdictions - Budget Process

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Washington D.C.	600,000	Council - Executive (Mayor)	The Mayor develops and submits the proposed budget and financial plan for the next fiscal year to the Council of the District of Columbia by March 18. The Council holds public hearings and accepts the Mayor's budget or adopts its own version. The Mayor may sign or veto the Council's budget. If the Mayor vetoes the budget, the Council may override the veto. Once agreement is reached between the Mayor and the Council, the budget is adopted and transmitted to the President of the United States for submission to Congress for approval. Congress must approve the District's budget as one of the 13 annual federal appropriations bills.	The Mayor develops and submits the proposed budget and financial plan for the next fiscal year to the Council of Columbia	Office of the Chief Financial Officer (OCFO), is responsible for oversight and direct supervision of the financial and budgetary functions of the District government; preparing the city's annual budget, representing the District in the federal appropriations process, and monitoring budget performance during the fiscal year	The council holds public hearings and accepts the mayor's budget or adopts its own version. The council mayover rde the mayors veto.	The Office of the District of Columbia Auditor was established by federal legislation. The District of Columbia Auditor annually audits the accounts, operations, and programs of the District of Columbia Government and certifies revenue estimates in support of municipal bond issuances. Further, the Office of the Auditor is required by the Advisory Neighborhood Commissions Act of 1975, as amended, to provide oversight and conduct audits of the financial activities of the District government's 37 Advisory Neighborhood Commissions.	N/A	N/A
City of Atlanta, GA	500,000	Council - Executive (Mayor)	At the first Council meeting in February of each year, beginning in 2007, each Council member may submit his/her budget priorities for the coming year. Such priorities shall be referred to the Finance/Executive Committee, which shall submit these priorities in the form of a resolution to be adopted by the Council no later than the second Council meeting in February.	The mayor shall prepare and submit the proposed annual budget ordinance to the governing body no later than the first regular meeting of the governing body in May, preceding the commencement of the fiscal year.	N/A	The governing body may amend the proposed annual budget, except that the budget as finally amended must provide for all expenditures required by law or by this Charter	N/A	Finance Department monitors and assists in the preparation of the annual budget	N/A

Miami-Dade County
Office of Strategic Business Management
Selected Florida and National Jurisdictions - Budget Process

City/County	2005 Pop.	Form of Govt.	Budget Cycle	Executive Powers/ Authority over Budget	Chief Administrative Officer(s) Powers/Duties	Commission/ Council Powers/ Authority	Other Entities Having Budgetary Responsibilities	Staff Support to Admin.	Staff Support to Commission/ Council
City of Houston, TX	2.1 mill	Council/ Executive (Mayor)	It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City in accordance with the requirements of the State Budget Law applicable to cities and towns. (Added by amendment December 28, 1915; amended January 27, 1968)	It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City	N/A	Approves the annual budget submitted by the mayor	The City Controller shall, on or before the first day of April of each year, prepare and transmit to the City Council a report of the financial transactions of the City during the fiscal year ending the last day of December, next preceding, and of its financial condition on said last named day of December. The report shall show an accurate statement in summarized form and also in detail of the financial receipts of the City from all sources and of the expenses of the City	The City Controller shall be responsible for conducting internal audits, in accordance with professionally recognized auditing standards, of the operations of all City departments, offices, agencies and programs.	Administrative Office of City Council (AOCC), formerly Office of the Mayor Pro Tem, serves all administrative duties for Houston City Council. Although, the office serves City Council, it is a division of Finance and Administration.
City of Chicago, IL	2.8 mill	Council/ Executive (Mayor)	Budget cycle begins Jan 1st - Dec 31st. The mayor submits the budget to council for approval	N/A	N/A	N/A	N/A	N/A	N/A

Miami-Dade County
Office of Strategic Business Management
Selected Florida and National Jurisdictions - Budget Process

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City of Los Angeles, CA	3.8 mill	Council-Executive (Mayor)	On or before April 20 of each year, the Mayor shall submit to the Council a budget for the next ensuing fiscal year setting forth in summary and in detail; On or before February 1, the Mayor shall publish his or her budget priorities for the next fiscal year in order to facilitate public comment. On or before March 1 of each year the Controller shall submit to the Mayor a detailed statement of estimates will be required for the interest and sinking funds and for all outstanding bonded indebtedness	The Mayor may veto, restore or otherwise change any item to the amount originally proposed and that adopted by the Council. The Mayor, however, shall have no power to change any description or limitation made applicable to an item by the Council, except to veto the change or to restore the description or limitation to the condition originally proposed by the Mayor.	N/A	Approve the budget or modify the budget by disapproving in whole or in part any items, or by increasing or decreasing any item, or by adding new items, and return the budget as modified by the Council to the Mayor. Any action taken by the Council under this section shall be taken by a majority vote of its members, the Council shall have five days which to overcome the action of the Mayor relative to any item or items of the budget. Any item or items of the budget which shall have been vetoed, or otherwise changed by the Mayor, and which shall not be, by a two-thirds vote of all of the me	The Controller shall be the auditor and general accountant of the City and shall exercise a general supervision over the accounts of all offices, departments, boards and employees of the City charged in any manner with the receipt, collection or disbursement of the money of the City. The Controller shall be elected as provided in Section 202.	Budget office is within the mayor's office	N/A

Additional **Materials**

Fernandez, Margarita (CEO)

From: Citizen_Email
Sent: Friday, December 14, 2007 9:08 AM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **Maria**

Street Address: **1332 SW 2 St**

City: **Miami**

State: **FL**

Zip: **33135**

Comment: **Eleceted by the CITIZENS 1. Tax Collector. 2. Safety of Election. 3. Supervisor of election (although Elec. Machine can be prograded) 4. Property Appraiser(not by COUNTY COMMISSIONERS being there 20 yrs. Our homes and insurance are at RISK) 5.\$91,995 for COMMISSIONERS what about them being the chairman of many non-profit org. as well as benefits for life after retirement.6. County manager. 7.Task force also-No Maurice Ferre,Cancela,etc. HAPPY HOLIDAY.**

PodhurstOrseck

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Aaron S. Podhurst
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Victor M. Diaz, Jr.
Katherine W. Ezell
Stephen F. Rosenthal
Ricardo M. Martínez-Cid
Ramon A. Rasco
Alexander T. Rundlet
John Gravante, III

Robert Orseck (1934-1978)

Walter H. Beckham, Jr.
Karen Podhurst Dern
Of Counsel

December 21, 2007

Honorable Carlos Alvarez, Mayor
Miami Dade County
111 NW 1st Street, Suite 2910
Miami, FL 33128

Dear Mayor Alvarez:

On October 31, 2007, pursuant to County Resolution No. R-462-07, the Charter Review Task Force provided the Board of County Commissioners with its Initial Report making final recommendations regarding several of the 15 issues identified by the Task Force for critical study and deliberation. Since then, the Task Force has continued to move forward with studying the remaining issues. A report including final Task Force recommendations will be provided to the Board on or before January 29, 2008.

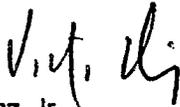
During its remaining meetings in January 2008, the Task Force will study several areas of inquiry regarding the balance of power between the Mayor and Board, including a review of the functions of Mayor vs. County Manager, the respective role of the Mayor and Board in procurement, budget development and policy analysis and the powers of the Commission Auditor. As part of this discussion, Task Force members have requested your substantive comments or proposals. **In addition, I am requesting that you advise the Task Force of any other areas of the relationship that you believe should be the subject of Charter study.**

To provide your comments, please send them before January 9, 2008 to Assistant County Manager Susanne M. Torriente at susy@miamidade.gov or via fax at 305-375-1590. For information on the Task Force's efforts, as well as future meetings and public hearing, please visit www.miamidade.gov/charterreview.

We realize your time is limited, but the Task Force deems your input critical and your expertise and insight vital to our deliberations. I thank you in advance for your willingness to respond.

If you have any questions, do not hesitate to call me at 305-358-2800, ext. 241. Thank you for your consideration and I look forward to your continued participation and support.

Sincerely,



Victor M. Diaz, Jr.
Chairman, Charter Review Task Force

C: Charter Review Task Force Members
George M. Burgess, County Manager
Susanne M. Torriente, Assistant County Manager
Joni Armstrong-Coffey, Assistant County Attorney
Cynthia Johnson-Stacks, Assistant County Attorney
Kay Sullivan, Director, Clerk of the Board Division

PodhurstOrseck

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Walter H. Beckham, Jr.
Karen Podhurst Dern
Of Counsel

December 21, 2007

Honorable Chairman Bruno A. Barreiro
Board of County Commissioners
111 NW 1st Street, Suite 220
Miami, FL 33128

Dear Chairman Barreiro:

On October 31, 2007, pursuant to County Resolution No. R-462-07, the Charter Review Task Force provided the Board of County Commissioners with its Initial Report making final recommendations regarding several of the 15 issues identified by the Task Force for critical study and deliberation. Since then, the Task Force has continued to move forward with studying the remaining issues. A report including final Task Force recommendations will be provided to the Board on or before January 29, 2008.

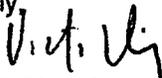
During its remaining meetings in January 2008, the Task Force will study several areas of inquiry regarding the balance of power between the Mayor and Board, including a review of the functions of Mayor vs. County Manager, the respective role of the Mayor and Board in procurement, budget development and policy analysis and the powers of the Commission Auditor. As part of this discussion, Task Force members have requested your substantive comments or proposals. **In addition, I am requesting that you advise the Task Force of any other areas of the relationship that you believe should be the subject of Charter study.**

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Kay Sullivan, Director, Clerk of the Board Division

PodhurstOrseck

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Robert Orseck (1934-1978)

Walter H. Beckham, Jr.
Karen Podhurst Dern
Of Counsel

December 21, 2007

Honorable Vice-Chairwoman Barbara J. Jordan
Board of County Commissioners
111 NW 1st Street, 2nd Floor
Miami, FL 33128

Dear Vice-Chairwoman Jordan:

On October 31, 2007, pursuant to County Resolution No. R-462-07, the Charter Review Task Force provided the Board of County Commissioners with its Initial Report making final recommendations regarding several of the 15 issues identified by the Task Force for critical study and deliberation. Since then, the Task Force has continued to move forward with studying the remaining issues. A report including final Task Force recommendations will be provided to the Board on or before January 29, 2008.

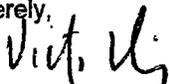
During its remaining meetings in January 2008, the Task Force will study several areas of inquiry regarding the balance of power between the Mayor and Board, including a review of the functions of Mayor vs. County Manager, the respective role of the Mayor and Board in procurement, budget development and policy analysis and the powers of the Commission Auditor. As part of this discussion, Task Force members have requested your substantive comments or proposals. **In addition, I am requesting that you advise the Task Force of any other areas of the relationship that you believe should be the subject of Charter study.**

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Sincerely,



Victor M. Diaz, Jr.
Chairman, Charter Review Task Force

C: Charter Review Task Force Members
George M. Burgess, County Manager
Susanne M. Torriente, Assistant County Manager
Joni Armstrong-Coffey, Assistant County Attorney
Cynthia Johnson-Stacks, Assistant County Attorney
Kay Sullivan, Director, Clerk of the Board Division

PodhurstOrseck

TRIAL & APPELLATE LAWYERS

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Robert Orseck (1934-1978)

Walter H. Beckham, Jr.
Karen Podhurst Dern
Of Counsel

December 21, 2007

Honorable Dorrin D. Rolle
County Commissioner
111 NW 1st Street, 2nd Floor
Miami, FL 33128

Dear Commissioner Rolle:

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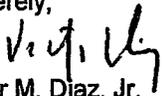
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Walter H. Beckham, Jr.
Karen Podhurst Dern
Of Counsel

December 21, 2007

Honorable Audrey M. Edmonson
County Commissioner
111 NW 1st Street, 2nd Floor
Miami, FL 33128

Dear Commissioner Edmonson:

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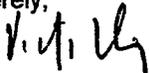
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Karen Podhurst Dern
Of Counsel

December 21, 2007

Honorable Sally A. Heyman
County Commissioner
111 NW 1st Street, 2nd Floor
Miami, FL 33128

Dear Commissioner Heyman:

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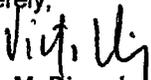
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Of Counsel

December 21, 2007

Honorable Rebeca Sosa
County Commissioner
111 NW 1st Street, 2nd Floor
Miami, FL 33128

Dear Commissioner Sosa:

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Of Counsel

December 21, 2007

Honorable Carlos A. Gimenez
County Commissioner
111 NW 1st Street, 2nd Floor
Miami, FL 33128

Dear Commissioner Gimenez:

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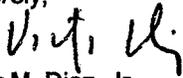
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December 21, 2007

Honorable Katy Sorenson
County Commissioner
111 NW 1st Street, 2nd Floor
Miami, FL 33128

Dear Commissioner Sorenson:

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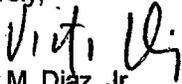
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December 21, 2007

Honorable Dennis C. Moss
County Commissioner
111 NW 1st Street, 3rd Floor
Miami, FL 33128

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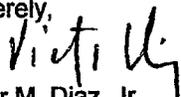
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Karen Podhurst Dern
Of Counsel

December 21, 2007

Honorable Javier D. Souto
County Commissioner
111 NW 1st Street, 3rd Floor
Miami, FL 33128

Dear Commissioner Souto:

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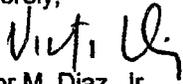
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Walter H. Beckham, Jr.
Karen Podhurst Dern
Of Counsel

December 21, 2007

Honorable Joe A. Martinez
County Commissioner
111 NW 1st Street, 3rd Floor
Miami, FL 33128

Dear Commissioner Martinez:

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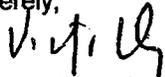
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Karen Podhurst Dern
Of Counsel

December 21, 2007

Honorable Jose "Pepe" Diaz
County Commissioner
111 NW 1st Street, 2nd Floor
Miami, FL 33128

Dear Commissioner Diaz:

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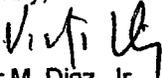
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December 21, 2007

Honorable Natacha Seijas
County Commissioner
111 NW 1st Street, 3rd Floor
Miami, FL 33128

Dear Commissioner Seijas:

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