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## ***Charter Review Task Force Meeting***

Wednesday, December 12, 2007

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 20, 2007 meeting minutes
  - B. Approval of November 28, 2007 meeting minutes
4. Old Business
  - A. Discussion of Issue 6 - Study of Initiative, Referendum, Petition & Recall
  - B. Prioritization of Pending Issues of Study
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

Adjournment – Next Meeting:

Wednesday, January 9, 2008

10:00 am

Main Library Auditorium, 1st Floor

101 West Flagler Street

Miami, Florida

**Charter Review Task Force  
December 12, 2007**

**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  
Stephen P. Clark Government Center  
111 NW 1<sup>st</sup> Street  
Miami, Florida 33128

Tuesday, November 20, 2007  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Kay Madry Sullivan, Director  
Clerk of the Board Division

Akira Spann, Commission Reporter  
(305) 375-2510



**CLERK'S SUMMARY AND OFFICIAL MINUTES**  
**CHARTER REVIEW TASK FORCE**  
**NOVEMBER 20, 2007**

The Charter Review Task Force convened in a meeting on November 20, 2007 at the Stephen P. Clark Government Center, 111 N.W. 1<sup>st</sup> Street, Miami, Florida. The following members were present: Chairman Victor M. Diaz Jr. and members Ms. Lynn Dannheiser, Mr. Miguel De Grandy, former City of Miami Mayor Maurice Ferre, Commissioner Carlos Gimenez, Mr. Robert Ginsburg, Mr. Larry R. Handfield, Ms. Elizabeth Hernandez, Mr. John M. Hogan, Mr. Robert W. Holland, and Mr. Richard Kuper; (former City of West Miami Mayor Diaz-Padron, City of Miami Gardens Mayor Shirley Gibson, and Mr. Francois Illas, were late); (City of Miami Beach Mayor David Dermer, Mr. Murray Greenberg, former City of Hialeah Mayor Raul L. Martinez, Mr. Jorge Luis Lopez, Mr. H.T. Smith, Ms. Yvonne Soler-McKinley, and Mr. Ignacio Jesus Vazquez were absent).

**1. Call to Order**

Chairman Diaz called the meeting to order at 10:18 a.m.

**2. Roll Call**

The following staff members were present: Assistant County Manager Susanne M. Torriente; Assistant County Attorneys Mandana M. Dashtaki and Wilfredo Ferrer; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Diane Collins and Akira Spann.

Chairman Diaz reviewed those items on today's (11/20) agenda that required no formal action, until a quorum was present.

**3. Approval of Minutes**

**A. Approval of October 31, 2007 meeting minutes**

Mayor Ferre requested that the minutes of October 31, 2007 be corrected in connection with agenda item 4A, Review and Approval of Interim Report to the Board of County Commissioners, to reflect that he had indicated that if he had been present at the meeting of October 17, 2007, when the Task Force members had taken a final vote on the recommendations contained in its Interim Report, he would have voted "No" on the recommendations relating to the Public Safety Director, Property Appraiser and Supervisor of Elections, and that he was in support of the salary raise and term limits for county commissioners, however, the election

should be held in November, as reflected in the Dissenting Opinion he had submitted relating to the Task Force's Initial Recommendations.

It was moved by Mr. Illas that the October 31, 2007 Charter Review Task Force meeting minutes be approved as corrected by Mayor Ferre. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 13-0 (Mayor Dermer, Mayor Gibson, Mr. Greenberg, Mayor Martinez, Mr. Lopez, Mr. Smith, Ms. Soler-McKinley, and Mr. Vazquez were absent).

#### **4. Old Business**

##### **A. Discussion of Issue 5—Study of Municipalities and Unincorporated Municipal Service Area (UMSA)**

- **Creating/Abolishing Municipalities**
- **Separation of Powers or Responsibilities between the County and Municipalities**
- **Annexation/Incorporation in effort to eliminate UMSA**

It was moved by Mr. De Grandy that the Task Force recommend to the County Commission that a comprehensive plan for countywide incorporation, accomplished through annexation and/or incorporation, be submitted in 2009, and placed on the ballot for all citizens to vote on in 2010. This motion was seconded by Ms. Hernandez.

Following discussion Mr. De Grandy amended his motion to provide that the plan for countywide incorporation be developed by an independent body. There was no objection from the seconder of the motion to the amendment.

Mayor Ferre addressed the issues of providing governance close to the people, politics and fairness in taxation and the provision of services, as it related to countywide incorporation. He recommended the task force look at the system used by Minneapolis/St. Paul, in which a committee was responsible for setting minimum standards for services and allocating funds from a special account to ensure that all communities received services.

Mr. Ginsburg expressed concern with reducing the powers of the County Commission. He opposed creating a task force to draw municipal boundaries, noting this should remain the responsibility of the County Commission, an elected body that could be held accountable. Mr. Ginsburg expressed that placing the question of countywide incorporation on the ballot for a countywide vote, would dilute the vote of those in the unincorporated area. Mr. Ginsburg referred to a proposal he had made at a prior meeting which required a countywide merit retention vote for all commissioners mid-way through their term of office, noting it would force commissioners to focus on regional issues.

Members of the Task Force spoke in support of the motion.

Commissioner Gimenez expressed that the plan for countywide incorporation should not be prepared by the County Commission. He stated that with the exception of specialized services, police services were better provided at the local level.

Mr. Holland spoke in support of the motion if it could be amended to provide that only the electorate in unincorporated Miami-Dade County would vote, not the entire county.

Following discussion, Mr. De Grandy's motion, as amended, to provide that the Task Force recommend to the County Commission that an Independent Task Force be appointed to prepare and submit a comprehensive plan in 2009 for countywide incorporation, accomplished through annexation and/or incorporation, subject to amendments or changes by two-thirds vote of the County Commission, and placed on the ballot for all citizens to vote on at a general election in 2010. The motion, upon being put to a vote, passed by a vote of 12-2, (Mr. Ginsburg and Mr. Holland voted no), (Mayor Dermer, Mr. Greenberg, Mayor Martinez, Mr. Lopez, Mr. Smith, Ms. Soler-McKinley, and Mr. Vazquez were absent).

**B. Discussion of Issue 6—Study of Initiative, Referendum, Petition & Recall**

Mr. Ray Scher, Office of Strategic Business Management (OSBM) Assistant Director, made a presentation entitled "Direct Democracy: Initiative and Recall.

Mayor Ferre requested that Assistant County Manager Torriente ensure that reports scanned and placed on the Charter Review Website be legible and that hard copies be available at the Task Force meetings.

At the request of Mr. Ginsburg, Chairman Diaz requested staff provide the Task Force with a list of any inconsistencies in the Charter relating to initiative, referendum, petition and recall that needed to be addressed.

Assistant County Attorney Wilfredo Ferrer noted that a recently adopted ordinance that criminalized false statements made in a petition or recall was being challenged with regards to the term "false statements."

It was moved by Mayor Ferre that the Task Force recommend to the County Commission that the Charter provision 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. This motion was seconded by Mr. De Grandy, and upon being put to

a vote, passed by a vote of 10-1 (Mayor Gibson voted No), (Ms. Dannheiser, Mayor Dermer, Mr. Greenberg, Mr. Handfield, Mr. Holland, Mayor Martinez, Mr. Lopez, Mr. Smith, Ms. Soler-McKinley and Mr. Vazquez were absent).

It was moved by Mayor Ferre that the Task Force recommend to the County Commission that amendments to the Charter may be proposed by petition of electors numbering not less than ten percent of the total number of electors registered in Miami-Dade County at the time the petition is submitted to the Board, provided that after five percent of the total number of signatures required have been gathered and certified by the Director of Elections there be 1) a public hearing, 2) a judicial review as to the legality of the proposed ballot language and its scope; and 3) that the time period for the collection of valid signatures be extended from 60 days to 120 days. This motion was seconded by Mr. Hogan.

Discussion ensued regarding the foregoing motion, as it related to the judicial review of the petition; when in the process the judicial review should be held; the potential for lengthy delays in the petition process, if a circuit court's judicial review was appealed; and when the election on a valid petition should be held.

There being no objections, Mayor Ferre amended the foregoing motion to provide that the Task Force recommend to the County Commission that amendments to the Charter may be proposed by petition of electors numbering not less than ten percent of the total number of electors registered in Miami-Dade County; that the time period for collection of valid signatures be extended to 120 days, provided that five percent of the total number of signatures required be collected in 60 days, followed by a public hearing, and upon conclusion of the public hearing the petitioner having 60 days to gather the remaining five percent of signatures required; and that a valid petition be placed on the ballot of the next general election. This motion was seconded by Mr. Hogan.

Mr. De Grandy noted his concern that when the electors vote on a charter amendment they should have a clear understanding of what they are voting on. He proposed that when a petition is submitted for approval as to form, one of the requirements should be that the petitioner submit a source document that indicates all sections of the charter that would be affected by the proposed amendment.

Mr. De Grandy proposed a friendly amendment to the foregoing motion which provided that when a petitioner submits a petition to amend the charter there be a source document that states what the ballot question intends to accomplish, or that a redlined charter be attached to the petition.

Following discussion, the Task Force agreed to vote on Mayor Ferre's motion at its next meeting, and requested that the county attorney present its opinion on the amendment proposed by Mr. De Grandy, which would be voted on separately.

**5. New Business**

**A. Report on Board of County Commissioners Action related to Charter Revisions**

Chairman Diaz noted that the Board of County Commissioners (BCC) at its special meeting on November 19, 2007 decided that there was insufficient time prior to the January 2008 special election to properly mount a campaign in support of the proposed Charter amendments. Whereupon it was decided to postpone placing any ballot questions before the electorate, with the exception of the Property Appraiser question, until the August or November 2008 ballot.

Chairman Diaz noted that the BCC treated the recommendations made by this Task Force with deference, and that this should re-energize their efforts in moving forward to consider further Issues of Study.

Chairman Diaz presented an overview of the Workshop held by the Task Force on November 15, 2007, regarding Incorporation.

**B. Review and Prioritization of Pending Issues of Study**

It was moved by Mr. De Grandy that the Task Force members individually submit a list ranking Issues of Study seven (7) through fifteen (15) based on the order of importance; and for the results to be tallied and presented at the next scheduled Charter Review Task Force meeting. This motion was seconded by Mr. Illas, and upon being put to a vote, passed by a vote of 10-1, (Mr. Ginsburg voted No), (Ms. Dannheiser, Mayor Dermer, Mayor Gibson, Mr. Greenberg, Mr. Handfield, Mayor Martinez, Mr. Lopez, Mr. Smith, Ms. Soler-McKinley and Mr. Vazquez were absent).

Chairman Diaz noted that staff only had sufficient time to research Issue 7—Balance of Power between the Mayor and the Board of County Commissioners, prior to the next Charter Review Task Force meeting. He stated that staff needed guidance on benchmarking research and input, as requested by Task Force members.

Commissioner Gimenez requested that staff examine the Charters of any other government that had a Strong Mayor and County Manager form of government, similar to Miami-Dade County, where the Mayor appointed the county manager and department heads, who all reported to the Mayor.

Mayor Ferre asked that the Charters for Washington D.C., Philadelphia, and Newark be examined.

**C. Procedure for Workshop Requests/Public Hearings**

Chairman Diaz noted that the workshop held on November 15, 2007 at the request of six (6) members of the Task Force, to continue discussion of Issue 5—Study of Municipalities and Unincorporated Municipal Service Area (UMSA), was only attended by three members.

Chairman Diaz noted that in the future, any request to schedule a workshop to be held in between scheduled meetings would be considered at the end of a regular scheduled task force meeting in order to reach a consensus of the members as to whether or not the workshop would be held.

**6. Adjournment**

There being no further business to come before this Task Force, the Charter Review meeting was adjourned at 12:56 p.m.

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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  
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 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 20<sup>th</sup>.

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 20<sup>th</sup> 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 an absolute 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 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 by virtue of 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 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 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.

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

**4-B**

## Issues for Study

Adopted by the Charter Review Task Force - August 1, 2007

(Revised on November 28, 2007)

<b>1</b>	<b>Study of Balance of Power - Mayor &amp; BCC</b> <ul style="list-style-type: none"><li>• Review Functions of Mayor vs. County Manager</li><li>• Review Powers of Commission Auditor</li></ul>
<b>2</b>	<b>Study of Any Changes to the Form of County Government be Required to be Placed on the Ballot during a <u>General</u> Election</b>
<b>3</b>	<b>Study of Lobbying Reform</b>
<b>4</b>	<b>Study of Ethics Regulations</b>
<b>5</b>	<b>Study of Procurement Reform</b>
<b>6</b>	<b>Study of Zoning and Urban Development Boundary (UDB) reform</b>
<b>7</b>	<b>Study of the Deliniation of Powers and Checks and Balances of the Ethics Commission and the Office of the Inspector General for Inclusion in the Charter</b>
<b>8</b>	<b>Study of Placement in the Charter Language regarding County Employees Convicted of Any Crime Involving a Breach of the Public's Trust be Subject to Forfeiture of his/her Public Salary, Pension Rights and Privleges</b>
<b>9</b>	<b>Study of Public Records</b>

**5-A**

# Memorandum



**Date:** November 27, 2007

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

**From:** Susanne M. Torriente  
Assistant County Manager

**Subject:** Information Package for Charter Review Task Force – Issue 7

At its August 1, 2007 meeting, the Charter Review Task Force (CRTF) approved a list of issues, in priority order, for study during this process. As requested, research on Issue 7, the Study of Balance of Power – Mayor and BCC, has been performed.

The attached grid presents the summary findings of this effort. Staff studied the Charters of selected Florida and national comparable counties with an elected chief executive officer (CEO) responsible for the administrative branch of government, frequently referred to as a *strong mayor*. All of the counties studied can be characterized as having a *strong mayor – council with Chief Administrative Officer (CAO)* form of government, as described by Desantis and Renner:

*“Cities are considered to have the strong mayor – council with CAO form when there is a mayor-council structure in which the CAO is appointed and the mayor is independently elected. Moreover, the mayor has veto power and a formal role (solely or shared) in either the budget preparation process or in the appointment of department heads.”* (Desantis, Victor S. and Renner, Tari, “City Government Structures: An Attempt at Clarification,” *State and Local Government Review*, Vol. 34, No. 2: 95-104)

Additionally, staff studied three additional *strong mayor* cities at the request of Task Force Member Mayor Maurice Ferre: Philadelphia, Newark and Washington, D.C. Counties with other forms of government, such as *classic council – manager* (in which there is an appointed chief administrative officer but no independently elected mayor) or *council – manager with at-large mayor* (in which the independently elected mayor has no formal role in the preparation of the budget or appointment of department heads) were not reviewed as part of this exercise.

For each jurisdiction, the powers and duties of the elected CEO, CAO and commission, as outlined in the respective charters – or, for non-charter counties, the county code - are summarized. The powers of the CEO and commission with respect to appointment and dismissal of department directors are particularly noted for your attention. The powers and duties of the council auditor or independently elected comptroller, if any, are also noted.

I would like to thank Amy Horton-Tavera, Paul Mauriello, Cara Tuzeo, John Murphey and Tracie Auguste for pulling this data together. Staff will continue to research this issue, as well as the other issues approved by the Task Force.

c: Charter Review Task Force Members and Staff

Miami-Dade County  
Office of Strategic Business Management  
**Selected Florida and National Counties/Cities with Elected Chief Executive Officer (CEO):  
Powers of Executive, Chief Administrative Officer, Council and Commission Auditor**

County Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
Miami-Dade	2.4 million	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 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) <b>Appointment / Dismissal of Department Directors:</b> Appoint 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) <b>Appointment / Dismissal of Department Directors:</b> 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	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) <b>Appointment / Dismissal of Department Directors:</b> 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 (8 single member districts; 4 year term limited to two consecutive terms within the same district) <b>Appointment / Dismissal of Department Directors:</b> 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.
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 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) <b>Appointment / Dismissal of Department Directors:</b> 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 <b>Appointment / Dismissal of Department Directors:</b> Approves appointments of department heads made by Mayor (14 single member districts, 5 at large, 4 year term 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 findings.
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; <b>Appointment / Dismissal of Department Directors:</b> 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. <b>Appointment / Dismissal of Department Directors:</b> Approves County Executive 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.

County 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) <b>Appointment / Dismissal of Department Directors:</b> 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 revenue and adopt budget (17 single member districts, one of which may also be Board President; 4 year term) <b>Appointment / Dismissal of Department Directors:</b> 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 County Auditor's compensation and official bond shall be fixed by 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, 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 ) <b>Appointment / Dismissal of Department Directors:</b> 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	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 <b>Appointment / Dismissal of Department Directors:</b> Confirm CEO appointments for Deputy CEO, department heads, deputy directors and members of boards and commissions; (15 single member districts, 2 year term; partisan)	Legislative Auditor General is appointed by Commission. The Auditor General shall make audits of the financial transactions of all County agencies at least once every two years, or as otherwise directed by the County Commission; make compliance audits of the past or current operations of any County agency, as requested by the Audit Committee of the Commission; and make performance audits of agency operations if requested by the executive officer in charge thereof. As soon as possible after the close of each fiscal year, the Auditor General shall make a report of the financial position of the County; additionally, (s)he shall audit annually all funds and property of the County .
King, 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) <b>Appointment / Dismissal of Department Directors:</b> Appoint the County Administrative Officer, chief officer of each executive department and members of all boards and commissions	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 and adopt budget; Establish, abolish, combine and divide administrative offices/ departments and set responsibilities; Elect a chairman (9 single member districts; 4 year term; partisan) <b>Appointment / Dismissal of Department Directors:</b> Confirm the County Executive's appointments for CAO and department heads;	County Auditor is appointed by County Council. Responsible to the council for conducting independent audits of county agencies for the purpose of reporting to the council regarding the integrity of the function of the financial management system, the quality and efficiency of agency management, and the effectiveness of programs. 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.
Baltimore, 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) <b>Appointment / Dismissal of Department Directors:</b> 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 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) <b>Appointment / Dismissal of Department Directors:</b> Confirm the County Executive's appointments for CAO and department heads; Increase or decrease compensation for the County Executive and Administrative Officer, but not during current term	County Auditor is appointed by County Council. The county auditor may assist the external auditor in conducting a financial audit required by section 312. 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. The county auditor's duties may include operational and performance auditing of any office, department or agency funded in whole or in part by county funds, as assigned and directed by a majority of the county council by resolution. All actions of the county council pursuant to this section shall be exempt from the executive veto.

County Name	2005 Population	Form Of Government	Executive Powers/Authority	Chief Administrative Officer(s) Powers/Duties	Commission/Council Powers/Authority	Commission Auditor Appointment and Authority
Philadelphia, PA	1,448,394	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) <b>Appointment / dismissal of Department Directors:</b> The Mayor shall appoint the Managing Director, the Director of Finance and the City Representative. <sup>1</sup>	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 policymaking body of the City. The Council adopts the annual operating budget ordinance for the next fiscal year. The Council may by ordinance add new powers and new duties, not inconsistent with the charter, to the powers 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) <b>Appointment / Dismissal of Department Directors:</b> See under executive powers	Independently elected Controller's powers and duties include approving disbursement requisitions and payment requests and auditing city agencies.
Newark, NJ	281,402	Council - Executive (Mayor)	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) <b>Appointment / dismissal of Department Directors:</b> 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 of his intention with the council and removal shall become effective unless the council disapproves by a 2/3 vote of the whole number of the council.	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.	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. (5 single member districts, 4 at large; 4 year terms; no limitations) <b>Appointment / Dismissal of Department Directors:</b> See under executive powers	None identified
Washington D.C.	581,530	Council - Executive (Mayor)	The Mayor shall 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; the Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The Mayor shall 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) <b>Appointment / Dismissal of Department Directors:</b> 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	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.	The Council shall have authority to create, abolish, or instrumentally of the government of the District and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentally; the Council shall 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) <b>Appointment / Dismissal of Department Directors:</b> See under executive powers	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.

NOTES

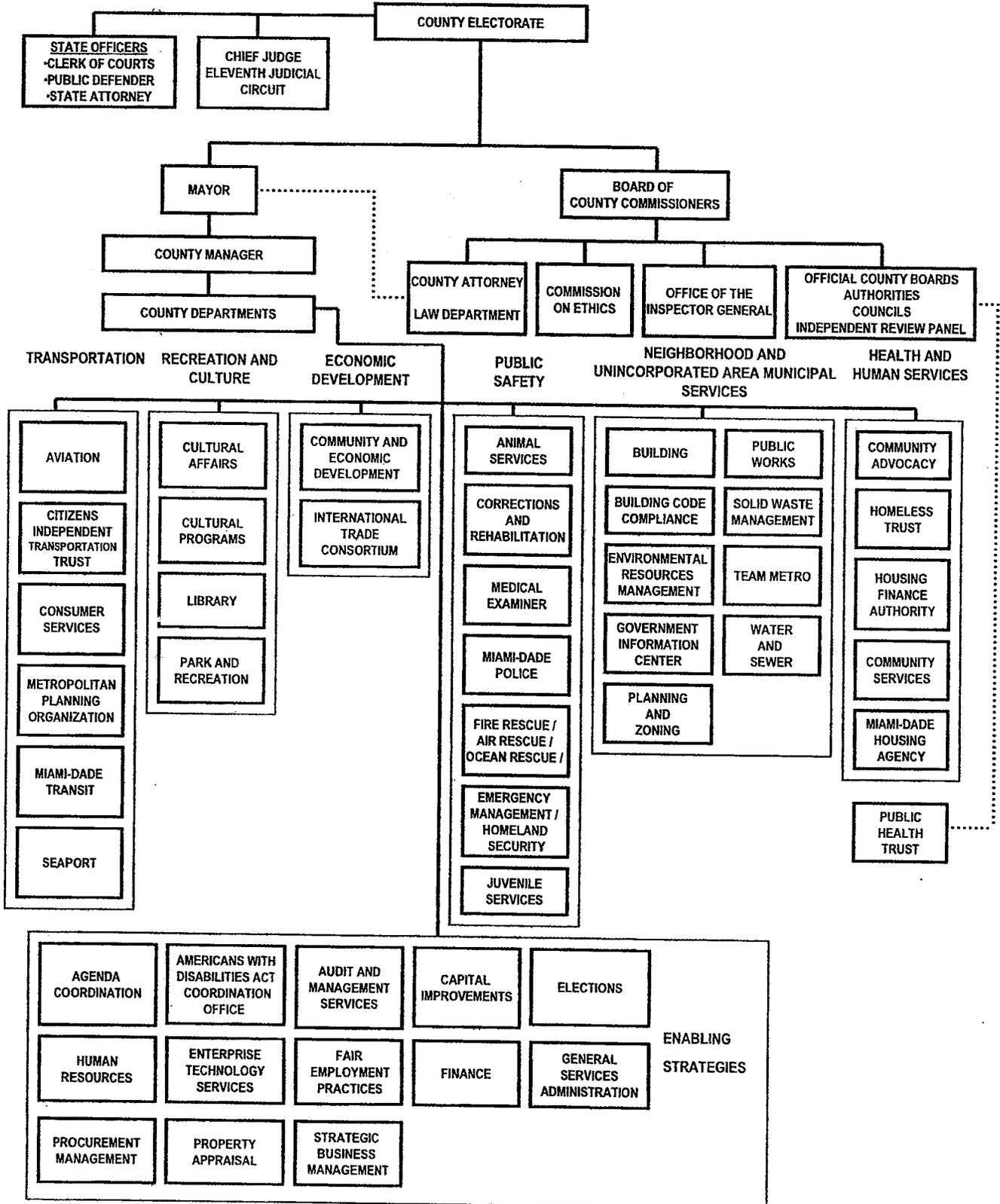
- 1 - The Director of Finance is appointed from among three persons whose names are submitted to the Mayor by the Finance Panel. The Civil Service Commission is appointed by the Personnel Director. With the approval of the Mayor: (a) The Managing Director appoints the Police Commissioner, the Health Commissioner, the Fire 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.

**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.

# MIAMI-DADE COUNTY

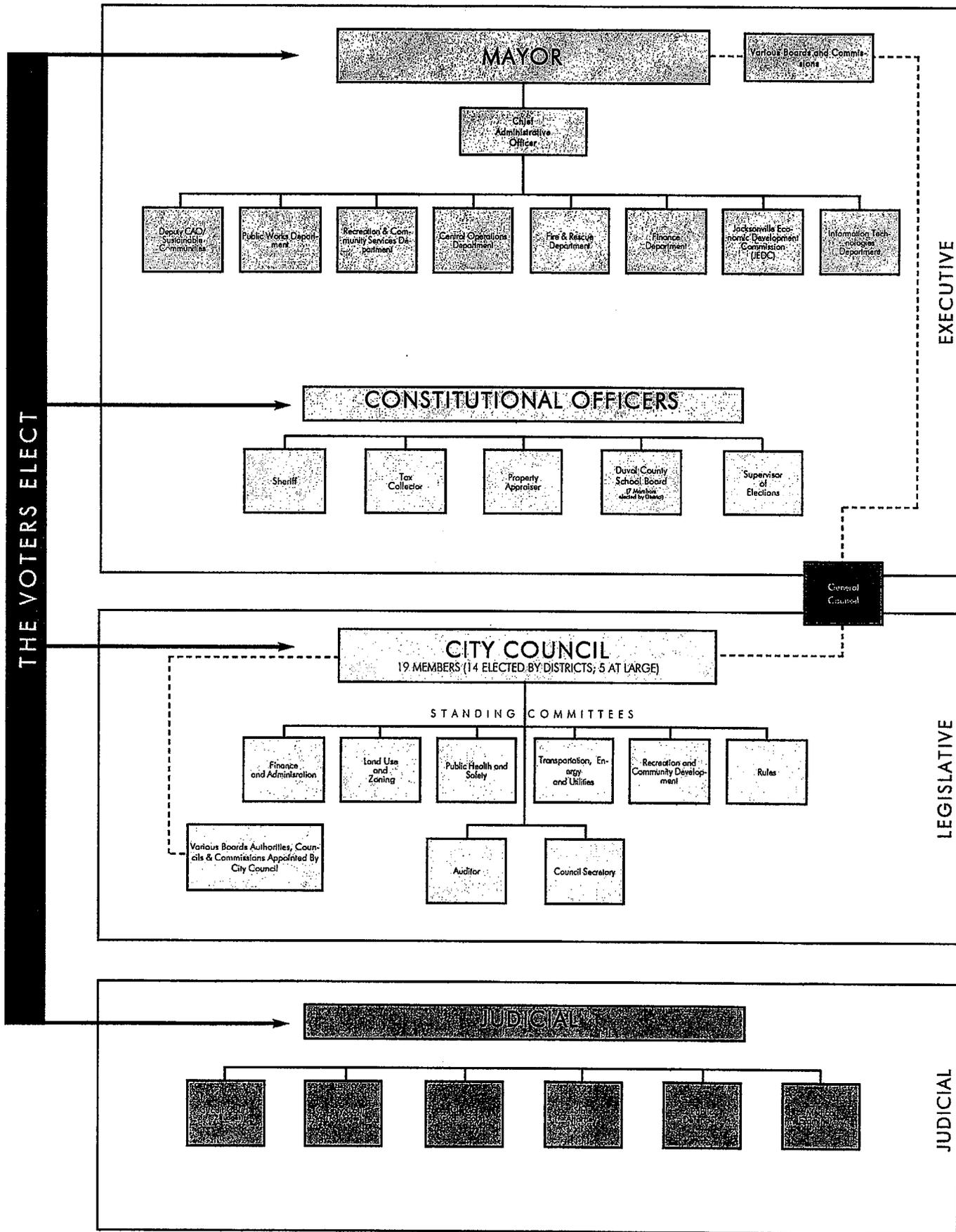
## TABLE OF ORGANIZATION

2007-2008



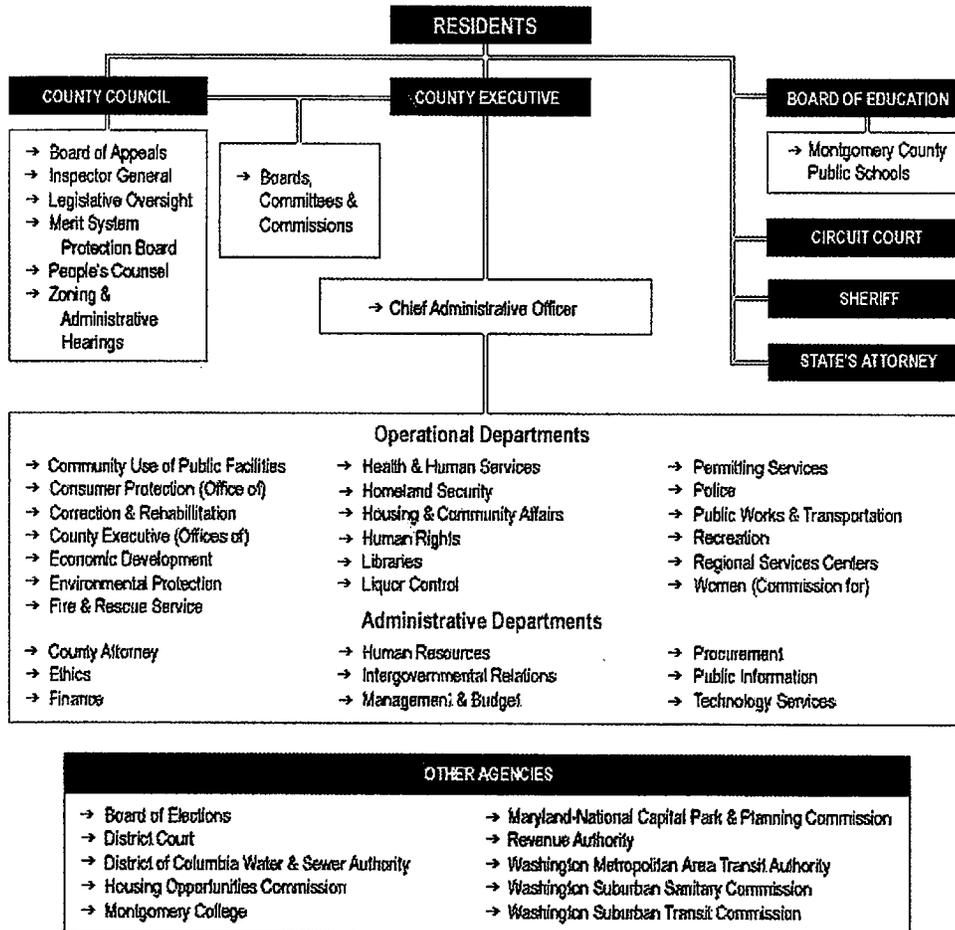


# ORGANIZATIONAL CHART CITY OF JACKSONVILLE, FLORIDA



# Montgomery County Government

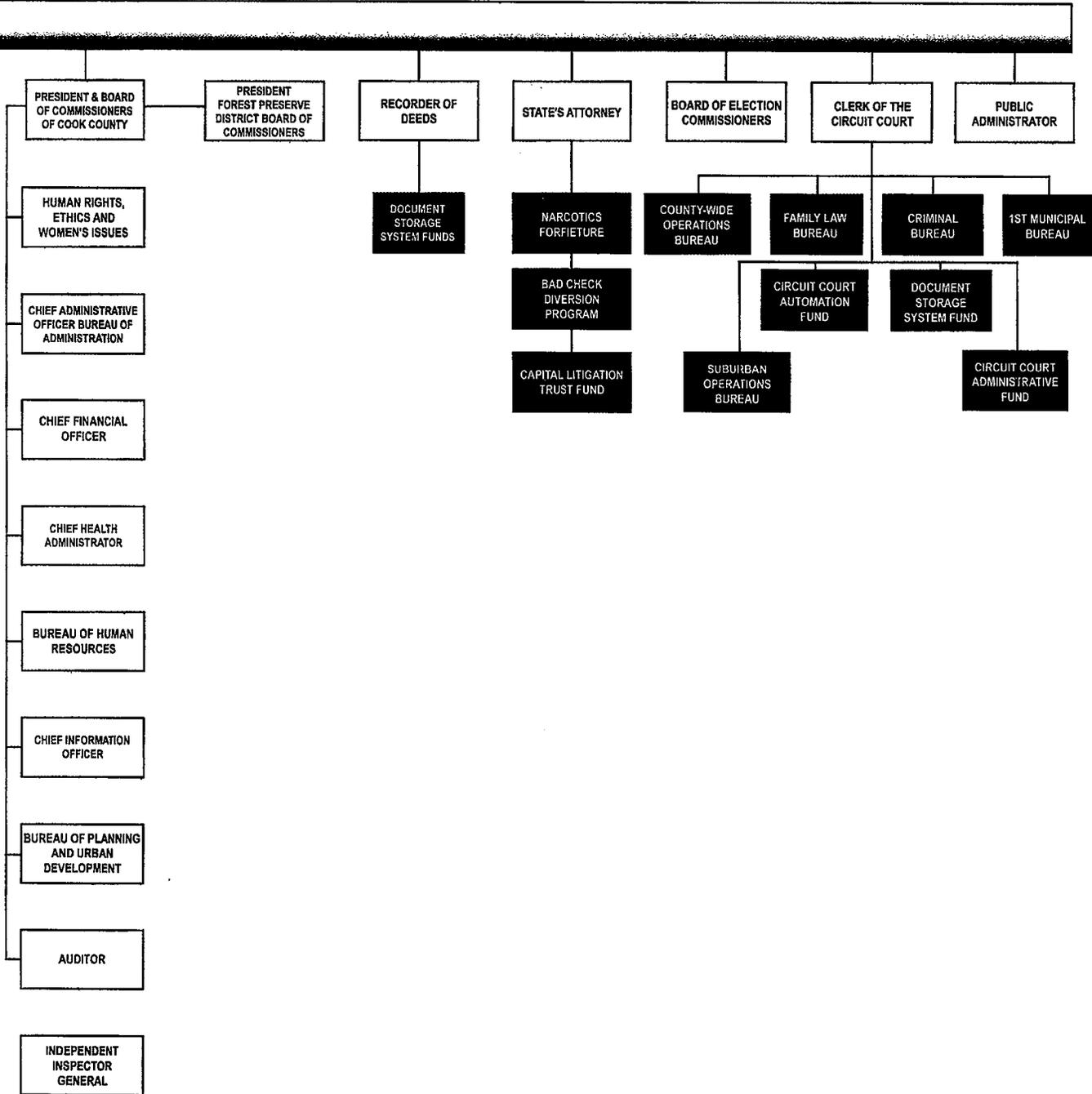
## Organizational Chart



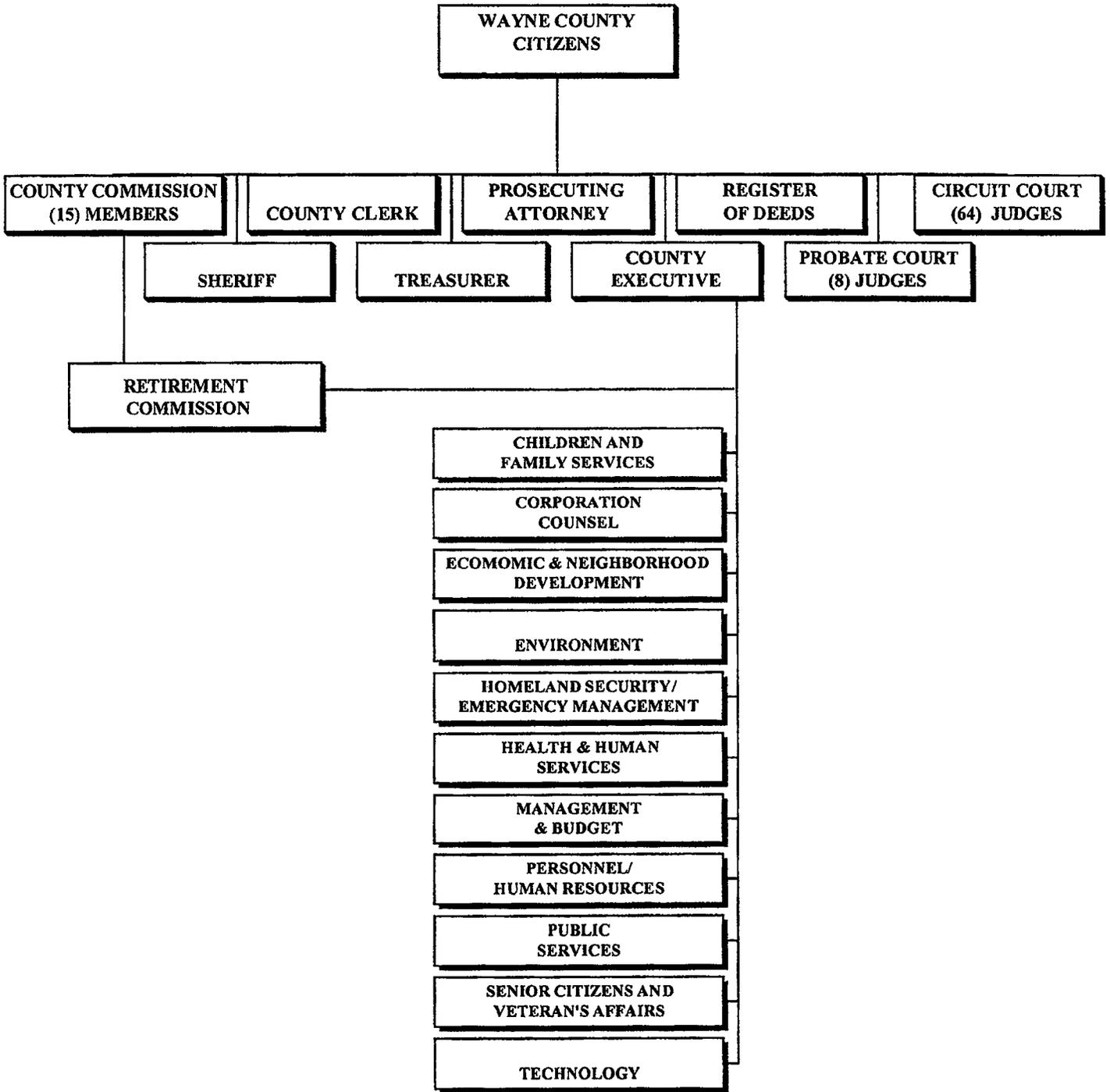
For the most updated information and organizational chart, please visit the Montgomery County web site: [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)



# ORGANIZATIONAL CHART

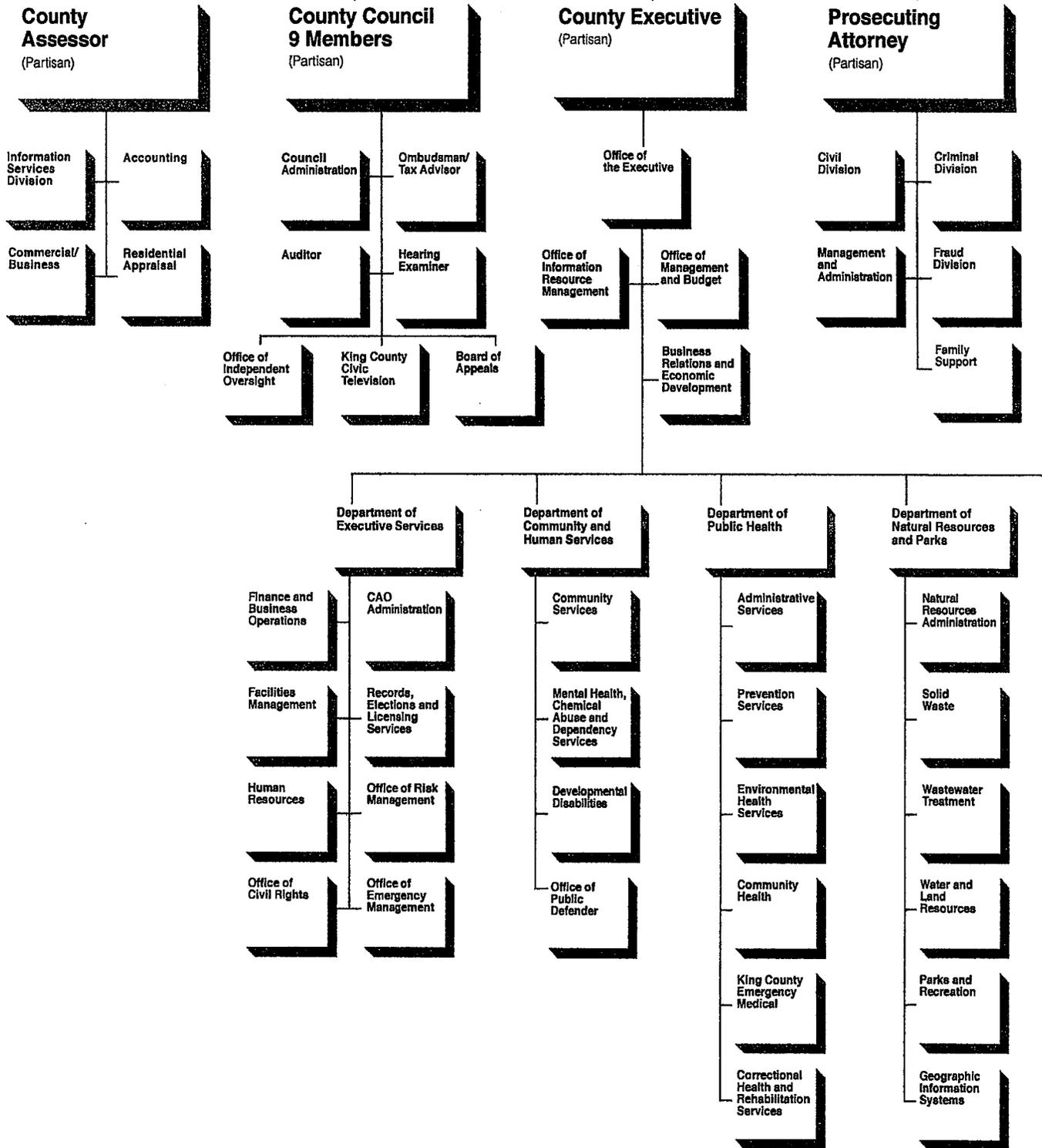


# WAYNE COUNTY, MICHIGAN ORGANIZATION CHART

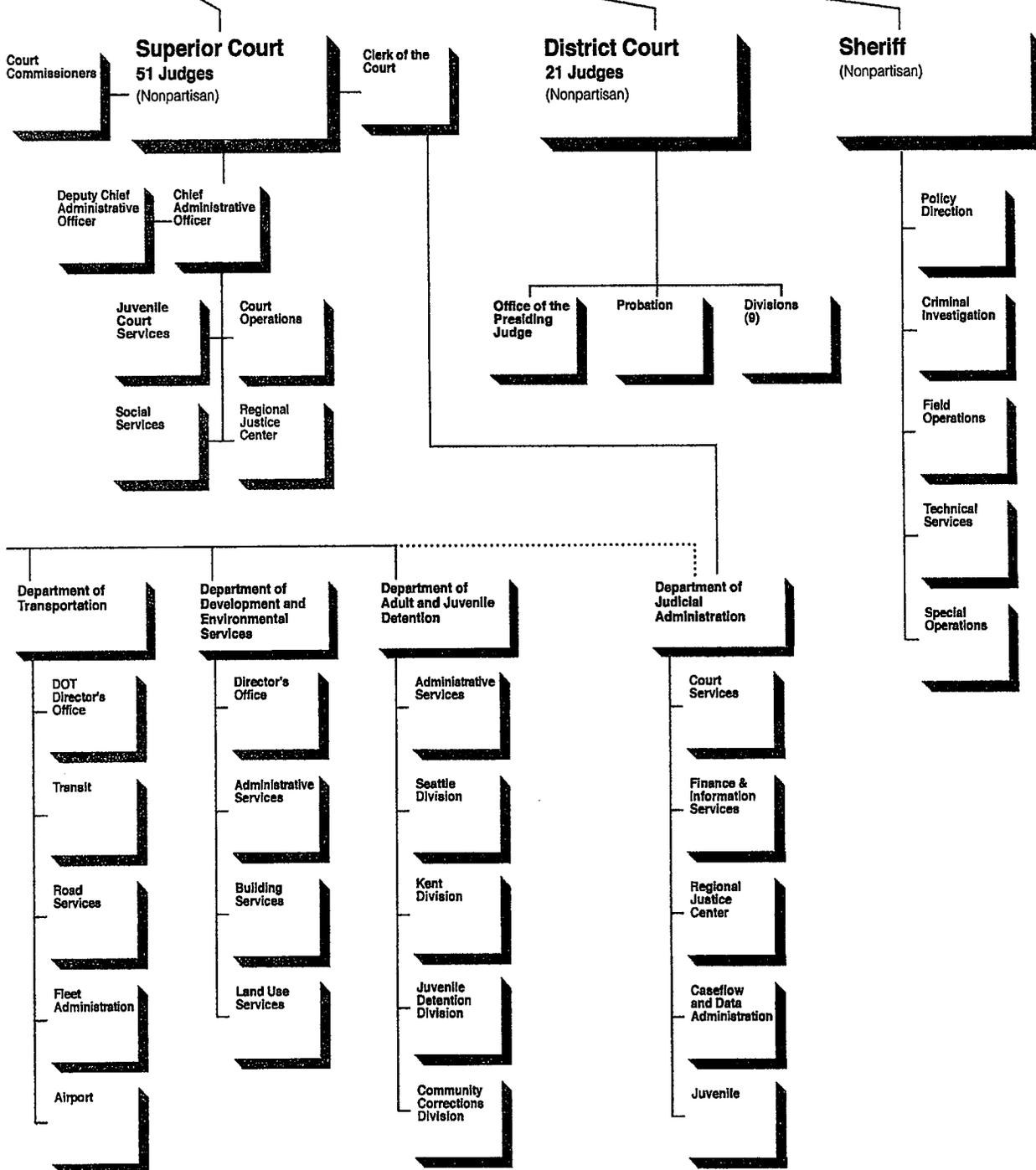


TOTAL NUMBER OF POSITIONS: 5,566

The Electorate

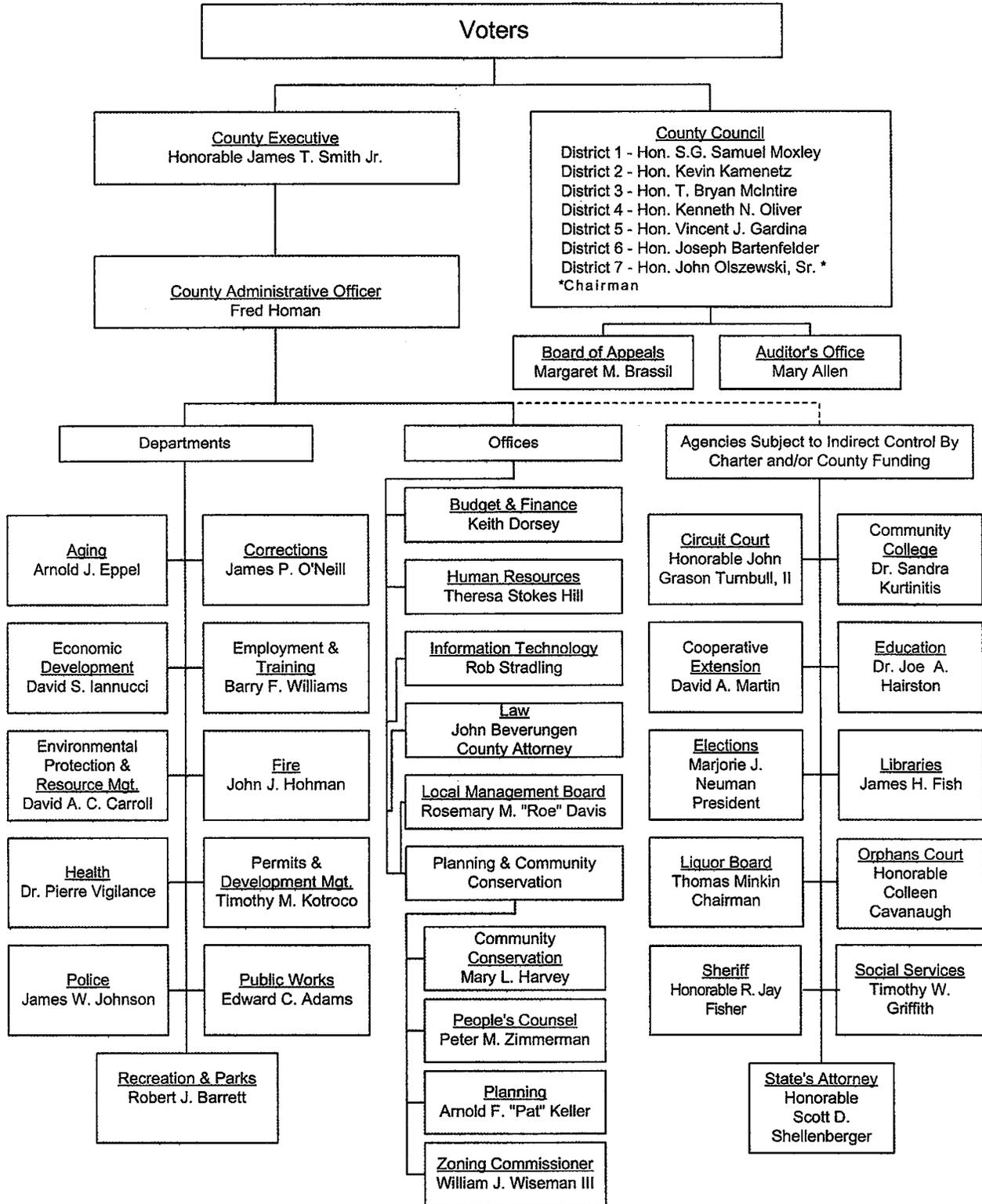


# of King County

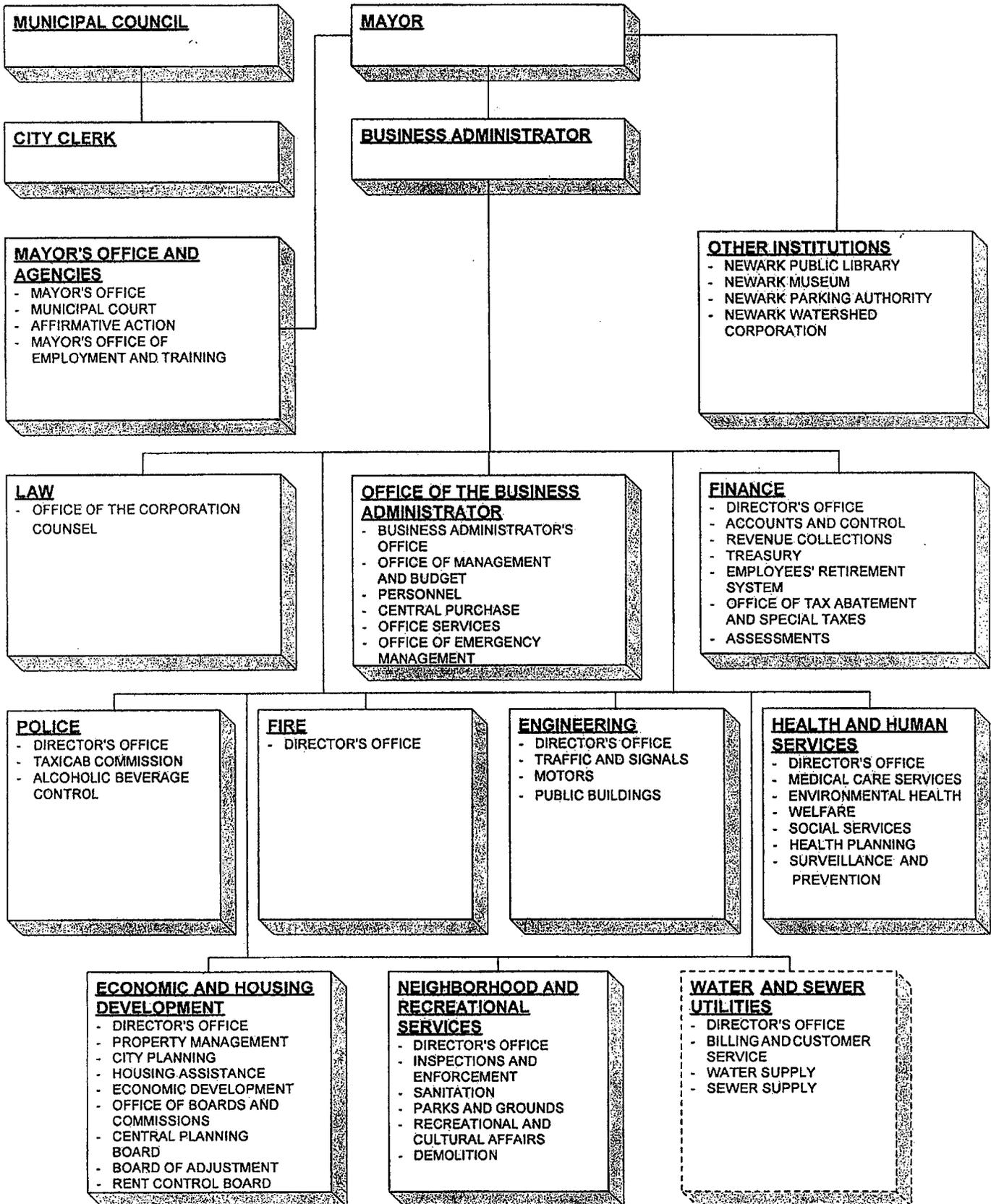


Legend  
 ..... Dual Reporting  
 — Single Reporting

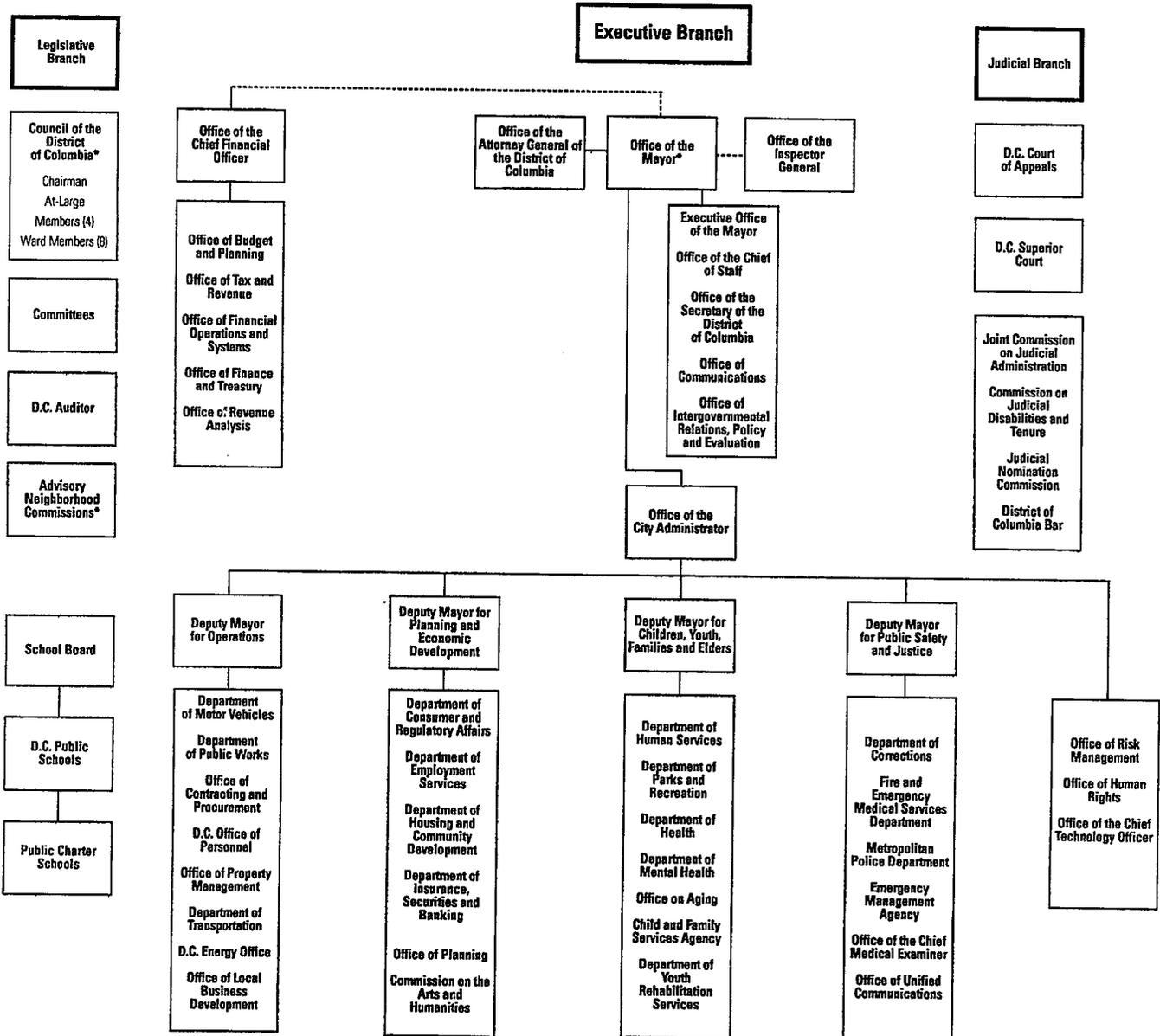
# Baltimore County, Maryland County Government Organization Chart



**CITY OF NEWARK ORGANIZATION CHART**



# Government of the District of Columbia



## Independent Agencies

- Water and Sewer Authority
- District of Columbia Retirement Board
- Office of Employee Appeals
- Public Employee Relations Board
- Washington Convention Center Authority
- Housing Finance Agency
- Public Defenders Services
- Pretrial Services Agency
- D.C. Lottery and Charitable Games Control Board
- Board of Library Trustees
- University of the District of Columbia Board of Trustees
- D.C. Sports and Entertainment Commission
- Office of the People's Counsel
- D. C. Housing Authority

## Charter Independent Agencies

- Zoning Commission
- D.C. Public Schools
- Public Charter Schools
- Public Service Commission
- Board of Elections and Ethics

## Regional Bodies

- Metropolitan Washington Council of Governments
- National Capital Planning Commission
- Washington Metropolitan Area Transit Authority
- Washington Metropolitan Area Transit Commission
- Washington Metropolitan Airports Authority

\* Elected officials

**Additional**

**Materials**

# 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

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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
Miami-Dade County	2.4 million	Commission/Executive (Mayor)	<p>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)</p> <p><b>Appointment / Dismissal of Department Directors:</b> Appoints County Manager and department directors; may dismiss the County Manager and department directors at will.</p>	<p>County Manager assists Mayor in administration of County government; Prepares County Budget for review by Mayor and Commission</p>	<p>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)</p> <p><b>Appointment / Dismissal of Department Directors:</b> Commission may disapprove Mayor's appointment of the county manager and department directors by 2/3 majority of those commissioners then in office</p>	<p>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.</p>
Orange County	1 million	Commission/Executive (Mayor)	<p>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)</p> <p><b>Appointment / Dismissal of Department Directors:</b> Appoint and dismiss the County Administrator, heads of county departments, divisions and other agencies, subject to confirmation by the Board</p>	<p>County Administrator assists the Mayor in the daily management of the County</p>	<p>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)</p> <p><b>Appointment / Dismissal of Department Directors:</b> Confirm Mayor's appointment and dismissal of directors</p>	<p>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.</p> <p>County 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 findings.</p>
Duval (City of Jacksonville)	830,000	Council/Executive (Mayor)	<p>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)</p> <p><b>Appointment / Dismissal of Department Directors:</b> Appoints the department directors and division chiefs, subject to Council approval</p>	<p>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.</p>	<p>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</p> <p><b>Appointment / Dismissal of Department Directors:</b> Approves appointments of department heads made by Mayor (14 single member districts, 5 at large, 4 year terms 2 term limit)</p>	<p>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 it 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.</p>
Montgomery County, MD	830,000	Council/Executive	<p>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;</p> <p><b>Appointment / Dismissal of Department Directors:</b> 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)</p>	<p>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.</p>	<p>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;</p> <p><b>Appointment / Dismissal of Department Directors:</b> Approves County Executive 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)</p>	

Florida Jurisdictions

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) <b>Appointment / Dismissal of Department Directors:</b> 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) <b>Appointment / Dismissal of Department Directors:</b> 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) <b>Appointment / Dismissal of Department Directors:</b> Appoint Deputy CEO, department directors, deputy directors and all other officials not in the classified service, subject to council approval	<b>Deputy CEO</b> exercises the powers and duties of the CEO in his absence; Performs powers and duties delegated by the CEO	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 <b>Appointment / Dismissal of Department Directors:</b> Confirm CEO appointments for Deputy CEO, department heads, deputy directors and members of boards and commissions; (15 single member districts, 2 year term; partisan)	Legislative Auditor General is appointed by Commission. The Auditor General shall make audits of the financial transactions of all County agencies at least once every two years; make compliance audits of the past or current operations of any County agency, as requested by the Audit Committee of the Commission; and make performance audits of agency operations if requested by the executive officer in charge thereof. After the close of each fiscal year, the Auditor General shall make a report of the financial position of the County; additionally, (s)he shall audit annually all funds and property of the County.
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) <b>Appointment / Dismissal of Department Directors:</b> Appoint the County Administrative Officer, chief officer of each executive department and members of all boards and commissions	<b>County Administrative Officer</b> 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 and adopt budget; Establish, abolish, combine and divide administrative offices/ departments and set responsibilities; Elect a chairman (9 single member districts; 4 year term; partisan) <b>Appointment / Dismissal of Department Directors:</b> Confirm the County Executive's appointments for CAO and department heads;	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.
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) <b>Appointment / Dismissal of Department Directors:</b> 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	<b>County Administrative Officer</b> 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) <b>Appointment / Dismissal of Department Directors:</b> Confirm the County Executive's appointments for CAO and department heads; Increase or decrease compensation for the County Executive and Administrative Officer, but not during current term	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) <b>Appointment / Dismissal of Department Directors:</b> The Mayor shall appoint the Managing Director, the Director of Finance and the City Representative. <sup>1</sup>	The <b>Managing Director</b> 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 policymaking 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) <b>Appointment / Dismissal of Department Directors:</b> See under executive powers	Independently elected Controller's powers and duties include approving disbursement requisitions and payment requests and auditing city agencies.

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><b>Appointment / dismissal of Department Directors:</b> 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><b>Appointment / Dismissal of Department Directors:</b> 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><b>Business Administrator:</b> Assist in the preparation of the budget, administer 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>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. (5 single member districts, 4 at large; 4 year terms; no limitations)</p> <p><b>Appointment / Dismissal of Department Directors:</b> 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><b>Appointment / Dismissal of Department Directors:</b> Appoint/remove all heads of departments, all city board members, and all other officers not elected by the people</p> <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; 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><b>Appointment / dismissal of Department Directors:</b> 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><b>City Administrator:</b> 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 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><b>Appointment / Dismissal of Department Directors:</b> 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>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><b>Appointment / Dismissal of Department Directors:</b> Appoint/remove all heads of departments, all city board members, and all other officers not elected by the people</p> <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; 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><b>Appointment / dismissal of Department Directors:</b> 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><b>Deputy mayor:</b> The mayor shall appoint one or more deputy mayors with such duties and responsibilities as the mayor determines.</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><b>Appointment / Dismissal of Department Directors:</b> 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>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><b>Appointment / Dismissal of Department Directors:</b> Appoint/remove all heads of departments, all city board members, and all other officers not elected by the people</p> <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; 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><b>Appointment / dismissal of Department Directors:</b> 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><b>Chief Operating Officer:</b> 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 city attorney, chief financial officer, or chief operating officer, or amend budgets.</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><b>Appointment / Dismissal of Department Directors:</b> 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>



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.

**Charter Review Task Force**  
**Suggestions by Metro Dade Fire Fighters**  
**Contact Stan Hills 786-423-1403**  
**[Shills1403@aol.com](mailto:Shills1403@aol.com)**

- 1. Amend Section 4.05 Personnel D to provide a method for employees who are affected by incorporation or annexation are absorbed into the new entity or annexing entity, similar to the method the county absorbs employees through consolidation.**
- 2. Allow County Employees to run for and hold political office, except for County Commission.**