



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

Thursday, January 17, 2008

10:00 am

Stephen P. Clark Government Center

111 NW 1st Street

Conference Rooms 18-3 & 18-4

### **AGENDA (final)**

1. Call to Order
2. Roll Call
3. Approval of Minutes
  - A. Approval of January 9, 2008 Meeting Minutes
4. Old Business
  - A. Discussion of Issue 7 - Study of Balance of Power between Mayor & Board
    - Review Functions of Mayor vs. County Manager
    - Review Powers of Commission Auditor & Legislative Analysis
    - Review of Budget Process
  - B. Discussion of Proposed Amendments of Section 8.07
5. New Business
  - A. Review of Preliminary Recommendations (since October 31, 2007 Initial Report)
6. Chairman's Reports
  - A. Report on January 16, 2008 Workshop and Public Hearing
7. Adjournment – Last Meeting: Wednesday, January 23, 2008  
10:00 am  
Main Library Auditorium, 1st Floor  
101 West Flagler Street

**Charter Review Task Force  
January 17, 2008**

**ADDENDUM 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  
Main Library Auditorium, 1<sup>st</sup> Floor  
101 West Flagler Street

January 9, 2008  
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  
JANUARY 9, 2008**

The Charter Review Task Force convened in a meeting on January 9, 2008, at 10:00 a.m. in the Main Library Auditorium, First Floor, 101 West Flagler Street. The following members were present: Chairman Victor M. Diaz, Jr. and members Ms. Lynn Dannheiser; David Dermer, former Mayor of the City of Miami Beach; 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. John Hogan; Mr. Francois Illas; Mr. Richard Kuper; Mr. Jorge Luis Lopez; Mr. H. T. Smith; and Ms. Yvonne Soler-McKinley; (Mr. Miguel De Grandy; Carlos Diaz-Padron, former Mayor of the City of West Miami; Mr. Larry Handfield; Mr. Robert Holland; Raul L. Martinez, former Mayor of the City of Hialeah and Mr. Ignacio Vazquez were absent).

**1. Call to Order**

Chairman Diaz called the meeting to order at 10:15 a.m. He noted the Task Force was due to issue its final report on January 29, 2008 and he would discuss scheduling of the report at the end of today's meeting.

**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, Wifredo Ferrer and Craig Collier; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Doris Dickens and Judy Marsh.

**3. Approval of Minutes**

**A. Approval of November 28, 2007 meeting minutes**

Chairman Diaz noted the minutes of the November 28, 2007 Charter Review Task Force meeting should be amended as follows:

Page 5, fourth paragraph from the bottom, the motion should read: "...Charter amendments must be placed on the ballot during a general election."

Page 6, second paragraph, the sentence should read: “Chairman Diaz called for additional amendments to the Charter provisions regarding citizen initiatives.”

Page 7, last paragraph, the second line should read: “He noted it was important to define the selection of a body that would be empowered with authority to place Charter amendments directly on the ballot with checks and balances on the power of that body, and whether the checks and balances should originate with the Mayor and County Commission or whether the checks and balances should be in a higher voting requirement of the body.”

Page 8, fifth paragraph, should read: “...and the Charter should be the sole governing document setting forth initiative requirements.”

Page 9, third paragraph should read: “Chairman Diaz noted further discussion on the foregoing issue was tabled pending a report from the County Attorney regarding the provisions of State law governing citizen initiatives.”

Page 11, the first paragraph under Section “C” should read: “...the County Attorney’s Office requested clarification on whether it was the Task Force’s intent to extend its recommendation regarding the Public Safety Director to include the Department of Corrections.”

Chairman Diaz noted at the end of Section “C” (page 11), the minutes should reflect that it was the consensus of the Task Force that it was not their intent to expand the recommendation regarding the Public Safety Director to include the Department of Corrections.

It was moved by Mr. Ginsburg that the minutes of the November 28, 2007 Charter Review Task Force meeting be approved, subject to the foregoing amendments. This motion was seconded by Ms. Hernandez, and upon being put to a vote, passed by a unanimous vote of those members present.

## **B. Approval of December 12, 2007 meeting minutes**

It was moved by Mr. Smith that the minutes of the December 12, 2007 Charter Review Task Force meeting be approved. This motion was seconded by Mr. Ginsburg, and upon being put to a vote, passed by a unanimous vote of those members present.

Mayor Ferre asked that the Task Force consider proposed amendments regarding initiatory petitions, submitted by Stephen F. Rosenthal, Esq., as its first order of business.

Chairman Diaz said he felt it would be appropriate to discuss Mr. Rosenthal's proposed amendments under "New Business" or it could be added to the Task Force's preliminary recommendations. He noted the proposed amendments would be consistent with the letter received from Miami-Dade County Mayor Carlos Alvarez, dated January 8, 2008, and the Task Force's prior recommendation, which requested that the Charter be the only document that set forth the requirements for citizen initiatives. He noted Mayor Alvarez also recommended that the Task Force propose petition form requirements in the Charter.

Chairman Diaz read Mr. Rosenthal's proposed amendments to Section 8.07 (B.1) that the person proposing the amendment shall submit to the Board a proposed petition, in the form specified in section (2) below, and proposed ballot language, including a title. He noted this recommendation would now be to the Clerk, consistent with the Task Force's prior recommendation. Chairman Diaz noted Mr. Rosenthal's recommendation that the Board shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire, would no longer be relevant, given the Task Force's prior recommendation that petitions go directly to the Clerk to certify the form of the petition. He further noted the proposed amendment to Section B. 4 that within thirty (30) days of the date that a certified petition is presented to the County Commission, the Board shall approve ballot language, including a title, in impartial and concise language which provides a clear understanding of the proposed amendment, would be moot in light of the Task Force's prior recommendation.

Mayor Ferre noted he felt the proposed amendments clarified the petition process, with the exceptions noted by Chairman Diaz, which were previously addressed by the Task Force.

In response to Chairman Diaz' inquiries whether the proposed amendments would create legal issues with respect to petition circulators, and the difference between the proposed amendments and State law, Assistant County Attorney Cynthia Johnson-Stacks asked that staff be given an opportunity to review State law.

Later in the meeting, Assistant County Attorney Wifredo Ferrer advised State law would not prohibit Mr. Rosenthal's proposed amendments from being introduced.

Chairman Diaz noted the proposed amendments would be considered on January 17, 2008.

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

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

- **Review of Procurement Authority**

Discussion ensued among Task Force members regarding who should be the final arbiter of bid protests with respect to procurement.

Chairman Diaz referred to the best practices research conducted by staff on the procurement bid protest and award authority. He noted it appeared that Miami-Dade County was unique because the County Commission was the final arbiter of bid protests versus a Hearing Officer, Senior County Administrator, Purchase Agent or Senior Buyer.

Mayor Ferre deferred to Mr. Ginsburg to explain the procurement system in Orlando. He noted it was important to keep in mind that in Miami-Dade County, the County Commission was the governing body and this could only be changed by State law. Mayor Ferre stated it was his understanding that because the County Commission was the governing body, a final decision on bid protests could not be made by the Mayor or the County Manager.

Mr. Ginsburg pointed out that hearing examiners were not used for procurement issues in Orlando.

Assistant County Attorney Johnson-Stacks advised that staff would research the issue, but indicated she did not believe that the Home Rule delegated the County Commission to be the final arbiter of bid protests.

It was moved by Mayor Ferre that the Task Force recommend to the County Commission that the Charter be amended to provide that bid protests be heard by hearing officers for final determination. This motion was seconded by Mr. Ginsburg.

Discussion ensued on the foregoing motion.

Mayor Ferre and Mr. Ginsburg accepted the friendly amendments offered by Mr. Lopez and Mr. Greenberg respectively, that the existing process set forth under the Administrative Procedures Act (APA) be used; and that the motion be prefaced with the language “that to the extent allowable by law.”

Mr. Lopez noted the foregoing motion would allow the political process and debate to be moved to the front end of the procurement process thereby eliminating frivolous bid protests from being filed and embrace existing State law.

Commissioner Gimenez noted the front end of the procurement process was not pure. He stated currently the Procurement Officer and department directors were selected by the Mayor and he felt these positions would be very political in the future and would require checks and balances by the County Commission. Commissioner Gimenez noted oversight by the Inspector General or the Commission Auditor would be necessary to ensure the procurement rules were followed. He indicated he would support Mayor Ferre's motion but wanted to ensure the County Commission's power to establish the procurement rules and to establish oversight were not being removed.

Mr. Smith noted he felt the foregoing motion with the proposed amendments was a step in the right direction as the current procurement process was embarrassing.

Mr. Lopez explained the APA process which comprised retired judges. He noted these judges had no reason not to criticize the administrative process and could achieve finality. Mr. Lopez stated the standard of review by the judges was whether the procurement process was properly administered.

Commissioner Gimenez noted sometimes the procurement process was not correctly administered. He noted he would support the motion but it was not always the County Commission's fault.

Chairman Diaz acknowledged the presence of County Manager George Burgess. He noted the County Manager's silence in light of the criticism of the current procurement process, did not indicate his consent or agreement with that criticism.

Following discussion, it was moved by Mayor Ferre that the Task Force recommend to the County Commission that to the extent allowable by law, the Charter be amended to provide that the final arbiter of bid protests shall be the process set forth under the State of Florida Administrative Procedures Act. This motion was seconded by Mr. Ginsburg, and upon being put to a vote, passed by a vote of 15-0, (Mr. De Grandy, Mayor Diaz-Padron, Mr. Handfield, Mr. Holland, Mayor Martinez and Mr. Vazquez were absent).

- **Review of Procurement Authority**

Mr. Lopez noted he felt it was within the authority of the Mayor and the County Commission to establish the threshold for procurement awards.

- **Review Powers of Commission Auditor & Legislative Analysis**

Not presented

- **Review of Budget Process**

Not presented

- **Review of Zoning Authority**

It was moved by Mayor Dermer that the Task Force recommend to the County Commission that the Charter be amended to provide that any projects approved outside the existing Urban Development Boundary (UDB) line must be approved by the electorate before being considered by the County Commission. This motion was seconded by Mayor Ferre.

Following further discussion regarding proposals for development outside the UDB and whether a referendum should be approved by the voters to move the line, Chairman Diaz spoke in support of the foregoing motion. He stated he felt this recommendation, regardless of how it was received by the County Commission, would prove to be a legacy recommendation of this Task Force that would be well received by the community.

Commissioner Gimenez noted he may agree with the concept; however, he was concerned about the unintended consequences. He noted he had consistently voted against moving the UDB line, but his position changed somewhat following an incident in which the line was moved to clean up a dump. This proved to be an excellent decision, Commissioner Gimenez noted. He explained that the line was not currently drawn to any scientific or logical standard. He suggested that proposals to move the existing line require approval by 80 or 90% of the County Commission.

Ms. Dannheiser said she was very conflicted on the issue of the UDB, not because she liked the way moving the line had been handled in the past. She noted she felt there had been a complete disrespect of the community's desires and a complete focus on individual projects. Conversely, Ms. Dannheiser said she was adamantly opposed to zoning issues being approved by referendum and felt these issues should be determined by local government. She also expressed concern that often reactive decisions were made, and she would prefer to have a more thoughtful process in place. Ms. Dannheiser noted Commissioner Gimenez' comments regarding the initial establishment of the UDB line were valid and in an ideal world, it should be studied again and not by any political groups. She expressed concern that if the line was left in the hands of local government, it would continue to be abused. Ms. Dannheiser noted she would support the foregoing motion to allow the line to be moved if approved by referendum.

Mr. Illas said he felt the UDB line should be treated in the same manner as annexations and incorporations. He noted Miami-Dade County was unique in terms of its population, and he felt something a lot more thoughtful should be considered rather than simply engendering the existing process.

Commissioner Gimenez recommended a non-political planning board be established to determine whether the UDB line should be moved and meet every five to ten years to review the line. He stated it would not be project specific, but some logical reasons as to where the line should be and the County Commission would not be able to vote on projects outside of the line once it was established by the electorate.

Mr. Greenberg agreed with Commissioner Gimenez that proposals to move the existing UDB line should require approval by 80 or 90% of the County Commission. He suggested using a process similar to the process used in enacting the executive mayor provision and that this vote and decision-making be done in a year when no applications were considered.

Ms. Hernandez suggested it would be disrespectful to professional staff and some elected officials to place the decision-making process in the hands of a slick campaign. She noted the process in place must be addressed.

Following discussion, it was moved by Mr. Lopez that Mayor Dermer's motion be amended to provide that a professional, independent group be identified to review the UDB line, recommend changes to be voted upon by the electorate; and to provide that any future changes to the line, must be approved by referendum. This motion was seconded by Mr. Illas.

Mayor Dermer noted Mr. Lopez' proposed amendment was unacceptable.

Discussion ensued on Mr. Lopez' proposed amendment.

Mr. Greenberg recommended that the professional, independent group submit recommendations for changes to the UDB line to the County Commission no later than 2010.

Chairman Diaz noted he was dubious of a professional, independent group that would be studying for the next two years because of the enormous pressure that would be placed on the development process in the intervening two years. He stated he would have preferred an alternative along the lines of Commissioner Gimenez' proposal because if the current process were to remain in place, a much higher threshold was needed to provide that only those issues that were in the best interest of the community could be justification for moving the UDB line. Chairman Diaz noted he felt this issue should be left to an open and vigorous public debate,

including a study commission that could be impaneled; or with the elected officials with an appropriate check and balance. He expressed concern that the proposed independent group would become highly politicized and the referendum would be perceived by the community as a way to move the UDB line for additional development.

Mr. Lopez accepted Ms. Dannheiser's proposed amendments that a moratorium be imposed and all lobbying be prohibited on future development outside the UDB line immediately after the independent group was convened.

Assistant County Attorney Craig Collier advised that hearings for Comprehensive Development Master Plan (CDMP) amendments must go before the County Commission pursuant to State law; that he was uncertain that the Commission could be circumvented in the process. He noted the proposed independent group could make recommendations to the County Commission and applications could be processed in accordance with recommendations forwarded through the State process; however, he felt the group could not amend the CDMP without following State regulations.

Chairman Diaz noted the original motion would comply with State law because it would require a referendum to go back to the County Commission for final approval of projects. He noted it was his understanding that the objection was applicable only to the amendment to the motion, not to the original motion.

Commissioner Gimenez suggested that any proposals to move the existing UDB line would require approval by 80% of the County Commission; that the South Florida Regional Planning Council (SFRPC) be identified as the independent group that would make recommendations to move the line every five years, starting in 2009; and every five years after that, would make recommendations to the County Commission to move the line, which would require approval by the electorate.

Mr. Lopez noted he would not accept the suggestion made by Commissioner Gimenez to appoint the South Florida Planning Council as the body to review the line because it was too political. He noted his intent was to obtain a comprehensive analysis by independent professionals.

Following discussion, Task Force members proceeded to vote on Mr. Lopez' proposed amendment to Mayor Dermer's original motion, with the additional amendments proposed as follows: That the Task Force recommend to the County Commission that the Charter be amended to provide that a professional, independent group be identified and impaneled to review the UDB and to submit recommendations for changes to the line to the County Commission no later than 2010; that a moratorium be imposed on any applications once that group was constituted until such referendum could be held; and that the group may not be lobbied other

than hearing opinions from interested persons at public hearings. This motion failed to carry by a vote of 11-3, (Mayor Dermer, Mayor Ferre, Mayor Gibson, Commissioner Gimenez, Mr. Ginsburg, Ms. Hernandez, Mr. Hogan, Mr. Kuper, Mr. Smith, Ms. Soler-McKinley and Chairman Diaz voted “no;” Mr. Greenberg, Mr. Illas, and Ms. Dannheiser voted “yes;” Mr. De Grandy, Mayor Diaz-Padron, Mr. Handfield, Mr. Holland, Mr. Lopez, Mayor Martinez and Mr. Vazquez were absent).

Upon concluding the foregoing, Task Force members resumed consideration of the original motion as moved by Mayor Dermer and seconded by Mayor Ferre, that the Task Force recommend to the County Commission that the Charter be amended to provide that any projects approved outside the existing UDB line must be approved by the electorate before being considered by the County Commission.

Mayor Ferre offered a substitute motion to provide that a study of the existing UDB line be conducted by a group of professionals by 2010; and that a moratorium and the cone of silence be imposed once this group was constituted; that once the line was established, it could only be changed by a 75% vote of the County Commission; and if approved by a majority vote or less than 75% (10 commissioners), a referendum must be placed on the ballot for approval by the electorate during a general election. This motion was seconded by Commissioner Gimenez.

Mayor Ferre accepted Commissioner Gimenez’s amendment that any proposal to move the UDB line must be approved by 75% of the County Commission.

Following discussion on the foregoing motion, it was moved by Mayor Ferre that the Charter be amended to provide that any proposal to move the UDB line on a project basis, must be approved by 75% of the County Commission; that every five years an independent body shall be constituted to conduct a comprehensive and wholistic study where the UDB line should be moved; and that if approved by a simple majority vote of the County Commission, the recommendations of the independent body be submitted for approval by the electorate in the form of a referendum. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 10-5, (Mayor Ferre, Commissioner Gimenez, Mr. Greenberg, Mr. Hogan, Mr. Illas, Mr. Kuper, Mr. Lopez, Mr. Smith, Ms. Dannheiser and Chairman Diaz voted “yes;” Mayor Dermer, Mayor Gibson, Mr. Ginsburg, Ms. Hernandez and Ms. Soler-McKinley voted “no;” Mayor Diaz-Padron, Mr. Handfield, Mr. Holland, Mayor Martinez, Mr. Vazquez and Mr. De Grandy were absent).

Mr. Ginsburg noted at some point, the Task Force would have to look at the composition of the professional, independent group.

Regarding zoning authority, it was moved by Mayor Ferre that zoning appeals filed through the Zoning Hearing section, would go through the process set forth under the Administrative Procedures Act, which called for zoning hearing officers, similar to the zoning process in Orlando. This motion was seconded by Mr. Ginsburg.

Mr. Ginsburg explained the zoning process in Orlando. He noted the hearing officers were appointed by the City Council and lived outside the City in order to preserve the integrity of the process.

Assistant County Attorney Collier clarified the current zoning procedures in Miami-Dade County. He noted variances and setbacks went directly to Court from the Community Zoning Appeals Board hearings while zoning appeals were heard by the County Commission.

Following discussion, it was moved by Mayor Ferre that zoning applications, including variances and setbacks be heard by zoning hearing officers (to be appointed by the County Commission), in lieu of Community Zoning Appeals Boards; that hearing officers be charged with making final determinations on zoning applications, with the exception of appeals on an abusive discretion standard, which would be heard by the County Commission. This motion was second by Mr. Ginsburg, and upon being put to a vote, passed by a vote of 7-6, (Mayor Ferre, Commissioner Gimenez, Mr. Ginsburg, Mr. Greenberg, Mr. Hogan, Mr. Illas and Mr. Lopez voted “yes;” Mayor Gibson, Mr. Smith, Ms. Soler-McKinley, Ms. Dannheiser, Mayor Dermer and Chairman Diaz voted “no;” Mr. Handfield, Ms. Hernandez, Mr. Holland, Mr. Kuper, Mayor Martinez, Mr. Vazquez, Mr. De Grandy and Mayor Diaz-Padron were absent).

## **5. New Business**

### **A. Discussion of Workshop and Public Hearing on January 16, 2008**

Chairman Diaz noted an interactive public hearing would be held on January 16, 2008 at 6:00 p.m. and the Task Force’s next meeting would be held on January 17, 2008.

### **B. Discussion of Draft Final Report – January 29, 2008**

Chairman Diaz questioned whether any of the members wished to participate in drafting the Task Force’s final report. He noted he had asked staff to prepare a draft report and he could review this report and present it at the January 17, 2007 meeting or an interim committee could review the report.

Mr. Greenberg recommended Chairman Diaz review the report.

Chairman Diaz indicated the remaining issues under Issue 7 would be discussed on January 17<sup>th</sup>.

**6.     Adjournment**

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

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

**4-A**

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

City/County		2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis <sup>3</sup>
Florida Jurisdictions	Miami-Dade County	2. 4 million	Commission/ Executive (Mayor)	<b>Charter:</b> Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Manager, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county. <b>Code:</b> County Manager has delegated authority to purchase goods and services up to \$1 million.	<b>Administrative Order 3-21:</b> Formal bid protests are filed with the Clerk of the Board and are then heard by a hearing examiner. <b>Code Section 2-8.4:</b> Board of County Commissioners is final arbiter of bid protest.	Zoning regulations are dictated under Chapter 33 of the Miami-Dade County Code. Zone changes, variances and certain Administrative Decision are appealable to the Board of County Commissioners. An appeal is filed through the Zoning Hearings Section, if it is to go before the Board of County Commissioners. All other items may only be appealed to Circuit Court.	Independent analysis is provided by staff from the Office of the Commission Auditor.
	Orange County	1 million	Commission / Executive (Mayor)	<b>Charter</b> is silent. <b>Code:</b> All rights, powers, duties and authority relating to the procurement and contracting of goods and/or services for the board of county commissioners, including the authority to approve all purchases and sign those agreements, contracts, change orders and purchase orders for the purchase of goods and/or services governed by this article, provided they are in conformance with the law and all applicable rules and regulations, are vested in the chief of purchasing and contracts. All bid awards in excess of one hundred thousand dollars (\$100,000.00) must be approved by the board; provided, however, prior authority to award any bid exceeding this amount may be granted to the chief of purchasing and contracts by the board with the stipulation that award shall be made to the lowest responsive and responsible bidder within the budget amount for such purchase.	<b>Purchasing Guidelines:</b> 1. Purchasing manager reviews the documentation, talks with vendor and issues a written decision. 2. Vendor may appeal purchasing manager's decision to a protest committee composed of the purchasing manager (non-voting member), County Attorney's Office rep., County Administration rep. and user department rep. 3. Items that require Board approval may be appealed to the Board after being evaluated by the protest committee.	Chapter 38 dictates all Zoning matters in Orange County. The Zoning Division oversees the implementation of the code. Zoning variances, appeals, and special exceptions are brought before the Board of Zoning Adjustment.	No independent analysis occurs; professional staff provides legislative analysis.

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

Comparables

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

Selected National

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

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

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

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

#### NOTES

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

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

City/ County	2005 Pop.	Form of Govt.	Budget Cycle	Executive Powers/ Authority over Budget	Chief Administrative Officer(s) Powers/Duties	Commission/ Council Powers/ Authority	Other Entities Having Budgetary Responsibilities	Staff Support to Admin.	Staff Support to Commission/ Council
<b>Miami- Dade</b>	2.4 mill	Commission/ Executive (Mayor)	In January, the County Manager's resource allocation priorities are released, in March the Mayor has a budget address, in April, the County Commission approves the resource Allocation policies, in July, the proposed resource allocation plan is released, in September there are 2 public hearings, budget approved by October	Vetoes legislation including budget or budget components	Prepares County Budget for review by Mayor and Commission (Charter Requirement)	Appropriate funds and adopt operating and capital budgets; Override Mayor's veto by 2/3 vote	None	Office of Strategic Business Management (OSBM)	Commission Auditor is appointed by the Commission. Provides the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.
<b>Orange</b>	1 mill	Commission/ Executive (Mayor)	Department budget meetings with the County Mayor and County Administrator are held in May; distribution of the proposed budget to the BCC and 2 public hearings on the proposed budget and millage rates occur in July. The Office of Management and Budget submits the final adopted budget in November.	Submits the annual budget estimate to the Board.	County Administrator assists the Mayor in the daily management of the County (Charter Requirement)	Approve annual operating and capital budgets	N/A	The Office of Management & Budget (OMB) has the primary responsibility for preparing and monitoring the County's revenue, expenditures, and capital improvement budgets.	Commission has a staff that reviews the budget and informs them on issues. The commission and mayor's office is responsible for the final funding and policy decisions.

Miami-Dade County  
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**Selected Florida and National Jurisdictions - Budget Process**

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Duval (City of Jacksonville)	830,000	Elected Executive/Commission	There are 3 budget hearings beginning in mid-August. In the first week of September, the council holds a budget hearing wrap up session where they vote on the budget.	Administers the central government, which includes 10 departments; Appoints the department directors and division chiefs, subject to Council approval (Mayor, 4 year term)	The Chief Administrative Officer (CAO) provides financial oversight and chairs the Mayor's Budget Review Committee.	Enacts legislation to provide for the needs of the community (city and county governments merged to become single entity). The Council has authority over the budgets of the general government and the independent agencies of the city; Elects President and Vice President; President then assigns members to Standing and Special Committees; Approves appointments of department heads made by Mayor (14 single member districts, 5 at large, 4 year terms)	N/A	The Budget Office (under the Department of Administration) provides support services to general government departments in the development and execution of the Annual Budget.	The Office of the Council Auditor (CAO) reviews the budget department by department for the council and makes recommendations to the council.

Miami-Dade County  
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<b>New York City, NY</b>	8.2 mill	Council / Executive. The Council is presided over by the Public Advocate, an independent y elected constitutional officer.	In January, the Mayor releases the Preliminary Budget. This is followed by a period of public comment during which the 59 Community Boards, the 5 Borough Boards and the City Council make recommendations on the budget to the Mayor. The Mayor then submits the Executive Budget to the City Council in April. The Council once again holds a set of hearings on the budget. After the hearings, the Council negotiates changes to the Executive Budget with the Mayor. Once an agreement has been reached, the Council votes to approve a budget for the upcoming fiscal year, which begins on July 1.	Issues a Preliminary Budget that is released in January and an Executive Budget in April. The mayor has the power, under the Charter, to veto any increase or addition to the budget or any change in terms or conditions approved by the Council, such veto is however, subject to an override by a two-thirds vote of the Council.	N/A	The City Council is responsible for adopting the expense and capital budget. The Charter states that the Council may increase, decrease, add or omit specific units of appropriation ("U/As") in the budget submitted by the Mayor and may add, omit or change any terms or conditions related to such appropriations.	The <b>City Comptroller</b> , an elected constitutional officer, is the City's chief fiscal officer; under the City Charter the Comptroller reviews and comments on the City's budget and four-year financial plan, including preparation of a number of specific reports and letter statements. Additionally, the <b>Independent Budget Office</b> is a publicly funded independent agency that provides nonpartisan budgetary, economic and policy analysis for residents and elected officials.	The Office of Management and Budget (OMB) is responsible for assisting the Mayor in developing and implementing the City's budget, and for advising the Mayor on policy affecting the City's fiscal stability and the effectiveness of City services.	None identified

Miami-Dade County  
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<b>Montgomery County, MD</b>	930,000	Council / Executive	The County Executive submits proposed capital and operating budgets to the Council by January 15 and March 15, respectively. The Council holds public hearings and deliberates on the proposal. Council takes final action by June 1. Fiscal Year begins July 1. The final adopted budget is prepared by the Office of Management and Budget.	Submits annual budget and a comprehensive six-year program for capital improvements for Council approval	The Chief Administrative Officer shall, subject to the direction of the County Executive, supervise all departments, offices, and agencies of the Executive Branch, advise the County Executive on all administrative matters and perform such other duties as may be assigned by the County Executive, or by the Charter (Charter Requirement)	The County Council approves operating and capital budget as well as six year capital improvement program.	N/A	The Office of Management and Budget (OMB) is the department of County government that prepares the annual operating budget and six-year capital plan. OMB monitors expenditures and revenues periodically during the year. Budget transfers, supplemental appropriations and movement of positions are also OMB functions.	The Office of Legislative Oversight works on a project basis in accordance with a Council-approved work plan. The Legislative Central Staff consists of 1 Director, 8 Legislative Managers, 3 Attorneys and 8 Legislative Analysts. Central staff are assigned County departments much like the OMB staff and issue recommendations based on their independent analysis of the proposed budget.

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

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

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<b>City of Philadelphia, PA</b>	1.4 mill	Council - Executive (Mayor)	It is considered better budgetary practice for the fiscal year to commence on or about July 1. This was not practicable for the City because real estate tax assessment and payment requirements, specified by statute, produce most of the City's revenue in the months of March, April and May. However, Council is empowered to change the fiscal year when modification of statutory provisions permits it and the problem of changing the taxing period has been thoroughly studied	Communicate to the Council at least once a year a statement of the finances and general conditions of the affairs of the City and also such information on financial matters as the Council may from time to time request	Same as executive powers	It shall be the duty of the Council, to adopt the annual operating budget ordinance for the next fiscal year; The consideration of the operating budget ordinance shall begin forthwith upon the receipt from the Mayor of his annual operating budget message and the proposed annual operating budget ordinance,	The Auditing Department, shall examine and approve or disapprove all requisitions submitted to it through the Director of Finance by any officer, department, board or commission of the City or other agency to which an appropriation has been made, Audits of the Financial Affairs of Officers, Departments, Boards, Commissions and Other Agencies	The Director of Finance is thus the chief financial officer of the City and all powers and duties concerning finances, accounting, and budgeting in the executive branch are directly or indirectly his, N/A Budget Bureau - Prepares and directs oversight of the operating budget, provides financial forecasts and updates the City's Five-Year Financial Plan.	

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City of Newark, NJ	300,000	Council - Executive (Mayor)	The municipal budget shall be prepared by the mayor with the assistance of the business administrator. During the month of November, the mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or the business administrator at public hearings, which shall be held during that month, on the various requests. On or before the fifteenth day of the fiscal year the mayor shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable.	The municipal budget shall be prepared by the mayor with the assistance of the business administrator.	N/A	Council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of council.	N/A	The municipal budget shall be prepared by the mayor with the assistance of the business administrator	N/A

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<b>Washington in D.C.</b>	600,000	Council - Executive (Mayor)	The Mayor develops and submits the proposed budget and financial plan for the next fiscal year to the Council of the District of Columbia by March 18. The Council holds public hearings and accepts the Mayor's budget or adopts its own version. The Mayor may sign or veto the Council's budget. If the Mayor vetoes the budget, the Council may override the veto. Once agreement is reached between the Mayor and the Council, the budget is adopted and transmitted to the President of the United States for submission to Congress for approval. Congress must approve the District's budget as one of the 13 annual federal appropriations bills.	The Mayor develops and submits the proposed budget and financial plan for the next fiscal year to the Council of the District of Columbia	Office of the Chief Financial Officer (OCFO), is responsible for oversight and direct supervision of the financial and budgetary functions of the District government; preparing the city's annual budget, representing the District in the federal appropriations process, and monitoring budget performance during the fiscal year	The council holds public hearings and accepts the mayor's budget or adopts its own version. The council mayover rde the mayors veto.	The Office of the District of Columbia Auditor was established by federal legislation. The District of Columbia Auditor annually audits the accounts, operations, and programs of the District of Columbia Government and certifies revenue estimates in support of municipal bond issuances. Further, the Office of the Auditor is required by the Advisory Neighborhood Commissions Act of 1975, as amended, to provide oversight and conduct audits of the financial activities of the District government's 37 Advisory Neighborhood Commissions.	N/A	N/A

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City of Atlanta, GA	500,000	Council - Executive (Mayor)	At the first Council meeting in February of each year, beginning in 2007, each Council member may submit his/her budget priorities for the coming year. Such priorities shall be referred to the Finance/Executive Committee, which shall submit these priorities in the form of a resolution to be adopted by the Council no later than the second Council meeting in February.	The mayor shall prepare and submit the proposed annual budget ordinance to the governing body no later than the first regular meeting of the governing body in May, preceding the commencement of the fiscal year.	N/A	The governing body may amend the proposed annual budget, except that the budget as finally amended must provide for all expenditures required by law or by this Charter	N/A	Finance Department monitors and assists in the preparation of the annual budget	N/A
City of Houston, TX	2.1 mill	Council/ Executive (Mayor)	It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City in accordance with the requirements of the State Budget Law applicable to cities and towns. (Added by amendment December 28, 1915; amended January 27, 1968)	It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the City, and each year to submit to the Council the annual budget of the current expenses of the City	N/A	Approves the annual budget submitted by the mayor	The City Controller shall, on or before the first day of April of each year, prepare and transmit to the City Council a report of the financial transactions of the City during the fiscal year ending the last day of December, next preceding, and of its financial condition on said last named day of December. The report shall show an accurate statement in summarized form and also in detail of the financial receipts of the City from all sources and of the expenses of the City	The City Controller shall be responsible for conducting internal audits, in accordance with professionally recognized auditing standards, of the operations of all City departments, offices, agencies and programs.	Administrative Office of City Council (AOCC), formerly Office of the Mayor Pro Tem, serves all administrative duties for Houston City Council. Although, the office serves City Council, it is a division of Finance and Administration.

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City of Chicago, IL	2.8 mill	Council/ Executive (Mayor)	Budget cycle begins Jan 1st - Dec 31st. The mayor submits the budget to council for approval	N/A	N/A	N/A	N/A	N/A	N/A
City of Los Angeles, CA	3.8 mill	Council- Executive (Mayor)	On or before April 20 of each year, the Mayor shall submit to the Council a budget for the next ensuing fiscal year setting forth in summary and in detail; On or before February 1, the Mayor shall publish his or her budget priorities for the next fiscal year in order to facilitate public comment On or before March 1 of each year the Controller shall submit to the Mayor a detailed statement of the money that the Controller estimates will be required for the interest and sinking funds and for all outstanding bonded indebtedness	The Mayor may veto, restore or otherwise change any item to the amount originally proposed and that adopted by the Council. The Mayor, however, shall have no power to change any description or limitation made applicable to an item by the Council, except to veto the change or to restore the description or limitation to the condition originally proposed by the Mayor.	N/A	Approve the budget or modify the budget by disapproving in whole or in part any items, or by increasing or decreasing any item, or by adding new items, and return the budget as modified by the Council to the Mayor. Any action taken by the Council under this section shall be taken by a majority vote of its members, the Council shall have five days which to overcome the action of the Mayor relative to any item or items of the budget. Any item or items of the budget which shall have been vetoed, or otherwise changed by the Mayor, and which shall not be, by a two- thirds vote of all of the me	The Controller shall be the auditor and general accountant of the City and shall exercise a general supervision over the accounts of all offices, departments, boards and employees of the City charged in any manner with the receipt, collection or disbursement of the money of the City. The Controller shall be elected as provided in Section 202.	Budget office is within the mayor's office	N/A

**4-B**

**Proposed Revisions to Section 8.07 of the Miami-Dade County Charter**  
by Stephen F. Rosenthal, Esq.

Section 8.07.           **AMENDMENTS.**

- A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted to the Board. ~~Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.~~
- B. Amendments to this Charter ~~may be~~ proposed by initiatory petitions of electors shall be governed by the following procedure:
1. The person proposing the amendment shall submit to the Board a proposed petition, in the form specified in section (2) below, and proposed ballot language, including a title. The Board shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.<sup>1</sup>
  2. The petition shall be printed in 12-point font and contain the following information: (a) the title and text of the proposed amendment, printed in English, Spanish and Creole; (b) a statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form; (c) the residence address of the circulator; (d) dates between which all the signatures on each individual petition were obtained; (e) a sworn statement that the circulator personally circulated the petition, witnessed each signature as it was being written and that to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be; and (f) a sworn statement signed by the circulator certifying to the truthfulness and the correctness of the certificate set forth in Section (2)(e) hereof; stating that it is being given under penalty of perjury under the laws of the State of Florida; and setting forth the date and the place of execution of the certification.<sup>2</sup>
  3. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.

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<sup>1</sup> This last sentence comes from Charter, § 7.01(1). New text, other than just renumbered provisions of § 8.07, appears in italics and redline.

<sup>2</sup> These provisions come from § 12-23(2) of the Miami-Dade County Code.

4. Within thirty (30) days of the date that a certified petition is presented to the County Commission, the Board shall approve ballot language, including a title, in impartial and concise language which provides a clear understanding of the proposed amendment.<sup>3</sup>
  5. The Board of County Commissioners shall call an election to be held within 60-120 days of the date that a certified petition is presented to the County Commission. Such election shall be called in conjunction with a countywide election; however, if no countywide election is scheduled to occur within 60-120 days of presentation, a special election on the petition shall be called.
- C. Amendments to this Charter may be proposed by the Board of County Commissioners at any time. Elections on charter amendments proposed by the Board shall be held not less than 60 nor more than 120 days after the Board adopts a resolution proposing any amendment.
- D. The result of all elections on charter amendments shall be determined by a majority of the electors voting on the proposed amendment.

**5-A**

# *Preliminary Recommendations*

*(since October 31, 2007 Initial Report)*

The Task Force further recommends that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that:

1. The County Commission appoint an independent Task Force to prepare and submit a comprehensive plan in 2009 for countywide incorporation, accomplished through annexation and/or incorporation, subject to amendments or changes by two-thirds vote of the County Commission, and placed on the ballot for all citizens to vote on at a general election in 2010. (Motion passed: 12-2 on November 20, 2007)
2. The Home Rule Charter include a 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. (Motion passed: 10-1 on November 20, 2007)
3. The Home Rule Charter be amended to provide future Charter Review Task Forces with the power to place proposed Charter amendments directly on the ballot if supported by a two-thirds vote of the Task Force members present; and to provide that the appointment process for future Task Force members be the same as contained in Sections 1 and 2 of the enacting resolutions that created the current Charter Review Task Force, with the exception of that portion that allowed a Commissioner to appoint him or herself to the Task Force, which was deleted. (Motion passed 13-1 on December 12, 2007)
4. The time period in the Charter to collect signatures for proposed Charter amendments be expanded to 120 days and that Charter amendments must be placed on the ballot during general election. (Motion passed: 14-0 on November 28, 2007)
5. With regard to Charter changes, the public hearing be held on the day the County Commission approved the petition as to form; that the ministerial act of certifying the petition be done at a public hearing; and that the issues be placed as two separate questions on the ballot. (Motion passed 14-0 on November 28, 2007)
6. The Home Rule Charter be amended to provide that the Board of County Commissioners shall adopt no resolutions or ordinances regulating the petition process as defined in Sections 8.01, 8.02, 9.06, 9.07 and 9.08 of the Home Rule Charter. (Motion passed: 14-0 on December 12, 2007)
7. Section 9.07 of the Home Rule Charter be amended to reflect that the certification and petition gathering provisions of Section 8.01 of the Charter shall also govern initiatory petitions to amend the Charter. (Motion passed: 14-0 on December 12, 2007)
8. The Home Rule Charter be amended to provide that initiative petitions shall be filed with the Clerk of Courts in the same manner as recall petitions, instead of coming before the County Commission. (Motion passed: 13-0 on December 12, 2007)

The below are **non-official, draft motions** from the January 9, 2008 CRTF meeting as provided by the Clerk:

9. That to the extent allowable by law, the Home Rule Charter be amended to provide that the final arbiter of bid protests shall be the process set forth under the State of Florida Administrative Procedures Act. (Motion passed 15-0 on January 9, 2008)
10. That the Charter be amended to provide that any proposal to move the UDB line on a project basis, must be approved by 75% of the County Commission; that every five years an independent body shall be constituted to conduct a comprehensive and holistic study where the UDB line should be moved; and that if approved by a simple majority vote of the County Commission, the recommendations of the independent body be submitted for approval by the electorate in the form of a referendum. (Motion passed: 10-5 on January 9, 2008)
11. That zoning applications, including variances and setbacks be heard by zoning hearing officers (to be appointed by the County Commission), in lieu of Community Zoning Appeals Boards; that hearing officers be charged with making final determinations on zoning applications, with the exception of appeals on an abusive discretion standard, which would be heard by the County Commission. (Motion passed: 7-6 on January 9, 2008)

# **Additional**

# **Materials**

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**From:** Citizen\_Email [mailto:Citizen\_Email]  
**Sent:** Monday, January 14, 2008 11:37 PM  
**To:** Charter (CMO)  
**Subject:** Charter Review Task Force

**Charter Review Comment Form**

Name: **Beverly Gerald**

Street Address: **14271 S.W 74th Court**

City: **Palmetto Bay**

State: **FL**

Zip: **33158**

Comment: **January 14, 2008 LINC (Let's Incorporate Now Coalition) strongly urges the following changes and/or concerns regarding the Miami-Dade County Charter: (2) Pay County Commissioners the state formula for large counties (currently over \$90,000 per year) (3) Limit County Commissioners to two 4-year terms, with no outside income. (4) We continue to have concerns about the negative impact single member districts have on shutting out the voices of residents who have no ability to vote for 12 out of 13 County Commissioners. This particularly affects those in UMSA, who have no municipal voice on local issues. (5) The County should not be doing "top down" drawing of future municipal boundaries. All cities have been formed by communities of common interest, and the Commission should not have the ability to arbitrarily draw municipal boundaries. This should remain a citizen-driven process ("bottom up"). If a proposed new municipality has met all the steps required by the county, the proposing area MUST go to a vote, not MAY as currently stated in the charter. This prevents arbitrary denial of a vote on the proposed municipal area by the Commission. Encourage working toward a date whereby the entire County will be incorporated, leaving the County Commissioner to focus on such major issues as overseeing the airport, seaport, transportation, etc., and not "filling potholes in UMSA." (6) Roll back the percentage required for citizen petitions, including those for municipal incorporation, to 10% from the current 25%. At least 90 days should be given to achieve this 10%--any less time makes it either impossible or very difficult to achieve the necessary signatures. We appreciate the vast amount of time taken by this Task Force to work on these very important issues, and the opportunity you have afforded us to address the Task Force. We hope that you will give some weight to our concerns. Sincerely, Bev Gerald LINC Chair**

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**From:** Francois Illas [mailto:[fillas@quantumresults.net](mailto:fillas@quantumresults.net)]  
**Sent:** Wednesday, January 09, 2008 12:22 PM  
**To:** Torriente, Susanne M. (CEO)  
**Subject:** Re: Charter Review Task Force - January 9, 2008 Agenda Package

Susy,

Can you proffer via this e-mail the Urban Land Institute as the independent body tasked with formulating the recommended line that will be brought to the County Commission and then voted in by the public in 2010.

Francois Illas  
Quantum Results, Inc.  
300 Aragon Avenue, Suite 375  
Coral Gables, Florida 33134

Tel: (305) 476-2946  
Fax: (305) 476-0889  
E-mail: [fillas@quantumresults.net](mailto:fillas@quantumresults.net)

Posted on Thu, Jan. 10, 2008

## ***Dade may give voters more say***

BY MATTHEW I. PINZUR

Miami-Dade voters would have more control over the county's development boundary and county commissioners would lose some power over purchasing and zoning under recommendations approved Wednesday by a charter-review group.

Though skeptical their suggestions will come to pass -- those same commissioners would have to agree to put them before voters -- the task force members said the changes would help depoliticize decisions on how land is used and money is spent.

The group targeted contracting, zoning and the Urban Development Boundary, issues that typically attract swarms of lobbyists and campaign contributors.

"Keep the circus away from the County Commission," said task force member Robert Ginsburg, a former county attorney, referring to the zoning idea.

The development boundary has captured intense public and political attention as builders campaigned to move the West Dade line further west, allowing the construction of residential neighborhoods and the stores and offices that come with them. Anti-sprawl forces have successfully pushed back, contending that expansion would threaten the environment, further clog roads and spread thin government services.

The task force wants to set a higher hurdle for moving that line than the two-thirds commission majority that exists today. It wants an independent group to review the line every five years; if their suggestions were approved by a simple majority of the commission, they would then go before voters.

In between those reviews, the group wants to require a three-fourths majority -- 10 of the 13 commissioners -- to move the line.

"There is a huge groundswell of sentiment in this community about development and the way development issues are being decided, discussed and debated," said task force chairman Victor Diaz.

The recommendation was approved 11-5, with some dissenters saying complex land use issues could be oversimplified in a political campaign. "We're going to throw the decision-making process to the whim of a slick marketing campaign," said Elizabeth Hernandez, Coral Gables' city attorney.

Changes to the contracting process would remove the commission's power to hear appeals when a losing bidder files a protest. Instead, the task force suggested transferring that power to state administrative law judges.

"This process that we currently have is an embarrassment," said task force member H.T. Smith, a prominent Miami attorney.

## **POWERS MAINTAINED**

The commission would still set general rules about purchasing and maintain its power to approve the specifications for every major contract -- the fine print of those specs can open the bidding to dozens of companies or tailor it for just one.

"You can't take politics out of politics, but you shift the political process and debate to the front end," said task force member Jorge Luis Lopez, a lobbyist and lawyer.

The zoning recommendation, approved 7-6, would leave commissioners in the process, but in a smaller role. Community councils, elected in each of 10 neighborhoods, would continue to make most decisions after hearing from county staff.

But the task force said appeals of those decisions should go to trained examiners rather than the County Commission. The examiners could be further appealed to the commission, but it would hold a limited hearing and only overrule the examiner if he or she had inappropriately interpreted the evidence.

All the task force's recommendations are preliminary until it adopts a final report later this month, after which it will disband.

## **NO GRANDSTANDING**

"I think that's a good thing," said Commissioner José "Pepe" Diaz, who has complained the task force is overstepping its bounds. ``What we can't do is have major grandstanding to create more issues."

Most of its members were appointed directly by county commissioners, but their wide-ranging debates since July have marched into controversial issues of elections, power-sharing and ethics.

None of its recommendations can go before voters without a majority vote from the commission -- or a costly petition drive -- and its members suspect nothing controversial is likely to clear that hurdle.

"We all know this is a recommendation this commission will surely ignore," said task force member Maurice Ferré, a former Miami mayor, referring to the UDB idea.

The only commissioner to appoint himself to the task force, Carlos Gimenez, supported all three recommendations. His vote, however, is not considered a bellwether for the commission.



IN ASSOCIATION WITH



# Pastor Targets Corruption

Simon Graves wants to dunk crooked pols.

By Calvin Godfrey

Published: January 3, 2008



E.F. Angel



E.F. Angel



E.F. Angel

Details:

## Public meetings of the Miami-Dade County Charter Review Task Force:

January 9 at 10 a.m., Main Library Auditorium, 101 W Flagler St, Miami;  
January 16 at 6 p.m., Stephen P. Clark Government Center, 111 NW 1st St, 2nd Floor, Miami;  
January 17 at 10 a.m., Stephen P. Clark Government Center, 111 NW 1st St, Conference Rooms 18-3 and 18-4; and  
January 23 at 10 a.m.,

This past November 3, Pastor Simon Graves had a dream in which God's giant hand reached into a towering downtown condo and plucked a plump politician from his bed. The round little man kicked, screamed, and showered coins all over town as the Lord carried him through the air toward Biscayne Bay. The hand halted over the black waters, where God "just dunked him like a doughnut," Graves says. Miamians flocked to the shoreline to watch. "And it was like a light just opened up overhead."

Graves recalls the night fondly. "It was an epiphany," he says. "My epiphany." From that moment on, Graves knew Miami needed to bring back the dunking stool.

Paunchy, pale, and bearded, the 36-year-old Graves looks like he's spent a good deal of his life stuck in the stacks of some frozen New England university library, though he says he hasn't set foot in those parts for more than 20 years.

Pastor Graves doesn't look or sound extreme in person. He's modest even to the point of being camera shy — his picture doesn't appear on his website ([www.pastorsimongraves.com](http://www.pastorsimongraves.com)) or his MySpace page ([myspace.com/pastorsimongraves](http://myspace.com/pastorsimongraves)).

His self-described "hillbilly" drawl is disarming, even pleasant. He wants you to understand why this town should start dunking its crooked politicians. He wants you to believe in the stool. "Think about it," he cries. "We catch someone stealing public money and then we spend probably five or six times more money trying to prove it. God forbid we find them guilty and send them to jail. That's a free taxpayer meal ticket right there!"

Graves wants Miami to construct a dunking stool along Biscayne Bay, build an arena around it, and "sell tickets and get back some of that money they blew," he says. Asked why he chose dunking, he turns to scripture: "The Book of Numbers tells us that whatever cannot be cleansed in the fire must be purified in the water," he says. "I'm not gonna come out and say we should light these people on fire...."

On Sunday, November 4, Graves delivered a passionate sermon in his 1,200-square-foot house in Homestead (which doubles as a rudimentary church). He sang and belled out about accountability and moral backwardness for nearly four hours in front of a group of seven parishioners he'd recruited outside the Daily Bread Food Bank in Miami Gardens.

Only two ever came back.

"I liked the dunking sermon," says Serena Enriquez, a 21-year-old waitress who came to Graves to cure herself of a sex addiction. "I realized that I lack any, like, moral compass — except for Pastor Graves, of course. I dunno, he just kinda let us know that we need to start holding ourselves to a higher standard. We need ... more shame."

Since his arrival in South Florida this past fall, Graves has been combing the streets near homeless shelters, posting flyers in the bathrooms of dive bars, and canvassing outside the criminal courthouse for recent releases. Some folks he hooks by talking up his wife Ruth's



Main Library  
Auditorium, 101 W  
Flagler St, Miami.

fine home cooking. Others he lures with offers of free beer. Graves brings them into his home, also known as the New Covenant Bible Church, and does his best to "cleanse them of sin and get them ready for God."

In his short career, which has taken him all over the nation, Graves has counseled sociopaths, drunks, and drug addicts, with middling success. For the past two months, however, he's been scrambling to save us all. If only Miami-Dade County would let him.

Simon Graves grew up in rural Vermont in a small wooden house, where he reveled in hard work and hard punishment. "Simon had a gift from a very young age," recalls his brother James, who runs a feed store in Georgia. James remembers how his brother used to bang his own head against the wall for telling lies. "He has always held on to the idea of salvation through punishment — ever since he was a little boy."

At age 18, Graves hit the road, traveling the country in search of God. Ten years later, he found a kindred soul in Ruth Morton, the daughter of a wealthy Texas evangelist. They eloped during their first year at the Beeson Divinity School, in Birmingham, Alabama, in 2001. (Neither graduated. Graves went on to obtain his degree through the mail from Big Mountain Bible College.)

They have crisscrossed the country ever since, going where the Lord has said they need to be. In Tennessee, they worshipped at the New Life Pentecostal Home — a wacky congregation that, Graves recalls, experimented with venomous snake handling. In Iowa, they raised pigs and drifted further into Baptist Fundamentalism. "Simon decided, one day, that we were needed in Alaska," Ruth sighs. "So we sold all the pigs and nearly went bust heading up north — God love him."

Late last summer, Graves asked God to point him to the most "sordid, wanton place in this great nation. He guided my hand to the very tip of Florida," the pastor announces with a charmed fervor. "I told Ruth: 'Pack the bags, honey.'"

They arrived in October and found a house for rent in Homestead. Ever since his big dream, Graves has remained fixated on lobbying the Miami-Dade County Charter Review Task Force to do away with formal ethics proceedings and replace them with a dunking stool.

The review has taken place every five years since 1957, with little fanfare. The outlook for this year's process was not terribly good. In June, a blogger at *Eye On Miami* despaired, "On a sliding scale, I expect nothing from this task force all the way to bad things." In November, former county manager and task force chairman Merrett R. Stierheim told the current panel: "I don't have much hope for substantive and meaningful change, no matter how badly needed or justified."

Realizing the whole system was under review, Graves began reading the papers like mad — poring over old clips online and trying his best to get a handle on how things work in Miami. He has no car and a limited grasp of technology; his research and publicity are handled entirely by a 14-year-old neighbor named Cesar Melindez.

At the end of this month, the 21 appointed members of the review panel will recommend changes to Miami's home-rule charter (essentially a county constitution). If the county commissioners approve the recommended changes, they will be put to a public vote.

Graves's idea has a slim chance, but he believes voters would support it if given the opportunity.

Most people think Graves is crazy, he acknowledges. He has staked out a site for the stool and has constructed several (poor) prototypes in his living room. If Graves had his druthers, the device, a modified seesaw with a chair attached to one end, would have gone up in Bayfront Park this past January 1.

Graves believes the stool will create a "terrifying scourge" for all "the nasty little devils on [crooked politicians'] shoulders." If he ruled the county, anyone looking to take office would agree to be dunked if he or she were caught violating the county's code of ethics.

From a purely historical perspective, Graves's idea is not crazy.

In the Old World, the process of being strapped into a chair and publicly submerged was reserved mainly for shrews and hot-tempered women, the belief being that the waters would somehow cool their ire. Underhanded merchants and cheats also got dunked, sometimes to the point of execution.

The New World preserved the great white tradition of public ruination. "We used to cut people's ears off," asserts Professor William Dunlap of Quinnipiac University, in Hamden, Connecticut. "We used to brand them on their faces."

We've put them in the stocks or in the pillories. We've banished them — out of colonies and towns — and publicly whipped them. [We've] stuck them in the stocks with an iron wedge in their mouth so they couldn't talk. We've burned them and pelted them with rocks."

The Fredericksburg (Virginia) Police Department's website proudly notes that, in 1782, the town sergeant enforced the law by dunking convicts in the Rappahannock River. "This device caused great discomfort and even death," it notes.

Dunlap guesses that most of it came to a stop after the end of the Revolutionary War. But dunking officially ended in 1829, when a Washington, D.C. circuit court convicted newspaper editor Anne Royall of being a common scold. The Marines at the Washington Navy Yard had constructed a stool for her punishment and were prepared to dunk her in the Potomac, but an appeal saved her hide at the last minute.

Royall still had to pay a fine of \$10.

Despite the kibosh on dunking, Americans have trumped their European forebears in terms of humiliating and beating undesirables. Prisoners in Delaware were whipped in the yard until the mid-Forties. In Arkansas and other Southern states, corporal punishment continued into the late Sixties. The current administration has long asserted its right to torture and humiliate "enemy combatants," often by dunking them during lengthy interrogations.

In Florida, the tradition lives on — albeit somewhat less severely. Peter Miller, a 63-year-old judge in Putnam County, has sentenced more than 600 shoplifters to the task of carrying a sign reading, "I stole from a local store." Miller offered thieves the option of carrying the sign in lieu of jail time.

Dunlap, who teaches Comparative National Security Law and holds a side interest in bizarre sentencing, does not believe Graves's proposal would stand up to constitutional review. "The government can't make people give up their constitutional rights to hold office," he scoffs.

For his part, Graves laments that public humiliation has been reserved for the poor and pathetic. "We need to bring humiliation back in America, but it needs to fall on the shoulders of the rich and the slick. I want every politician in the county to understand they're skatin' on thin ice. When they take office, they need to fear the wrath of this town."

Miami could use some wrath. From its humble beginnings as a torpid hideaway for pirates and fugitives, the town has provided a kind of frontier for human mischief and avarice. Ruthless plumage hunters and gator poachers composed its earliest economy, followed by gangsters and real estate hucksters. The very soil we stand on is thick with scandal. Swindlers hawked the land to out-of-towners before it was even dry.

Miami's metamorphosis from sleepy resort town to thriving metropolis came in the Eighties, when the whole burg seemed to have been suckling on a giant cocaine teat. The city sprang into the international consciousness as the cash, coke, and killing capital of the United States.

Even with cocaine on the wane, Miami's vice remains a source of constant civic embarrassment. In September 2007, at the close of the last fiscal year, the Miami-Dade Office of the Inspector General (OIG) announced it had made 20 arrests on charges ranging from aggravated white-collar crime to bribery. The OIG had taken in \$24 million in restitution for the county, four times the amount recovered in 2004.

Presented with Graves's idea, Inspector General Christopher Mazzella laughs. "I just hope he doesn't prosecute me for ... whatever it is he's going after," he says.

Graves isn't laughing. "The book of Ecclesiastes asks us to consider the work of God," he says. "*For who can make that straight which He has made crooked?*"

His answer, of course, is Simon Graves. \_\_\_\_\_

The New Covenant Bible Church operates out of a small pink one-bedroom house on Campbell Drive in Homestead. Nothing about it suggests that it doubles as a center for bizarre salvation or political subversion. Palm trees sway out front. Christmas lights hang from the eaves. Only a handmade cross — a pair of two-by-fours screwed together and jammed into the front lawn — gives a hint of what goes on beyond its front door.

On a recent Saturday morning, Graves stands in the middle of the home's large main room. Clad only in plaid boxer shorts, he tinkers with elements of his fantastic stool. His pasty white body drips with dusty sweat. His hands and fingers are bandaged and scratched.

All around him, his homemade church sits in a state of arrested development. Construction materials line the

perimeter of the cavernous room, along with 20 or so disparate chairs — dining, folding, and rolling — and a makeshift pulpit. The white stucco walls are marred in places where Graves, in moments of religious ecstasy, remodeled his home to create an adequate place of worship. Torn blue carpeting, sprinkled with crumbled drywall and sawdust, covers some of the floor. Pipes, still crusted with debris and fluffy pink insulation, extend up to the ceiling like candied stalagmites. You could throw a rock from the front door through the back window.

Soon after his dunking dream, and the poorly received sermon it inspired, Graves canceled services and pushed everything to the far corners of the room to begin work on his stool.

"God didn't want all that space for church," he says, hurrying into his bedroom to don a fluffy blue robe. "He knew I'd need the room to build Him a stool. My oh my, He works in mysterious ways."

Ruth follows Graves out of the bedroom and briefly stops to assess her husband's progress on the stool — a chair nailed to a beam as wide as the room, and a half-completed fulcrum. The small woman smiles a bit and then goes about filling the house with the aroma of bacon.

The project has been slow-going. Cesar Melindez, the pastor's teenage neighbor and Internet coach, took Graves down some dark paths online to find the blueprint for a dunking stool. "There are certainly those in the world who would use such a thing for a ... less-than-righteous purpose," Graves says delicately. (Indeed Melindez's parents no longer allow their son to visit the Graves household and declined to make him available to comment for this story.)

Ruth hands her husband a bacon sandwich wrapped in a paper towel. He sighs and takes a seat at a dusty table covered in paperwork and handwritten notes. She sits to his left as he considers his meal and begins to give lengthy thanks.

He thanks the Lord for *New Times* and the Charter Review Task Force. He thanks Him for his church, for his very existence, for Ruth, and for the bounty of bacon He hath bestowed on them both. Most of all, he thanks God for not striking him down for being such a miserable sinner.

A month ago, Pastor Graves launched a rather poorly conceived political and publicity blitz. He purchased a tape recorder and a listening device and documented — illegally — his telephone calls. (He has since provided copies to *New Times*, which has confirmed the validity of the conversations.)

Melindez created an e-mail address, [simon@pastorsimongraves.com](mailto:simon@pastorsimongraves.com), and the website, which comes across as extremely angry and asks people to sign on to Graves's cause. (So far no one has.) Bold red capital letters implore, "Face your Lord on bended knee, Miami" and "Bring forward your sinners ... to be dunked!" The site has not seen much traffic. "Cesar took me a little too literally while we made that one," Graves says.

Graves was promptly blown off by the staffs of all 13 Miami-Dade County commissioners. "Some were nicer about it than others," he says. He spoke at length with the head of the State Attorney's Office public corruption unit, Joseph Centorino, who told Graves his ideas sounded "kind of passé." Graves countered that the government was probably dunking a bunch of terrorists down in Guantánamo as they spoke. Centorino did not seem to approve of that practice either.

In the end, however, Centorino seemed taken with the pastor's charm, and asserted that the county needs more civic-minded individuals like Graves: "I wish that every citizen had the attitude and said, 'Look, we gotta change this. We can't keep things going the way that they are.'"

From there, Graves made some inroads at the Miami-Dade County Attorney's Office. Assistant County Attorney Cynthia Johnson-Stacks told Graves he sounded like a delightful person. She declined, however, to tell him whether his idea was viable or even legal.

Michael Murawski, an advocate for the Miami-Dade County Commission on Ethics and Public Trust, explained to Graves that, as of now, politicians caught being naughty are fined an initial penalty of \$500. Each additional violation costs \$1,000.

Graves balked at the county's piddling price tag on vice and then unveiled his scheme.

"We're not talking about killing these people?" asked Murawski, aghast.

"No, sir!" Graves exclaimed. "We're just talking about bringing a little shame back to Miami. I want politicians to know: Steal a dollar, you're gonna get dunked."

Murawski insisted he would pass the information on to his superior and that a return call would be forthcoming. (It

wasn't.)

County Commissioner Dennis Moss chuckled when Graves invited him to join in "dunk[ing] us some sticky-handed politicians."

Moss called the idea "interesting."

"Everyone thinks this idea is 'interesting,'" Graves moaned.

He tried to get John Timoney to volunteer for a test dunk, but the Miami Police chief would not return his calls. "That was very disappointing," Graves said. "[Timoney] seems like such a good man."

On December 12, Graves rose before sunrise to take the bus from his house to the Dadeland South Metrorail station. He took a train into downtown Miami and rode an elevator up to Mayor Carlos Alvarez's conference room. It would be his first and last Miami-Dade County Charter Review meeting.

Inside the windowless chamber, official types (the mayor of Miami Gardens, lawyers, lobbyists, lobbyists' lawyers, etc.) sat jabbering around a massive wooden table. Aides, secretaries, and assistants created a pantsuit orbit around the gathering — typing into Blackberries and filing handouts into large binders while their bosses bickered through the meeting agenda.

It went on for three hours.

While various speakers droned incessantly about municipal incorporation, Graves muttered to himself in the corner, practicing a speech he would never get the chance to deliver. His fevered murmur and swishing slacks blended into the room's white noise as he marched from his chair to the metal coffee urn and back — over and over.

By 1 p.m., Graves — so caffeinated he was nearly running in place — watched the entire room rise and exit. Horrified, he dashed over to the panel's honorary chairman, attorney Victor M. Diaz Jr., and implored him for a chance to speak.

The petite advocate, dressed in a pinstripe suit, told the pastor he would have to attend one of their public hearings.

Graves handed him some literature and explained his plan. Diaz offered a patronizing smile and passed Graves's materials to his secretary to be "filed into the agenda."

Carlos Gimenez, the only county commissioner to appoint himself to the task force, briefly — and dismissively — spoke with Graves. "There's a system in place to deal with this sort of thing," he said, shaking his head. "Dunking ... that's, um, I don't believe that's appropriate."

Graves left him with a copy of his prepared remarks, which read, in part: "I'm here today because I've come to realize that Miami is a dirty town. Filthy, in fact.... I want to offer [errant politicians] the opportunity to have a little moment with God, a few feet down in the bay. I want to give them the gift of underwater contemplation. I want to bring them to salvation through humiliation. And, let's face it, the only way that's going to happen is to give them a little taste of damnation." The last word was underlined twice. \_\_\_\_\_

The following afternoon, Pastor Graves had all but given up on the charter review process. "They're liars," he boomed, drawing uncomfortable stares from the midday passengers sharing his Metromover car. "They've just blown me off over and over again. I suspect that some of them are trying to keep the people of Miami from dunking these crooks!"

Graves's campaign was looking grim. His MySpace page, which took his young neighbor nearly a day to concoct, had garnered only one friend: a militant Evangelical Christian named Duane whose profile featured a lot of self-portraits — with and without guns — as well as an injunction against movies: "There is some heresy in them all." (Duane, a divorced truck driver in Great Neck, New York, nullified their friendship a few weeks later.)

Determined to take his dunking movement to the streets, Graves decided to print up some propaganda. He spent a sleepless night perfecting a flyer, mainly consisting of a cartoon depicting an 18th-century maiden being dunked into a river by punitive colonists.

"Once the people see my literature, they're gonna start coming to the site," he explained as the now empty train car rocked from side to side. "I just know it."

He stopped at a downtown Kinko's and had 150 copies printed on canary-yellow paper. Graves had chosen to focus on the downtown courthouses and government buildings between Flagler and NE Second Avenue, descending around 4

p.m. on Miami's government nerve center, where he preyed mostly on the elderly (they moved slower).

Reactions ranged from confusion to abject horror. A few signed his petition, hoping their chicken scratchings would placate the energetic pastor.

Gilbert Saint-Jean signed outside a Cuban coffee joint while awaiting his *cortadito*. The middle-age Haitian-American was not dressed in attire indicating any official capacity, but he seemed to scan the street for supervisors before taking Graves's pen. "They can't touch me," he said finally, jotting his name at the top of the bare sheet of paper.

Graves worked his way back to the foot of the monolithic Stephen P. Clark Government Center, where he locked in on a middle-age paralegal dragging a caddy full of files. "This is so silly!" she cawed, stomping her foot in the crosswalk. "This is never going to happen. I'd sign onto this if you had anything here that might actually happen."

"Ma'am," Graves countered, raising an eyebrow, "anything is possible."

She shoved the flyer back into his hands.

Hours later, the pastor ended the day with 15 signatures — five of which were illegible. As the sun disappeared behind the skyline, he resolved to try for one last name. A pale woman in a heavy white sweater agreed to speak with him on the way to her bus. Graves worked her in just half a block, explaining the merits of his mad plot in clear, plain English.

She turned to him at the corner and reached for his pen without asking a single question. "Sounds fair," she said and signed her name as Hertase.

"Hallelujah!" Graves cried, hopping jauntily into the air. "I do believe I've got it!"

The next afternoon, Graves appeared to have lost it. He arrived after lunchtime and leapt, head-first, into the hungry midday rush of bureaucrats. The suits didn't like him much, insisting at every approach that they were needed in court.

Just when all hope seemed lost, he was rescued by Juver Diaz. At 29 years old, Diaz stood a couple of inches over Graves. The man's shoulders stretched wide under a dusty pinstripe coat, and his head was a sweaty ramp of wavy sun-bleached hair. A four-inch scab stretched across the back of his neck. His face remained flat and severe as he watched Graves get rejected by everyone he approached.

After a few minutes, Diaz accosted the portly pastor, demanding money. "I'm sorry, my son," Graves uttered. "I can only offer you an everlasting spoonful of Jesus."

"I'm not your son," Diaz said, flicking his spent cigarette butt over the pastor's shoulder. "I'm your brother." Diaz told Graves everyone feared and respected him on the streets of Miami because he was the son of God. "No one can hurt me," he said.

Graves seemed touched by this outpouring. "You're right, Juver," he agreed. "We're brothers."

Diaz snatched Graves's clipboard. "Lemme show you how it's done," he muttered. In 10 minutes, Diaz (whom court records show was arrested for aggressive panhandling just three weeks earlier) filled an entire column with signatures. He kissed women's hands and pledged to marry them. He roused vagrants with idle threats and beat his chest with each passing person, shoving out flyers with a cracking bark: "Respect!"

"God bless you, Brother Diaz," Graves said after the flurry was over and Diaz had gone his way. When Diaz was out of view, Graves prayed. He asked the Lord to protect and keep Brother Diaz. He asked that Diaz one day become a part of the New Covenant Bible Church, perhaps even like Luke was to Jesus — a warrior for Christ.

"If I had five men like Brother Diaz," Graves began, tears welling in his eyes, "we'd have 10 dunking stools in this county by next Sunday."

Graves rushed home early to meditate on his meeting with Juver Diaz. After several hours, he called *New Times* with a plot to petition every elected official in Miami-Dade County. "Let everyone who believes they are above reproach say so," he declared.

On Friday, December 7, a petition was sent to every elected official in the county — dozens in all, from the recently elected mayor of Homestead to the most senior commissioner of Sunny Isles Beach — explaining Simon Graves's

plan. Attached were two questions:

1. Would you agree to be dunked should you be caught doing anything fiscally untoward?
2. If not, why?

So far no one has answered the query.

"Lordy, I feel like Noah," Graves cried over the phone last Thursday. "Is there not a good man in all of Miami?"

Graves says he and his wife are considering selling their home and buying a boat. He says it's possible he won't even live in Miami by the time the task force hands its charter review report over to the county commission on January 28. But he acknowledges there's a better chance he might attend one of the four scheduled task force meetings between now and then.

"If the Good Book is any indication," he sighs, "God will be permanently dunking Miami any day now, I'd imagine."

Graves has begun to make phone calls to the Florida Fish and Wildlife Conservation Commission, asking what it would take to legally create a floating zoo. "We need to get a breeding pair of all the special animals in the Everglades out onto a boat before the next hurricane season starts up," he cautions. Graves has had another epiphany.