



Charter Review Task Force Meeting

Wednesday, January 9, 2008

10:00 am

Main Library Auditorium, 1st Floor

101 West Flagler Street

AGENDA (final)

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

Charter Review Task Force
January 9, 2008

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
Vizcaya Village “Garage”
3250 South Miami Avenue

Wednesday, November 28, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
(305) 375-1967



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

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

1. Call to Order

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

2. Roll Call

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

3. Approval of Minutes

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

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

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

4. Old Business

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman Diaz called for additional amendments to the Charter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussion ensued on the foregoing motion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Prioritization of Pending Issues of Study

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

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

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

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

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

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

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

5. New Business

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

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

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

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

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

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

6. Adjournment

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

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

3-B



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Charter Review Task Force

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

Wednesday, December 12, 2007
As Advertised

Harvey Ruvin, Clerk
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
DECEMBER 12, 2007**

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

1. Call to Order

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

2. Roll Call

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

3. Approval of Minutes

A. Approval of November 20, 2007 meeting minutes

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

B. Approval of November 28, 2007 meeting minutes

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

4. Old Business

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

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

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

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

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

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

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

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

Upon concluding their discussion, the Task Force voted on Mr. Lopez' motion that the Task Force recommend to the County Commission that the Charter be amended to provide future Charter Review Task Forces with the power to place proposed Charter amendments directly on the ballot if supported by a two-thirds vote of the Task Force members present; and to provide that the appointment process for future Task Force members be the same as contained in Sections 1 and 2 of the enacting resolutions that created the current Charter Review Task Force, with the exception of that portion that allowed a Commissioner to appoint him or herself to the Task Force, which was deleted. This motion was seconded by Mayor Diaz-Padron and upon being put to a vote, passed by a vote of 13-1, (Mr. Vazquez voted "no") (Ms. Dannheiser, Mr. Handfield, Ms. Hernandez, Mr. Hogan, Mr. Illas, Mr. Kuper and Mayor Martinez were absent).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Prioritization of Pending Issues of Study

Considered later in the meeting

5. New Business

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Lopez asked for a breakdown of the issues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. B. Prioritization of Pending Issues of Study

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

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

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

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

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

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

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

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

Adjournment

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

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

4-A

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

City/County		2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
Florida Jurisdictions	Miami-Dade County	2. 4 million	Commission/ Executive (Mayor)	Charter: Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Manager, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county. Code: County Manager has delegated authority to purchase goods and services up to \$1 million.	Administrative Order 3-21: Formal bid protests are filed with the Clerk of the Board and are then heard by a hearing examiner. Code Section 2-8.4: Board of County Commissioners is final arbiter of bid protest.	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)	Charter is silent. Code: All rights, powers, duties and authority relating to the procurement and contracting of goods and/or services for the board of county commissioners, including the authority to approve all purchases and sign those agreements, contracts, change orders and purchase orders for the purchase of goods and/or services governed by this article, provided they are in conformance with the law and all applicable rules and regulations, are vested in the chief of purchasing and contracts. All bid awards in excess of one hundred thousand dollars (\$100,000.00) must be approved by the board; provided, however, prior authority to award any bid exceeding this amount may be granted to the chief of purchasing and contracts by the board with the stipulation that award shall be made to the lowest responsive and responsible bidder within the budget amount for such purchase.	Purchasing Guidelines: 1. Purchasing manager reviews the documentation, talks with vendor and issues a written decision. 2. Vendor may appeal purchasing manager's decision to a protest committee composed of the purchasing manager (non-voting member), County Attorney's Office rep., County Administration rep. and user department rep. 3. Items that require Board approval may be appealed to the Board after being evaluated by the protest committee.	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 ³
Duval (City of Jacksonville)	830,000	Council / Executive (Mayor)		A majority vote of the respective Awards Committee is required to grant a bid protest. Otherwise the protest is denied and the decision is executed by the Mayor.	It is the responsibility of the Planning and Development Department to administer, enforce and interpret the Zoning Code pursuant to Chapter 30. Rezoning and administrative deviations shall be made to the Department; appeals are brought before the Commission.	Independent analysis is provided by staff from the Office of the Council Auditor.
Montgomery County, MD	930,000	Council / Executive	Charter: The Council shall prescribe by law a centralized system of purchasing and contracting for all goods and services used by the County. The centralized purchasing system shall be administered under the professional supervision of the Chief Administrative Officer subject to the direction of the County Executive. The Council shall prescribe by law for competitive procurement for purchases by or contracts with the County in excess of an amount or amounts established by law. Code: The Chief Administrative Officer has the authority and responsibility for: (1) the procurement of goods, services, and construction, and the management, control, warehousing, sale, and disposal of goods; (2) deciding matters of procurement policy; and (3) auditing and monitoring the implementation of regulations and the requirements of this Chapter. All rights, powers, duties, and authority to administer the procurement system are vested in the Chief Administrative Officer.	Code: Chief Administrative Officer is final arbiter of bid protest.	It is the responsibility of the Office of Zoning and Administrative Hearing (OZAH) to administer, enforce and interpret the Zoning Code pursuant to Chapter 59. Special Exemptions are brought before the County Board of Appeals.	Independent analysis is provided by staff from the Office of Legislative Oversight.
Cook County, IL	5 million	Council/ Executive (President)		Bid protests are filed with the Office of the Purchasing Agent. Decisions of the purchasing agent are final.	It is the responsibility of the Office of Building and Zoning to administer, enforce and interpret the Zoning Code pursuant to the Cook County Zoning Ordinance of 2001. Appeals are brought before the Commission.	No independent analysis occurs; professional staff provides legislative analysis.

Comparables

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

Selected National

City/County	2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
City of Philadelphia, PA	1,400,000	Council - Executive (Mayor)	Charter: The Procurement Department shall have the power to purchase... all personal property to be procured with funds from the City Treasury. ... In the performance of its procurement functions, the Department shall consult with and consider recommendations of the Council, the Mayor, the officer, department, board or commission of the City or other governmental agency, whose requirements it is procuring. The Department may permit any officer, department, board or commission of the City or other agency to make a particular purchase or class of - purchases directly, but in any such case the Department shall first approve in writing the specifications for such purchase. ... The Administrative Board shall determine above what limit proposals for the purchase of equipment, material or supplies must be submitted by the Procurement Department to the Director of Finance for approval.		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)	Charter: The department of administration shall be headed by a director who shall be known and designated as business administrator. The department, under the direction and supervision of the mayor shall administer a centralized purchasing system.	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 ³
Washington D.C.	600,000	Council - Executive (Mayor)	<p>Code: There is established an independent service agency to be called the Office of Contracting and Procurement ("OCP"), which shall be administered by the Chief Procurement Officer. By delegation from the Mayor, the CPO shall be the exclusive contracting authority for all procurements covered by this chapter. The Mayor and all independent agencies and entities of the District government shall submit to the Council for approval any proposal to contract out services covered by this chapter that involves expenditures in excess of \$1,000,000 during a 12-month period.</p>	<p>Bid protests are filed with the Contracts Appeals Board. The Board is composed of two administrative judges and one non-voting general counsel.</p>	<p>The Office of the Zoning Administrator administers, interprets and enforces the zoning regulations under Title 11 of the District of Columbia Municipal Regulations. Variances, special exemptions, and appeals are brought before the Board of Zoning Adjustment (BZA).</p>	<p>Independent analysis is provided by staff from the Council's Committee Staff (which includes Legislative Analysts and reports to the respective Chair of the Committee).</p>
City of New York, NY	8,200,000	Council - Executive (Mayor)	<p>Charter: The City has a Procurement Policy Board consisting of five members, three of whom are appointed by the mayor and two appointed by the comptroller. Each member serves at the pleasure of the appointing official. The mayor designates the Chair. The board promulgates rules establishing the methods for soliciting bids or proposals and awarding contracts. The board does not exercise authority with respect to the award or administration of any particular contract or contract dispute. In each City agency, staff members identify needs that support the agency's mission. Other: Each agency has an Agency Chief Contracting Officer to ensure that the rules set by the Procurement Policy Board (PPB) are followed during the procurement process. The Chief Procurement Officer (Director of the Mayor's Office of Contract Services) has oversight of this process and enforces the PPB rules. Other offices that approve procurement documents include OMB, Law, Division of Labor Services, and the Office of the Deputy Mayor for Operations. Certain contracts in excess of \$100,000 may 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 ³
City of Atlanta, GA	500,000	Council - Executive (Mayor)	Charter: The governing body shall prescribe by ordinance or resolution the procedures for all purchases of real and personal property by the city. The mayor shall have the power to purchase supplies, material, equipment and personal property of every type and description, and services for the rental, repair, or maintenance of equipment, machinery, and other city-owned property; provided, however, the purchase amount does not exceed \$300,000.00. In exercising the power of purchasing and procurement, the mayor shall adhere to the provisions within this Charter and any ordinance governing purchasing and procurement; provided, however, when the mayor proposes to let a contract to one other than the lowest bidder or offeror or award a contract which has not been competitively procured, the contract shall be approved by the council prior to an award of contract.		Bureau of Buildings Zoning Division is responsible for interpreting and enforcing the zoning ordinance. The Zoning Review Board considers property rezonings and special use permits. The Board of Zoning Adjustments considers applications for variances and special exceptions.	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)	Charter: No contract, agreement or other obligation involving the expenditure of money in excess of the limitation amount determined as provided in this paragraph, below, shall be ordered, authorized, entered into, or executed by any officer of the city unless same be, by authority of ordinance, resolution or motion.... The limitation amount referred to above shall be equal to the maximum dollar amount of an expenditure that the City is generally allowed to make without taking competitive bids for contracts under state law, as amended from time to time.	Bid protests are submitted in writing to the purchasing agent, who then meets with the vendor. The decision of the Purchasing Agent may be appealed to the Legal Department, which is the final arbiter in the bid protest process.	The Department of Planning and Development regulates land development in Houston. Since Houston is not a zoned city, development is governed by codes that address how property can be subdivided, but city codes do not speak to the land use.	No independent analysis occurs; professional staff provides legislative analysis.
City of Chicago, IL	2,800,000	Council/ Executive (Mayor)		Bid protests are filed with the Chief Procurement Officer. The Chief Procurement Officer may meet with the vendor and is the final arbiter of the bid protest process.	The Zoning Ordinance is defined under Title 17 of the Chicago Municipal Code and implemented by the Department of Zoning. Variations, appeals, and special uses are brought before the Zoning Board of Appeals.	Independent analysis is provided by staff from the Council's Legislative Reference Bureau.

City/County	2005 Pop.	Form Of Government	Procurement - Award Authority	Procurement - Bid Protest	Zoning	Legislative Analysis ³
City of Los Angeles, CA	3,800,000	Council-Executive (Mayor)	Charter: Except as otherwise provided in the Charter, no board, officer or employee shall make any type of contract obligating the City or any department to make or receive payments of money or other valuable consideration for a period longer than 3 years, unless first approved by the Council. If the Council does not approve the contract, the Council shall not modify the contract, but shall return it to the contracting authority for reconsideration and resubmission to Council. Code: Any action by any of the departments contracts which obligate the City for longer period of time than one year or which involves consideration reasonably valued in excess of Twenty Thousand Dollars (\$20,000) shall be taken by the head of the department by order or resolution. However, the Board of Commissioners of the Departments of Airports, Harbor and Water and Power may each authorize its General Manager to contract on behalf of its department where the contract does not involve consideration reasonably valued in excess of One Hundred-Fifty Thousand Dollars (\$150,000).	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.	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.	Independent analysis is provided by staff from the Office of Chief Legislative Analyst.
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
Miami- Dade	2.4 mill	Commission/ Executive (Mayor)	In January, the County Manager's resource allocation priorities are released, in March the Mayor has a budget address, in April, the County Commission approves the resource Allocation policies, in July, the proposed resource allocation plan is released, in September there are 2 public hearings, budget approved by October	Vetoes legislation including budget or budget components	Prepares County Budget for review by Mayor and Commission (Charter Requirement)	Appropriate funds and adopt operating and capital budgets; Override Mayor's veto by 2/3 vote	None	Office of Strategic Business Management (OSBM)	Commission Auditor is appointed by the Commission. Provides the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.
Orange	1 mill	Commission/ Executive (Mayor)	Department budget meetings with the County Mayor and County Administrator are held in May; distribution of the proposed budget to the BCC and 2 public hearings on the proposed budget and millage rates occur in July. The Office of Management and Budget submits the final adopted budget in November.	Submits the annual budget estimate to the Board.	County Administrator assists the Mayor in the daily management of the County (Charter Requirement)	Approve annual operating and capital budgets	N/A	The Office of Management & Budget (OMB) has the primary responsibility for preparing and monitoring the County's revenue, expenditures, and capital improvement budgets.	Commission has a staff that reviews the budget and informs them on issues. The commission and mayor's office is responsible for the final funding and policy decisions.

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
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.

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New York City, NY	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 City Comptroller , an elected constitutional officer, is the City's chief fiscal officer; under the City Charter the Comptroller reviews and comments on the City's budget and four-year financial plan, including preparation of a number of specific reports and letter statements. Additionally, the Independent Budget Office is a publicly funded independent agency that provides nonpartisan budgetary, economic and policy analysis for residents and elected officials.	The Office of Management and Budget (OMB) is responsible for assisting the Mayor in developing and implementing the City's budget, and for advising the Mayor on policy affecting the City's fiscal stability and the effectiveness of City services.	None identified

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

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

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King, WA	1.8 mill	Council / Executive	At least seventy-five days prior to the end of each fiscal year, the county executive presents to the county council a complete budget. At least thirty days prior to the end of the fiscal year, the county council adopts the budget for the next fiscal year.	Presents to the council annual statements of the county's financial affairs, the proposed budget and capital improvement plan	The County Administrative Officer assists the County Executive and supervises the administrative offices and appoints the chief officer of each administrative office (Charter Requirement; manages internal support agencies only)	The County Council adopts and approves the budget. The county council shall not adopt an additional or amended capital budget appropriation ordinance during the fiscal year unless requested to do so by the county executive.	In 2002 the County Executive convened a Budget Advisory Task Force, which transmitted its final recommendations the following year.	The Office of Management and Budget is an office of the County Executive.	The Council adopted a set of "Priorities for People" to guide development of the 2007 budget. The Council also initiated and executed a Citizen Budget Priorities Initiative in 2007 to inform preparation of the 2008 budget. Results were transmitted to the County Executive. The County Auditor reports to the council, but does not have a direct role in the budget process.
Baltimore, MD	800,000	Council / Executive	On or before April 16 of each year, the County Executive submits to the County Council a proposed budget for the ensuing fiscal year. The County Council may make reductions in the Executive's proposed budget, but may not increase any item or alter the revenue estimates. The Council must adopt a budget by June 1 or the Executive's proposed budget will stand adopted. The Office of Budget and Finance transmits the final adopted budget.	Submits to the County Council a proposed Operating Budget and Capital Improvement Program to the County Council.	The CAO is the chief budget officer of the County and prepares and submits the annual budget to the County Executive for presentation to the Council.	The County Council may make reductions in the Executive's proposed budget, but may not increase any item or alter the revenue estimates. The Council must adopt a budget by June 1 or the Executive's proposed budget will stand adopted. However, the adopted budget is not subject to Mayoral veto.	The County's budget guidelines stipulate that growth in the general fund operating budget should not exceed the county's growth in personal income. A Spending Affordability Committee provides projections of growth in personal income and recommends an estimated spending limit.	The Director of Budget and Finance is responsible for the formulation of the budget under the supervision of the County Administrative Officer and is responsible for the administration of the financial affairs of the County.	The County Auditor operates as part of the Legislative branch of government pursuant to 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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City of Philadelphia, PA	1.4 mill	Council - Executive (Mayor)	It is considered better budgetary practice for the fiscal year to commence on or about July 1. This was not practicable for the City because real estate tax assessment and payment requirements, specified by statute, produce most of the City's revenue in the months of March, April and May. However, Council is empowered to change the fiscal year when modification of statutory provisions permits it and the problem of changing the taxing period has been thoroughly studied	Communicate to the Council at least once a year a statement of the finances and general conditions of the affairs of the City and also such information on financial matters as the Council may from time to time request	Same as executive powers	It shall be the duty of the Council, to adopt the annual operating budget ordinance for the next fiscal year; The consideration of the operating budget ordinance shall begin forthwith upon the receipt from the Mayor of his annual operating budget message and the proposed annual operating budget ordinance,	The Auditing Department, shall examine and approve or disapprove all requisitions submitted to it through the Director of Finance by any officer, department, board or commission of the City or other agency to which an appropriation has been made, Audits of the Financial Affairs of Officers, Departments, Boards, Commissions and Other Agencies	The Director of Finance is thus the chief financial officer of the City and all powers and duties concerning finances, accounting, and budgeting in the executive branch are directly or indirectly his, 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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Washington in D.C.	600,000	Council - Executive (Mayor)	The Mayor develops and submits the proposed budget and financial plan for the next fiscal year to the Council of the District of Columbia by March 18. The Council holds public hearings and accepts the Mayor's budget or adopts its own version. The Mayor may sign or veto the Council's budget. If the Mayor vetoes the budget, the Council may override the veto. Once agreement is reached between the Mayor and the Council, the budget is adopted and transmitted to the President of the United States for submission to Congress for approval. Congress must approve the District's budget as one of the 13 annual federal appropriations bills.	The Mayor develops and submits the proposed budget and financial plan for the next fiscal year to the Council of 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

Additional

Materials



OFFICE OF THE MAYOR MIAMI-DADE COUNTY, FLORIDA

CARLOS ALVAREZ
MAYOR

January 8, 2008

Mr. Victor M. Diaz, Jr.
Podhurst Orseck, PA
25 West Flagler Street, Suite 800
Miami, FL 33130

Dear Mr. Diaz:

Thank you for the opportunity to advise the Charter Review Task Force on an area which requires Charter study and repair. During its remaining meetings the Task Force should continue reviewing the fundamental right of citizens to place important measures on the ballot.

There has been great debate on whether the Board of County Commissioners has the power to amend the initiative, referendum, and amendment process by mere ordinance. Highly skilled legal practitioners have advocated that it is the Charter, not ordinances, that govern this process and that when an ordinance of the Board conflicts with an express or implied provision of the Charter it is invalid and must yield to the supremacy of the Charter.

The Charter sets forth the basic process for placing a measure on the ballot. However, the Charter lends itself to varied interpretations as to the form of the petition. This ambiguity hampers the free exercise of citizens' rights to use initiatory petitions. As recent initiatives have proven, the petition process is already a complicated and daunting task, fraught with legal and procedural hurdles. Those who oppose initiatives are able to tie up proposed initiative petitions in litigation - and thereby delay a vote - by arguing that its proponents failed as to the form of the petition.

The Board has tried to remedy this through an ordinance: § 12-23 of the County Code. The Code requires the petition to contain the full text of the proposed amendment, as well as various details concerning the circulator, in an effort to prevent fraud and criminalize misrepresentation. The Code altered the requirements for the petition process without seeking voter approval as required for Charter Amendment.

The need for change comes from the lessons learned during intense litigation over the Strong Mayor charter amendment; if the Charter-amendment process were clearer, citizens' initiatives would not become mired in the courts but could instead proceed along the straightforward path that the State Constitution intends.

Mr. Victor M. Diaz, Jr.
January 8, 2008
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I have previously recommended that the Task Force clarify that the Charter embodies the initiatory petition process in its entirety and that no ordinance or regulation may override the Charter in this regard. ***I stand by that recommendation.*** I further recommend that the Task Force establish petition form requirements in the Charter itself for approval by the electorate.

Sincerely,



Carlos Alvarez
Mayor

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

Posted on Tue, Jan. 08, 2008

Charter group has eye on citizens' rights

A group of bright, involved individuals has been meeting in Miami-Dade County since July to determine if there is a better way for the county to govern itself by restructuring. On the face of it, that would seem a no-brainer: Of course the county could be run better. Just think of recent scandals at the Housing Agency, the Miami-Dade Water and Sewer Department, not to mention the huge construction-cost overruns at Miami International Airport.

Who's governing?

In actuality, these vexing problems had less to do with how county government is structured than with the people doing the governing. You can have the most time-tested form of government but still fail if the wrong people are in charge. The folks on the Miami-Dade County Charter Review Task Force can't do much about the quality of our elected officials, but they can recommend progressive structural changes at County Hall.

The group will end its work with a final report Jan. 29. The ideal report would recommend a comprehensive restructuring of county government to counteract the mixed results of years of piece-meal tinkering with the charter. But the Task Force, confronted with the elephant in the room -- namely, 13 single-member district commissioners who like the status quo -- blinked. In its first report, the Task Force made it clear it wouldn't recommend changing the commission's structure.

Since every recommendation is open to another vote through its final meeting Jan. 23, a restructuring proposal could emerge yet, but don't count on it. Task Force members are fully aware that they can only recommend, that it's up to the County Commission to put their recommendations on the ballot -- or not. But, commendably, the Task Force has specific proposals that would loosen the commission's near choke-hold on the charter amendment process. These deserve strong support:

- **Changes** to the citizen's initiative process should only be made by amendments approved by voters. Commissioners recently tinkered with the rules for this basic right in retaliation for citizen initiatives that they opposed. The tinkering raised ludicrous hurdles for citizen-driven initiatives. The Task Force also recommends changes to remove these hurdles.
- **Miami-Dade** should borrow an idea from Broward County's charter review process. There, the commission that periodically reviews the charter can place charter changes on the ballot without County Commission approval. The Task Force wants -- rightly -- future charter review entities in Miami-Dade to have this power.
- A public hearing on all the Task Force's recommendations is at 6 p.m. Jan. 16 in the County Commission chamber.

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CITIZEN PETITIONS: Defend voter participation

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Miami Herald, The (FL)- January 4, 2008

Author: STEPHEN F. ROSENTHAL, srosenthal@podhurst.com

In this season of constant political chatter, it's easy to feel like your individual voice makes no real difference. Given the feeling of disconnection between average voters and their elected representatives, it's unfortunate that Miami-Dade County residents haven't taken a more vocal stand in defense of the only channel of direct democracy reserved to them under the county charter: the citizen's initiatory petition.

The basic right of citizens to place important policy measures on the ballot, even over the opposition of their elected commissioners, is in need of repair. A Charter Review Task Force is now making recommendations to the County Commission and Mayor Carlos Alvarez about provisions that should be changed. This one should be.

Under our charter, any citizen may place a measure on the ballot provided that at least 4 percent of the registered voters in the county sign a petition in support of having a vote on the measure. If an adequate number of signatures are gathered, the commission must place the measure on a countywide ballot within four months. If the measure passes, it becomes governing law in the county.

Unfortunately, the way the law is currently written hampers the exercise of this right. The charter language is sparse and vague. It provides only that a petition must be circulated, that voters must sign it and that the petition circulator must swear that the signatures were made in his or her presence. It says nothing about the format of the petition or whether the full text of the proposed measure needs to be printed on the petition or whether a ballot summary is sufficient.

Over time, the County Commission has attempted to clarify the charter provision through ordinances that purport to specify the petition format. One such provision requires the full text of the measure to be printed on the petition. This makes sense -- voters can see what they are being asked to support.

Unfortunately, some of these added commission-generated rules are burdensome, like one that says petitions can't have more than one signature per page. Since it may take as many as 100,000 signatures to qualify a petition, the one-page-per-signature rule is extremely onerous.

The commission's efforts to clarify the initiative process have created another problem. The commission can't impose additional restrictions on citizens' initiative petitions without running afoul of the state Constitution, except when necessary to ensure ballot integrity. Court rulings have determined that this basically means preventing vote fraud. Many of the commission's clarifying measures, however, don't relate to fraud. Those laws -- like the one-signature-per-page rule -- are unconstitutional.

The existing legal structure hampers the free exercise of citizens' rights to use initiatory petitions. Powerful vested interests who oppose initiatives are able to tie up a

proposed initiative petition in court -- and thereby delay a vote -- by arguing that its proponents failed to cross all of the T's and dot all the I's in the county code. The proponents respond by challenging the constitutionality of the particular code provisions they are accused of having violated. This back-and-forth slowed the strong mayor initiative in 2005 and 2006.

The initiative process was meant to be straightforward. It defeats its purpose if any controversial proposal is vulnerable to a barrage of lawsuits before the people get to exercise their basic right to vote it up or down.

The Charter Review Task Force, which is winding up its review of proposals to improve county government, has the authority to recommend charter changes to the commission. At the end of this process, the commission should place on the ballot a proposal to allow voters to amend the charter to remove the ambiguities in the citizen's initiative process so that it will be the straightforward path to direct voter participation in county government that the state Constitution intends.

Stephen F. Rosenthal is a lawyer in Miami.

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MIAMI-DADE --- WAYS TO IMPROVE COUNTY GOVERNMENT

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Miami Herald, The (FL)-November 30, 2007

Author: MAURICE FERRE maferre2002@aol.com

There are two conditions in the current Miami-Dade County government that stand out as dysfunctional: the commission structure and an overly strong office of the mayor.

The manager/council format is gone. We cannot return to the past. In a multiethnic-multiracial community, such as New York, Chicago, Los Angeles and Houston, it is best to elect the chief executive. But our strong mayor was given too much power. Carlos Alvarez is a good strong mayor, a professional who does not abuse power. But who comes next?

Corrections are needed to bring a better balance between our executive and legislative branches, under the powers of Home Rule in the Florida Constitution, and separation of powers with checks and balances.

To bring a more regional approach to our local government, and to get away from excessive parochialism, turf-power building, commissioner interference in the administration and cronyism at the commission, we need to go to some "at-large" representation. The recommendation to go to an eight-member commission plus the mayor as chair of the commission, is fatally flawed. It is going in the wrong direction, back to the past manager/council format. More important, by making the commission smaller, rather than larger, it gets further away from the legislative format and consolidates the council format.

If Miami-Dade County were a state, with almost 2.5 million people, we would be larger than 16 states of the Union. To truly function with a broader regional vision, we must eliminate the small-minded, parochial, city council format and evolve, in compliance with the Voting Rights Act, into a more representative, balanced, legislative format, like Jacksonville.

Here is a middle-of-the-road compromise:

- * Leave the 13 district commission as it is, but . . .
- * Increase the County Commission membership by four, to 17 total. The new "at-large" commissioners would be elected in a primary in each of four equal districts. The two top vote-getters from each district primary election would go to an "at-large" general election, countywide.
- * Pay all commissioners the same full-time salary. Commissioners should serve for four years and be limited to two terms. But the district commissioners could run, after two terms, for "at-large" seats, and vice versa.
- * With 17 commissioners, six standing committees would have five commission members each, so a quorum of three would be easier to obtain. Each commissioner would serve on only two standing committees.

* The current commission budget now averages yearly \$1.3 million per commissioner. Add a yearly cost of \$5.2 million for the four, full-time, "at-large" commissioners.

* All county elections would coincide with federal primary and general elections (at the beginning of November) to get better voter participation.

The current Charter Review Task Force has recommended an elected tax appraiser and a police director and supervisor of elections who would be semi-autonomous (appointed by the mayor, with the County Commission's two-thirds override, then on his/her own, without a supervisor, for four years; then the reappointment cycle begins again).

We granted too much power to the strong mayor. But why increase the power and autonomy of these three constitutional officers as a solution? The task force's proposed changes may further fracture unchecked power in the county's administration by zones of influence, much like the single-member districts have done. Change the charter to alter instead the powers of the mayor.

* The mayor should retain all the powers granted in the Jan. 23 charter amendment approved by the voters, except that some powers would be exercised through an appointed chief operating officer, titled deputy-mayor. This position would be appointed by the mayor, with pre-established professional qualifications. The commission could reject the appointment with a simple majority. Only the mayor could fire the deputy-mayor, but the commission could override with a two-thirds vote.

If Miami-Dade were a state, we would be larger than 16 states of the Union.

The deputy-mayor would go through the reappointment procedure and possible commission simple override, every four years, to coincide with the election cycle. The deputy-mayor would appoint and supervise all constitutional offices (director of police, tax appraisers, etc.) and any other department the mayor assigns. The deputy-mayor would always be under the supervision of the mayor.

This system works well in Washington, D.C., and Philadelphia.

The ongoing "scandal of the month" at Miami-Dade County (now more than 20 major scandals) are clear indications of our current mismanagement and that changes are needed in the county government format. It's the system that's dysfunctional, not the individuals.

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Una nueva estructura de gobierno en Miami-Dade

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Resaltan dos áreas disfuncionales en la organización del gobierno de Miami-Dade County (MDC): la estructura de la comisión y la estructura de la alcaldía "fuerte".

El antiguo formato de gobierno condal, administrador/Consejo Municipal, ya no existe en Miami-Dade. En una comunidad multicultural y multiétnica, como Nueva York, Chicago, Los Angeles y Miami-Dade es mejor elegir al primer magistrado. Carlos Alvarez es un buen alcalde "fuerte", un hábil profesional que no abusa del poder. Pero ¿quién seguirá a Alvarez después del 2012? Es posible que se le haya otorgado demasiado poder al alcalde "fuerte"

Basados en los escándalos recientes y continuos de Miami-Dade County (ya pasan de veinte escándalos mayores), es necesario mejorar la estructura de nuestra gobernación, tanto de la comisión como la del alcalde.

Para lograr un gobierno local con una visión más regional y para distanciarnos de parroquialismo, concentración de poder y el amiguismo imperante hoy, con las consecuencias inevitables de corrupción en el gobierno condal, tenemos que ir hacia un formato de representación general para algunos de los comisionados electos y redefinir los poderes del alcalde.

Para que nuestra legislatura local, la Comisión de MDC, funcione con una visión más amplia, más regional, tenemos que eliminar el formato de gobernación de consejo municipal y evolucionar hacia un concepto más parlamentario, de una legislatura local, como lo que existe en Jacksonville, Florida. Para ello tenemos que aumentar el número del cuerpo legislativo y no disminuirlo.

Sugerencia de cambios:

▫ Seguir eligiendo a los 13 comisionados por distrito, como se eligen en la actualidad, pero

▫ Aumentar la Junta de Comisionados a cuatro miembros más, elegidos por todos los electores del condado. En cada uno de los cuatro nuevos "superdistritos" habría una preelección para seleccionar los dos candidatos con más alta votación en ese distrito. Estos dos irían a una segunda vuelta en la totalidad del condado, es decir, en donde todos los electores de los cuatro "superdistritos" elegirían al ganador de cada distrito.

▫ Todos los 17 comisionados ganarían un salario igual, determinado por la actual fórmula estatal (hoy \$92,000, menos que un juez condal). Los comisionados tendrían que trabajar a tiempo completo. Todos serían electos por un período de cuatro años, por un máximo de ocho. Pero, de quererlo, los comisionados electos por distritos (13), podrían aspirar luego a ser comisionados generales (4, electos por todos los electores del condado) y viceversa.

▫ Los 17 comisionados servirían cada uno/a en dos comités, de los seis Comités de Trabajo Permanentes, bajo el sistema legislativo típico de EEUU.

▫ El costo actual por comisionado es de aproximadamente \$1.3 millones anuales. Cuatro comisionados más costarían \$5.2 millones anuales. La comisión rige sobre un gobierno de 30,000 empleados y más de \$7,000 millones de presupuesto anual.

▫ Todas las elecciones condales se celebrarían, para coincidir con las elecciones federales, en noviembre de años pares. Así lograríamos más alta participación electoral.

El Comité de Trabajo de Revisión de la Carta Constitutiva (CRTF), un comité de recomendaciones solamente, en la actualidad está proponiéndole a la Junta de Comisionados de MDC, cuatro cambios constitutivos. Primero, un tasador de impuestos a la propiedad electo, en vez del actual nombrado. Luego recomiendan un jefe de la policía y un director de elecciones, nombrados por el alcalde con el consentimiento de la Comisión por 2/3 partes, es decir, que harían falta 9 de 13 comisionados para revocar el nombramiento. Luego, por cuatro años estos puestos constitucionales no tendrían ni jefe ni supervisión. Podrían ser destituidos por el alcalde, nuevamente con 9 comisionados para revocar la destitución. Cada cuatro años el alcalde electo nombraría estos puestos.

Es posible que en enero de este año los electores, al cambiar el sistema para alcalde fuerte, le concedieron a este demasiados poderes. Pero no creo que la solución a este error es lo que ahora recomienda el CRTF: concederles más poderes al jefe de la policía y a los otros sin supervisión. ¿No sería mejor gobernación el ajustar los poderes del alcalde fuerte?

▫ El alcalde fuerte debería retener todos los poderes logrados el pasado 23 de enero, aprobado por los electores, pero algunos de estos poderes podrían ser ejercidos a través de un ejecutivo, titulado vicealcalde, nombrado por el alcalde con condiciones profesionales descritas en la Carta Constitutiva.

Los comisionados podrían rechazar el nombramiento del vicealcalde con una simple mayoría. Sólo el alcalde podría despedir al vicealcalde, pero los comisionados podrían invalidar el despido con 2/3 del voto de la Comisión. El vicealcalde pasaría por el proceso de nombramiento cada cuatro años, coincidiendo con el ciclo eleccionario. El vicealcalde nombraría y supervisaría a todos los oficiales constitucionales del Condado (como jefe de la policía, tasador de impuestos a la propiedad, director de elecciones, et ad.) y cualquier otro departamento que el alcalde quiera designarle al vicealcalde. El Vicealcalde siempre estaría bajo la supervisión del alcalde.

Este sistema no es innovador. Funciona bien en Washington D.C., Filadelfia y otras ciudades de EEUU.

Bajo el mal sistema de administración actual en Miami-Dade County, continúan siendo necesarios cambios en el formato de nuestro gobierno local. Es el sistema de gobierno el que es disfuncional, no los individuos que nos gobiernan. Hay que seguir ajustando nuestro sistema de gobierno hasta que las reformas den mejor resultado.

Ex alcalde y ex comisionado de Miami.

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