



**MEMORANDUM**

Agenda Item No.

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** March 6, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution creating a Charter  
Review Task Force

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



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R. A. Cuevas, Jr.  
County Attorney

RAC/up



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
3-6-12

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CREATING A CHARTER REVIEW TASK FORCE; SETTING FORTH POWERS AND RESPONSIBILITIES OF SUCH TASK FORCE; REQUIRING A REPORT; EXPRESSING COUNTY COMMISSION'S INTENT TO FORWARD ANY RECOMMENDATION OF THE TASK FORCE APPROVED BY A 2/3'S VOTE OF ITS MEMBERSHIP FOR PLACEMENT ON BALLOT AT THE NEXT GENERAL ELECTION; ADDRESSING RELATED MATTERS; AND PROVIDING FOR SUNSET

**WHEREAS**, Section 9.07 of the Home Rule Charter provides that amendments to the Charter may only be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors as set forth in the Charter; and

**WHEREAS**, Section 9.08 of the Home Rule Charter of Miami Dade County (the "Charter") requires this Board of County Commissioners (the "Board") at least once in every five year period to review the Charter and determine whether or not there is a need for revisions of the Charter; and

**WHEREAS**, over four (4) years ago, the Board created the most recent Charter Review Task Force to review the Charter and advise the Board of any recommended amendments or revisions; and

**WHEREAS**, there may be a need to amend the Charter to address pressing issues; and

**WHEREAS**, the creation of a Charter Review Task Force will allow more opportunity for public input and focused study of possible amendments to the Charter; and

**WHEREAS**, this Board should forward any proposal of the Charter Review Task Force, which is approved by 2/3's vote of the membership of such Task Force for placement on the General Election ballot; and

**WHEREAS**, there is a countywide General Election currently scheduled to take place on November 6, 2012,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** There is hereby created a Charter Review Task Force which shall consist of twenty (20) members, thirteen (13) of which shall be appointed by each County Commissioner, one (1) by the Mayor of Miami-Dade County, four (4) by each of the four largest cities in Miami-Dade County, and two (2) by the League of Cities to represent smaller cities in Miami-Dade County. Appointments shall be made by submission of a memorandum to the Clerk of the Board of Miami-Dade County by each official or entity authorized to make such appointment within fifteen (15) days of adoption of this Resolution. The Chairperson of the Task Force shall be selected by the members of the Task Force.

**Section 2.** The Charter Review Task Force shall reflect racial, ethnic, and gender balance and diversity and its members shall be electors of Miami-Dade County.

**Section 3.** The Charter Review Task Force shall be staffed by the County Mayor or the County Mayor's Designee, the County Attorney, and County Clerk.

**Section 4.** The Charter Review Task Force shall review the Home Rule Charter of Miami-Dade County in its entirety and shall prepare and submit to this board written recommendations setting forth any proposed amendments or revisions to the Charter. In conducting its review, the Task Force should:

- a. Study the Final Report of the last Charter Review Task force;
- b. Study all proposed charter amendments submitted to the voters since the last Charter Review Task Force issued its recommendations;
- c. Invite knowledgeable members of the community to appear and make recommendations.
- d. Conduct public hearings at various stages in the review process.
- e. Conduct regional public meetings (for example, in North, South, Central Miami-Dade County) to convey recommendations of the Charter Review Task Force to persons in attendance and receive any additional comments from the public regarding recommendations. The Task force shall reconvene to consider any public comments prior to submission of a final report to the Board of County Commissioners recommending charter amendment proposals and placement of such proposals on the General Election ballot. These regional public meetings shall be in addition to meetings which are to be conducted in accordance with the Code of Miami-Dade County, Florida. Nothing herein would prohibit the Task Force from conducting by electronic means any such regional public meetings required by this paragraph.

**Section 5.** All proceedings of the Charter Review Task Force shall be conducted in accordance with the Government in the Sunshine Law (Sec. 286.011 Fla. Stats.) and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. The Task Force shall be deemed an "agency" for the purposes of the Public Records Law (Sec. 119 Fla. Stats.).

**Section 6.** The Task Force shall submit its written recommendations to this Board no later than one hundred and twenty (120) days of the effective date of this resolution, provided, however nothing herein prohibits the Task Force from providing a report or reports to the Board prior to prior to such time.

**Section 7.** The Commission hereby expresses its intent to forward any item approved by at least 2/3's of the membership of the Charter Review Task Force for placement on the ballot at the next available countywide election.

**Section 8.** The Commission shall consider and may place any written recommendations forwarded by a simple majority of the Charter Review Task Force on the General Election ballot that the Commission deems to be in the best interest of the residents of Miami-Dade County.

**Section 9.** Nothing in this resolution precludes the Board of County Commissioners or a petitioner who has been certified by the Clerk of the Board to have submitted a legally sufficient initiative petition with sufficient signatures from placing a proposal to amend the Charter on the ballot, nor does anything herein preclude the Mayor of Miami-Dade County from seeking to place such a proposal on the ballot.

**Section 10.** The Charter Review Task Force shall complete its deliberations and prepare its report recommending changes to the Miami-Dade County Home Rule Charter, if any, for presentation to the Board at its July 17, 2012 meeting. The County Attorney is hereby directed to prepare any necessary resolutions to place these recommendations on the November 6, 2012 General Election ballot and place such resolutions on the July 17, 2012 Board meeting agenda without the need for committee review.

**Section 11.** The Task Force created pursuant to this resolution shall sunset and stand dissolved on the 364<sup>th</sup> day from the effective date of this resolution, unless it is extended by an ordinance duly adopted by the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman  
Audrey M. Edmonson, Vice-Chairwoman  
Bruno A. Barreiro  
Esteban L. Bovo, Jr.  
Sally A. Heyman  
Jean Monestime  
Rebeca Sosa  
Xavier L. Suarez  
Lynda Bell  
Jose 'Pepe' Diaz  
Barbara J. Jordan  
Dennis C. Moss  
Sen. Javier D. Souto

The Chairman thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of March, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Oren Rosenthal