

2017 Charter Review Task Force Failed Recommendations

Question	Proposed Amendment	Action Taken
Whether the Charter should be amended as it relates to Commission compensation?	<p>SECTION 1.06. <u>MAXIMUM SALARY AND RESTRICTIONS ON OUTSIDE EMPLOYMENT.</u></p> <p>Each County Commissioner shall <u>serve in a full-time capacity and shall not be entitled to any outside employment for compensation other than as outlined herein. Each County Commissioner shall receive an annual salary of \$6,000 that shall not exceed fifty percent (50%) of the annual allowable salary of the Mayor in the same year, per year payable monthly and each County Commissioner shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.</u></p>	Failed for lack of motion
	<p>SECTION 1.06. – SALARY.</p> <p>Each County Commissioner shall receive a salary of [\$6,000] >>\$50,000<< per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.</p>	Motion failed (4-4)
Whether the Charter should be amended as it relates to the organization of the Commission?	<p>SECTION 1.08. – ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES</p> <p>The Mayor shall not be a member of the Commission. [[The Commission shall select the chairperson and vice-chairperson of the Commission.]] >><u>The Chairperson and Vice-Chairperson shall be elected for two-year terms by county-wide election held at the time of the state primary elections. All commissioners elected within the proceeding two years shall automatically become candidates for such election. Commissioners shall be listed in order of commission district on the ballot. The commissioner receiving the highest votes shall become the Chairperson and the commissioner receiving the second-highest votes shall become the Vice-Chairperson. Should a tie result, the outcome shall be determined by lot. The term of the Chairperson and Vice-Chairperson shall commence on the second Tuesday next succeeding the date of the general election in November.</u><< The Chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The Vice-Chairperson shall perform the duties of the chairperson in the absence or incapacity of the Chairperson. Any member may be selected by the Commission to preside over commission meetings in the event of the absence of the Chairperson and the Vice-Chairperson.</p> <p>The >><u>Chairperson</u><<[[Commission]] may organize [[itself]] >>the Commission<< into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the [[Commission]] >><u>Chairperson</u><< may appoint its members [[or authorize the Chairperson to appoint committee members]]. Commission committees may conduct public hearings, as authorized by ordinance of the Commission. The Clerk of the Circuit Court or a deputy shall serve as clerk of the Commission. No action of the Commission shall be taken</p>	Motion failed (3-5)

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	<p>except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.</p> <p>>><u>A vacancy in the office of Chairperson shall be filled by the Vice-Chairperson and a vacancy in the office of Vice-Chairperson shall be filled by majority vote of the Commission to be held at the next regularly scheduled meeting.</u><<</p>	
<p>Whether the Charter should be amended as it relates to the method of election for the County Commission?</p>	<p>SECTION 3.01. – ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.</p> <p>A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections. >><u>A candidate must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.</u><<</p> <p>B. [[A candidate must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.]] >><u>At the time of the state primary election, Commissioners elected to a term commencing within the two years preceding the state primary election shall run in a countywide election for retention in office. Such Commissioners shall have their name appear on the ballot in order of Commission district as follows: "Shall County Commissioner [name] be retained in office?" and thereafter the words "Yes" and "No." If a majority of the qualified electors voting on such question vote for retention, the Commissioner shall be retained for the remainder of the term. If less than a majority of the qualified electors voting on such question vote for retention, an election shall be held within the Commissioner's district in conjunction with the state general election to fill the remainder of the term of office. Qualification dates shall be established by the Board of County Commissioners by ordinance. The Commissioner who failed to obtain a majority vote for retention shall be entitled to qualify as a candidate to fill the remainder of the term of office. The candidate receiving the highest vote total in such election shall fill the remainder of the term of office and shall take office on the second Tuesday next succeeding the state general election.</u><<</p>	<p>Motion failed for lack of second</p>
	<p>Motion to add two at large members of the commission</p>	<p>Motion failed (4-4)</p>

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Whether the Charter should be amended as relates to the procurement process?	<p>SECTION 2.02. - RESPONSIBILITIES OF THE MAYOR.</p> <p>The Mayor shall serve as head of the county government with the following specific powers and responsibilities:</p> <p>A. The Mayor shall be responsible for the management of all administrative departments of the County government>>, <u>except the Department of Procurement Management</u>,<< and for carrying out policies adopted by the Commission. The Mayor, or such other persons who may be designated by the Mayor, shall execute contracts and other instruments, and sign bonds and other evidences of indebtedness. The Mayor shall serve as the head of the County for emergency management purposes.</p> <p>B. The Mayor shall have the right to attend and be heard at any regular or special open session meeting of the Commission, but not the right to vote at such meetings.</p> <p>C. Unless otherwise provided by this Charter, the Mayor shall have the power to appoint all department directors of the administrative departments of the County. Appointment of these department directors>>, <u>except for the director of the department of procurement management</u>,<< shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. >><u>The appointment of the director of the department of procurement management shall become effective upon approval of a majority of those Commissioners then in office.</u><< The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause. >><u>The Commission shall also have the right to suspend, reprimand, remove, or discharge the director of the department of procurement management by majority vote of those Commissioners then in office and may overturn any decision of the Mayor to suspend, reprimand, remove, or discharge the director of the department of procurement management by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting.</u><<</p> <p>D. The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.</p>	Failed for lack of motion

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	<p>E. The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners.</p> <p>F. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall set forth the Mayor's funding priorities for the County.</p> <p>SECTION 5.01. - DEPARTMENTS.</p> <p>There shall be departments of finance, personnel, planning, >>procurement management,<< law, and such other departments as may be established by administrative order of the Mayor. All administrative functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Mayor.</p> <p>SECTION 5.03. - FINANCIAL ADMINISTRATION.</p> <p>A. The department of finance shall be headed by a finance director appointed by the Mayor and the Clerk of the Circuit and County Courts. The finance director shall have charge of the financial affairs of the county</p> <p>B. Between June 1 and July 15, the County Mayor should prepare a proposed budget containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the Mayor, shall be presented by the Mayor or his or her designee to the Commission on or before the Board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget on or before the dates required by law.</p> <p>C. No money shall be drawn from the county treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriation and except that the Board may establish working capital, revolving, pension, or trust funds and may provide that expenditures from such funds can be made without specific appropriation. The Board, by ordinance, may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, subject to the provisions of ordinance. Any portion of the earnings or balance of the several funds, other than sinking funds for obligations not yet retired, may be transferred to the general funds of the county by the Board.</p> <p>[[D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. 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</p>	

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	<p>evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Mayor, 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. Notwithstanding any other provision of the Charter to the contrary, in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.]]</p> <p>E. Any county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Willful violation of this Section shall constitute malfeasance in office, shall effect forfeiture of office or position, and render the transaction voidable by the Board.</p> <p>F. Such officers and employees of the county as the Board may designate shall give bond in the amount and with the surety prescribed by the Board. The bond premiums shall be paid by the county.</p> <p>G. At the end of each fiscal year the Board shall provide for an audit by an independent certified public accountant designated by the Board of the accounts and finances of the county for the fiscal year just completed.</p> <p>H. The Budget Commission created by Chapter 21874, Laws of Florida, 1943, is hereby abolished, and Chapter 21874 shall no longer be of any effect.</p> <p>>>SECTION 5.03.01 – PROCUREMENT MANAGEMENT.</p> <p>A. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. 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 by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board.</p> <p>B. The department of procurement management shall be an independent administrative department under the direction of an appointed director. The department of procurement management shall be responsible for soliciting all contracts for public improvements and purchases of supplies, materials, and services, including professional, when the transaction involves more than one million dollars or such other minimum amount</p>	

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	<p>established by the Board by ordinance. The director of the department of procurement management shall recommend the award of competitively solicited contracts to the Board who may approve such award or reject all proposals by a majority vote of those Board members present. A two-thirds vote of the Board members present shall be required to take any action other than rejection of all proposals or the recommended action of the director.</p> <p>C. The Board, upon written recommendation of the director of the department of procurement management, 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.</p> <p>D. Notwithstanding any other provision of the Charter to the contrary, in circumstances where the director of the department of procurement management informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson of the Board of County Commissioners and not the director of the department of procurement management shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.<<</p>	