

CLERK OF THE BOARD  
DATE AND TIME RECORDER STAMP

**OFFICE OF THE MAYOR  
MIAMI-DADE COUNTY, FLORIDA**

**VETO AND VETO MESSAGE**

CLERK OF THE BOARD  
2006 MAR - 2 AM 8:22  
CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

To: Honorable Chairperson and Members  
Board of County Commissioners  
Miami-Dade County, Florida

From:

  
Carlos Alvarez, Mayor  
Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Section 1.10.A of the Miami-Dade County Home Rule Charter, I hereby veto Resolution number R-214-06 adopted at the February 21, 2006, Board of County Commissioners Meeting:

**RESOLUTION DIRECTING COUNTY'S PROFESSIONAL STAFF  
TO CORRECT THE RECORD WHEN MEMBERS OF THE  
PUBLIC PROVIDE INACCURATE INFORMATION WHEN  
ADDRESSING THE COUNTY COMMISSION**

**Veto Message**

On Tuesday, February 21, 2006, the Board of County Commissioners (Board) approved Resolution No. R-214-06, which directs the County's professional staff to correct the record when a member of the public addressing the Board provides inaccurate information.

Presentation of accurate and objective information is critical for the Board to make the best decisions possible and transmit the correct messages to the public. With a government as large and complex as ours, and the vast number of stakeholders involved, it is inevitable that many versions of the "truth" will always be permeated to the public through the media. While I commend Commissioner Dennis Moss, the sponsor of this resolution, for his efforts to ensure the accuracy of the public record, I have several concerns with this legislation. For the reasons outlined below, I am exercising my authority as Mayor to veto this resolution.

As the representatives of our respective areas and the County as a whole, we were elected to be the voice of our people – and to ensure our people's voices are heard. Voltaire has been paraphrased to say, "I disapprove of what you say, but I will defend to the death your right to say it." I am concerned that this resolution sends a negative message to the public and may dissuade certain people from addressing the Board. It is already formidable for many speakers to take time off from work, wait a period of time, and speak in front of an audience. Now, add to this, trepidation that they may be "corrected" by staff regarding a situation that may be reality in their case. Unfortunately, information inconsistent with that of staff's beliefs could easily be misconstrued as inaccurate information.

A policy that could have implications on the fundamental right to free speech should have been more clearly thought out prior to being adopted. The resolution is silent as to how this policy would be administered, which masks its far-reaching implications. For example, an analysis is needed to determine the possible fiscal impacts and the role, if any, the Communications Department staff will play in its implementation. Commissioner Sorenson raised other valid points, such as will staff be held accountable if they do not speak up and what will be defined as "inaccurate information." Even proponents of the item expressed the need to set out clear guidelines. Due to the ambiguity of this subject, it will be difficult for an Administrative Order to be drafted in such a way that interpretation will be clear-cut.

Finally, while as elected officials we are often held to a higher standard – and rightfully so – we are only human. It is possible for any of us to make misstatements based on our individual understanding of or personal experience with an issue. We cannot purport to know everything about everything. To reiterate the sentiments of Commissioners Edmonson, Gimenez and Sorenson, this policy would be more palatable by the public if elected officials also stood to be corrected when they present inaccurate information.

I will not support a policy that could infringe on the public's ability to freely discourse and comment on public matters. In fact, dialogue that occurs during public hearings often proves instrumental in the fate of proposed legislation. The intent of this resolution is honorable; however, further consideration needs to occur before enacting it. County staff (usually the County Manager or County Attorney) already responds to factually-incorrect statements made by the public to the best of their ability. In addition, mechanisms currently exist to set the record straight outside of the Board's chambers, such as press releases, editorials, interviews, and publications. Thus, it is unclear as to whether this resolution is even necessary. This resolution may result in more truth in the public record, but could result in even less truth being put forth by the public.

# MEMORANDUM

Amended  
Agenda Item No. 11(A)(2)

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

**DATE:** February 21, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution directing County's  
professional staff to correct  
the record when members of  
the public provide inaccurate  
or misleading information  
when addressing the County  
Commission

R-214-06

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The accompanying resolution was prepared and placed on the agenda at the request of  
Commissioner Dennis C. Moss.

  
Murray A. Greenberg  
County Attorney

MAG/bw



# MEMORANDUM

(Revised)

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

**DATE:** February 21, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Amended  
Agenda Item No. 11(A)(2)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto 3-2-06  
Override \_\_\_\_\_

Amended \_\_\_\_\_  
Agenda Item No. 11(A)(2)  
02-21-06  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA

RESOLUTION NO. R-214-06

**RESOLUTION DIRECTING COUNTY'S PROFESSIONAL STAFF TO CORRECT THE RECORD WHEN MEMBERS OF THE PUBLIC PROVIDE INACCURATE INFORMATION WHEN ADDRESSING THE COUNTY COMMISSION**

**WHEREAS**, accurate information is essential when the Commission is making legislative and quasi-judicial decisions; and

**WHEREAS**, members of the public occasionally offer inaccurate information when addressing the County Commission; and

**WHEREAS**, one of the duties of the County's professional staff is to provide the County Commission with unbiased and accurate information which will assist the Commission when making legislative and quasi-judicial decisions; and

**WHEREAS**, the Commission believes that the County's professional staff should also correct the record when a member of the public who is addressing the Commission offers inaccurate information,

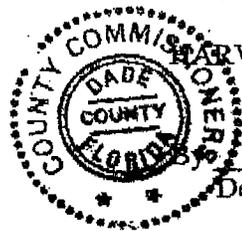
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the County's professional staff is directed to correct the record when a member of the public who is addressing the Commission offers inaccurate information.

The foregoing resolution was sponsored by Commissioner Dennis C. Moss and offered by Commissioner Dennis C. Moss, who moved its adoption. The motion was seconded by Commissioner Barbara J. Jordan and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	nay		
Dennis C. Moss, Vice-Chairman	aye		
Bruno A. Barreiro	absent	Jose "Pepe" Diaz	aye
Audrey M. Edmonson	aye	Carlos A. Gimenez	nay
Sally A. Heyman	nay	Barbara J. Jordan	aye
Dorrin D. Rolle	nay	Natacha Seijas	aye
Katy Sorenson	nay	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of February, 2006. 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

**KAY SULLIVAN**

Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

GKS

Gerald K. Sanchez