DRAFT CHARTER AMENDMENT PROPOSALS
BOARD OF COUNTY COMMISSIONERS' WORKSHOP
APRIL 3, 2008

Workshop Agenda Item	Charter Amendment Proposals	CRTF* Recomm. No.**	Sponsor	Comments	Board Action
INITIATIVE – CHARTER AMENDMENT PROCESS, RECALL					
a.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to empower **future Charter Review Task Forces to place proposed Charter amendments directly on the ballot**, if the proposed Charter amendment is approved by a two-thirds vote of the Task Force members be the same as contained in Sections 1 and 2 of the resolution creating the current Charter Review Task Force, with the exception that the provision allowing Commissioners to appoint themselves to the Task Force be deleted. (Motion passed: 9-5)	8	Commissioner Gimenez		
b.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that the **time period to collect signatures** for proposed Charter amendments and citizens' initiatives be **extended to 120 days** and that proposed Charter amendments must only **be placed on the ballot during a general election**. (Motion passed: 14-0)	9	Commissioner Gimenez		

* **Charter Review Task Force was created by County Commission Resolution No. R-462-07, as amended by Resolution No. R-1131-07.**

** **Recommendations are those recommendations enumerated on pages 1-4 of the Charter Review Task Force Final Report dated January 29, 2008.**

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c.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to require the County Commission to hold a **public hearing on any citizen initiated changes to the Home Rule Charter** on the date the County Commission sets the election date on the proposed Charter amendment. A public hearing shall also be required for any Charter amendment initiated by the County Commission. (Motion passed: 14-0)	10	Commissioner Gimenez		
d.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that the County Commission hold a **public hearing on the proposed initiative at the time** a citizen initiative petition is presented to the County Commission for possible passage or repeal of an ordinance. (Motion passed: 14-0)	11	Commissioner Gimenez		
e.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that the **County Commission shall adopt no resolutions or ordinances regulating the citizen petition procedures as defined in the Home Rule Charter**. (Motion passed: 14-0)	12	Commissioner Gimenez		
f.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to reflect that the **certification and petition gathering provisions contained in Article 8 of the Home Rule Charter should also govern citizen initiative petition procedures to amend the Home Rule Charter**. (Motion passed: 14-0)	13	Commissioner Gimenez		
g.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that the **Clerk of the Court, rather than the County Commission, approve as to form any citizen initiative petition**. (Motion passed: 14-0)	14	Commissioner Gimenez		

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h.	The electors of Miami-Dade County be asked whether Section 9.07 of the Home Rule Charter shall be amended in the following manner (Motion passed: 17-0): A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted to the Clerk. ~~Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.~~ B. **Amendments to this Charter ~~may be~~ proposed by initiatory petitions of electors *shall be governed by the following procedure:*** 1. *The person proposing the amendment shall submit to the Clerk a proposed petition, in the form specified in section (2) below, and proposed ballot language, including a title. The Clerk shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.* 2. *The petition shall be printed in 14-point font and contain the following information: (a) the title and text of the proposed amendment, printed in English, Spanish and Creole; (b) a statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form; (c) the residence address of the circulator; (d) dates between which all the signatures on each individual petition were obtained; and (e) a sworn statement that the circulator personally circulated the petition and witnessed each signature as it was being written.*	18	Commissioner Gimenez	The CRTF proposed actual language for this resolution. The language was modified slightly for editing purpose in Workshop Agenda Item "h".	

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h.	3. *Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.* 4. The Board of County Commissioners shall call an election to be held within 60-120 days of the date that a certified petition is presented to the County Commission. Such election shall be called in conjunction a ~~countywide~~ *with the next scheduled general* election. ~~;however, if no countywide election is scheduled to occur within 60-120 days or presentation, a special election on the position shall be called.~~ C. Amendments to this Charter may be proposed by the Board of County Commissioners at any time. Elections on charter amendments proposed by the Board shall be held not less than 60 nor more than 120 days after the Board adopts a resolution proposing any amendment. D. The result of all elections on charter amendments shall be determined by a majority of the electors voting on the proposed amendment. E. *All current ordinances and resolutions regulating initiative petitions shall be repealed.*	(cont.) 18	(cont.) Commissioner Gimenez	(cont.)	(cont.)

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	PROCUREMENT				
i.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide **that bid protests shall be heard by hearing officers** charged with making final determinations based on findings of facts and conclusions of law; that the appeal process shall be governed by the rules of procedure set forth in State of Florida's Administrative Procedure Act; **and that the findings of the hearing officer would be final; subject to appeal by a disappointed bidder to the County Commission solely on an abuse of discretion standard**. (Motion passed: 8-6)	**15**	**Commissioner Gimenez**		
	UDB/ZONING				
j.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that any Comprehensive Development Master Plan application requesting that the urban Development Boundary **(UDB) line be moved** must be approved by a vote of at least **¾'s of the County Commissioners then in office**; that **every five years an independent body** shall be constituted to conduct a comprehensive and holistic study **as to where the UDB line should be drawn**; and that if a change in the location of the UDB line is recommended by such independent body and such change in location is approved by a simple majority vote of County Commissioners present, such recommendations must be submitted for approval by the electorate in the form of a **referendum**. (Motion passed: 9-5).	**16**	**Commissioner Gimenez**		

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k.	The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that all **zoning applications**, including variances and setbacks, be heard first by the Community Councils with **any appeals** from those decisions being heard by **hearing officers** charged with making final determinations based on findings of fact and conclusions of law, that the appeal process shall be governed by the rules of procedure set forth in the State of Florida's Administrative Procedure Act and that the findings of the hearing officer would be final subject to appeal to the County Commission solely on an abuse of discretion standard. (Motion passed: 14-0).	**17**	**Commissioner Gimenez**		
l.	The electors of Miami-Dade County be asked the question of whether the Miami-Dade County Home Rule Charter shall be amended to provide for a **permanent development boundary** which may be established and modified only upon approval of the electorate.	**N/A**	**Commissioner Barreiro**		
	INCORPORATION/ANNEXATION				
m.	The County Commission appoint an independent Task Force to prepare and submit a comprehensive **plan in 2009 for countywide incorporation**, accomplished through annexation and/or incorporation, subject to amendments or changes by two-thirds vote of the County Commission, and that such plan be placed on the ballot for all citizens to **vote on at a general election in 2010**. (Motion passed; 9-5)	**7**	**Commissioner Gimenez**		

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TAX COLLECTOR, SHERIFF, ELECTIONS SUPERVISOR, PROPERTY APPRAISER					
n.	The **Public Safety Director** should remain an **appointed position**. However, the Task Force recommended that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that: the **Public Safety Director** (i.e. Sheriff, Police Chief) shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Public Safety Director could be removed by the Mayor subject to the consent of a simply majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: (10-5)	1	Commissioners Gimenez, Heyman, Diaz		

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o.	The **Supervisor of Elections** should remain an **appointed** position. However, the Task Force recommended that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that: the **Supervisor of Elections** shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Supervisor of Elections could be removed by the Mayor subject to the consent of a simply majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)	2	Commissioners Gimenez, Heyman, Diaz		
p.	The electors of Miami-Dade County be asked whether the Miami-Dade County Home Rule Charter shall be amended to provide for the transfer of the duties of the **County Tax Collector from** the Mayor or his or her appointee to a **person elected** and subject to recall by the voters [See original item under File Nos. 073316 and 073351]	N/A	Commissioner Martinez		
q.	The electors of Miami-Dade County be asked whether question of whether the Miami-Dade County Home Rule Charter shall be amended to provide for the transfer of the powers and functions of the **County Sheriff** from the Mayor or his appointee to a County official **elected** by the voters [See original item under File Nos. 073312 and 073349]	**N/A**	Commissioner Martinez		

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r.	The electors of Miami-Dade County be asked whether the Miami-Dade County Home Rule Charter shall be amended to provide for the transfer of the powers and functions of the **County Supervisor** of Registration or Elections from the Mayor or his or her appointee to a county official **elected** and subject to recall by the voters [See original item under File Nos. 073313 and 073350]	**N/A**	Commissioner Martinez		
COMMISSIONER SALARIES					
s.	The Task Force recommends that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that County Commissioners shall receive a **population based salary provided** by Florida's Statutory formula (approximately $91,995); Commissioner's terms in office shall be limited to **two, four-year terms**; and Commissioners shall be **prohibited from having outside employment**. (Motion passed: 14-0)	**4**	Commissioner Gimenez		
t.	The electors of Miami-Dade County be asked whether to amend the Home Rule Charter to provide that commencing on **March 1, 2008** and each year thereafter, each County Commissioner may **choose** to continue to receive their current **$6,000 annual salary** without any prohibition on outside employment; **or** choose to **devote full-time service** to the office of County Commissioner, hold no other employment, and receive the salary provided by state statutory formula (currently approximately **$91,995** but adjusted annually based on the County's population). [0733318]	**N/A**	Commissioner Diaz		

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u.	The electors of Miami-Dade County be asked the question of whether each County Commissioner shall **devote full-time service** to the office of County Commissioner and **hold no other employment**; and no longer receive their current $6,000 annual salary established in 1957, but receive instead a salary **equivalent to half of the salary received by the County Mayor (currently approximately $235,955)**.	**N/A**	Commissioner Barreiro		
v.	The electors of Miami-Dade County be asked the question of whether each County Commissioner shall **devote full-time service** to the Office of County Commissioner and hold no other employment; no longer receive their current $6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually based on the County's population (currently approximately **$91,995**), and used by other Florida counties, including Broward County; and shall serve no more than **three consecutive four-year terms** in office.	**N/A**	Commissioner Barreiro		
w.	The electors of Miami-Dade County should be asked whether to amend the Home Rule Charter to provide that each County Commissioner shall devote **primary service to the Commission** and work in **no other employment for more than 20 hours weekly**; no longer receive their current $6,000 annual salary established in 1957, but receive instead the salary provided by State formula, adjusted annually based on the County's population (currently approximately $91,995), and used by other Florida counties, including Broward; and shall serve no more than **three consecutive four-year terms in office**.	**N/A**	Commissioner Heyman		

Timeframes for County Commission Vote to Place Items on the Ballot

August 26, 2008 election:	**April 28, 2008 to June 27, 2008**
November 4, 2008 election:	**July 7, 2008 to September 5, 2008**