

MEMORANDUM

Special Item No. 13

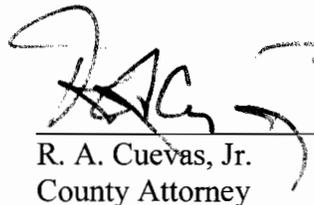
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 18, 2008

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

SUBJECT: Resolution calling special
election relating to transfer of
powers, duties and
responsibilities of County
Manager to County Mayor

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairwoman Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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 _____
Override _____

Special Item No. 13

7-18-08

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO TRANSFER THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE COUNTY MANAGER TO THE COUNTY MAYOR AND PROVIDE THAT THE COUNTY MANAGER SHALL ASSIST THE MAYOR IN THE ADMINISTRATION OF COUNTY GOVERNMENT ONLY TO THE EXTENT DIRECTED BY THE MAYOR

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

Section 1. A countywide special election, to be held in conjunction with a general election, is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, November 4, 2008, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until

twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

HOME RULE CHARTER AMENDMENT
REGARDING THE OFFICES OF MANAGER AND MAYOR

SHALL THE CHARTER BE AMENDED TO TRANSFER THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE COUNTY MANAGER TO THE COUNTY MAYOR AND PROVIDE THAT THE COUNTY MANAGER SHALL ASSIST THE MAYOR IN THE ADMINISTRATION OF COUNTY GOVERNMENT ONLY TO THE EXTENT DIRECTED BY THE MAYOR?

YES

NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized

and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is Vice-Chairwoman Barbara J. Jordan. 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:

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

The Chairman thereupon declared the resolution duly passed and adopted this 18th day of July, 2008. 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

Approved by County Attorney as
to form and legal sufficiency.

MRE

By: _____
Deputy Clerk

Monica Rizo

5

MIAMI-DADE COUNTY HOME RULE CHARTER

CITIZENS' BILL OF RIGHTS¹

(A). This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

1. *Convenient Access.* Every person has the right to transact business with the County and the municipalities with a minimum of personal inconvenience. It shall be the duty of the Mayor~~[[, the County Manager,]]~~ and the Commission to provide, within the County's budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the County.

* * *

10. *>>Mayor's, City<< Managers' and Attorneys' Reports.* The County ~~>>Mayor<<[[Manager]]~~ and County Attorney and each City Manager and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective jurisdictions.

11. *Budgeting.* In addition to any budget required by state statute, the County ~~>>Mayor<<[[Manager]]~~ shall prepare a budget showing the cost of each program for each budget year. Prior to the County Commission's first public hearing on the proposed budget required by state law, the County ~~>>Mayor<<[[Manager]]~~ shall make public a budget summary setting forth the proposed cost of each individual program and reflecting all major proposed increases and decreases in funds and personnel for each program, the purposes therefore, the estimated millage cost of each program and the amount of any contingency and carryover funds for each program.

12. *Quarterly Budget Comparisons.* The County ~~>>Mayor<<[[Manager]]~~ shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget.

¹Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

* * *

15. *Financial Disclosure.* The Commission shall by ordinance make provision for the filing under oath or affirmation by all County and municipal elective officials, candidates for County and municipal elective offices, such employees as may be designated by ordinance, and such other public officials, and outside consultants who receive funds from the County or municipalities, within the County and who may legally be included, of personal financial statements, copies of personal Federal income tax returns, or itemized source of income statements. Provision shall be made for preparing and keeping such reports current from time to time, and for public disclosure.

The Commission shall also make provision for the filing annually under oath of a report by full-time County and municipal employees of all outside employment and amounts received therefrom. The Mayor [~~the County Manager,~~] and any City Manager may require monthly reports from individual employees or groups of employees for good cause.

* * *

ARTICLE 2. MAYOR

* * *

SECTION 2.02. RESPONSIBILITIES OF THE MAYOR.

The Mayor shall serve as head of the county government with the following specific powers and responsibilities:

A. The Mayor shall be responsible for the management of all administrative departments of the County government 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.

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.

C. The Mayor shall ~~[[have the authority to]]~~ appoint the County Manager unless ~~>>~~such appointment is~~<<~~ disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall have the authority to dismiss the County Manager.

D. 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 shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause.

E. 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.

F. 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 ~~[[and the Manager]]~~.

G. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall ~~[[be prepared after consulting with the Manager and budget director and shall]]~~ set forth the Mayor's funding priorities for the County.

* * *

ARTICLE 4. COUNTY MANAGER

SECTION 4.01. FUNCTIONS.

The Manager ~~[[shall assist the Mayor in the administration of county government and]]~~ shall serve under the direction of the Mayor >>and, as directed by the Mayor, shall assist the Mayor in the administration of County government<<. The Manager's compensation shall be set by the Mayor.

SECTION 4.02. QUALIFICATIONS.

The Manager shall be chosen on the basis of the Manager's executive and administrative qualifications. At the time of the Manager's appointment the Manager need not be a resident of the state. Neither the Mayor nor any Commissioner shall be eligible for the position of Manager during or within two years after the expiration of their respective terms.

SECTION 4.03. ABSENCE OF MANAGER.

The Mayor ~~[[may]]~~>>shall<< designate a qualified administrative officer of the County to assume the duties and authority of the Manager during periods of temporary absence or disability of the Manager unless disapproved by a two-thirds majority of the Commission at its next regularly scheduled meeting.

SECTION 4.04. RESTRICTION ON THE COMMISSION MEMBERS.

A. No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by ~~[[the Manager, any administrative department director, or]]~~ any ~~[[of their]]~~ subordinate[[s]] >>of the Mayor<<, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall ~~[[the Manager, or]]~~ any >>subordinate of the Mayor<< ~~[[member of the administrative services]]~~ accede to such direction or request.

B. Except for the purpose of transmitting constituent inquiries to the administrative services and other inquiry, as provided in Section 1.01A(20), the Commissioners shall deal with the administrative service solely through the County Mayor or >>his or her designee<< ~~[[the County Manager,]]~~ and no Commissioner shall give orders to any subordinates of the >>Mayor<< ~~[[Manager]]~~, either publicly or privately.

No County employee >>or official<<, other than the County ~~[[Manager]]~~ >>Mayor or his or her designee<<, shall respond to or undertake any action to comply with any request by any Commissioner which violates the provisions of the preceding paragraph. The County >>Mayor<< ~~[[Manager]]~~ shall not knowingly allow any Commissioner to deal with the administrative services in violation of the provisions of this section.

ARTICLE 5. ADMINISTRATIVE ORGANIZATION AND PROCEDURE

* * *

SECTION 5.03. FINANCIAL ADMINISTRATION.

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.

B. Between June 1 and July 15, the County >>Mayor<< ~~[[Manager]]~~ should ~~[[present]]~~ >>prepare<< a proposed budget ~~[[to the Mayor]]~~ containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the >>Mayor, <<~~[[Manager and the Mayor's written response thereto]]~~ 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.

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.

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 evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the >>Mayor<<[[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.

* * *

SECTION 5.04. ASSESSMENT AND COLLECTION OF TAXES.

A. Commencing with the general election to be held in November 2008 and every four years thereafter, the Miami-Dade County Property Appraiser shall be elected on a nonpartisan basis, by a majority of the qualified electors voting at a county-wide election held within Miami-Dade County, Florida.

B. Beginning with the tax year 1961, the county tax rolls prepared by the county shall be the only legal tax rolls in this county for the assessment and collection of county and municipal taxes. Thereafter no municipality shall have an assessor or prepare an ad valorem tax roll. Each municipality shall continue to have the right to adopt its own budget, fix its own millage, and levy its own taxes. Each municipality shall certify its levies to the County [[Manager]] not later than 30 days after the county tax rolls have been finally approved by the Board. Any municipality may obtain a copy of this tax roll upon payment of the cost of preparing such a copy, and copies of the tax rolls shall be available for public inspection at reasonable times. Maps showing the assessed valuation of each parcel of property may be prepared and made available for sale to the public at a reasonable price.

C. All county and municipal taxes for the tax year beginning January 1, 1961, and all subsequent tax years, shall be collected by the county on one bill prepared and sent out by the county. The amounts of county and municipal taxes shall be shown as separate items, and may be paid separately.

11

D. Delinquent municipal taxes shall be collected in the same manner as delinquent county taxes.

E. All the tax revenues collected for any municipality shall be returned monthly by the county to the municipality.

SECTION 5.05. DEPARTMENT OF PERSONNEL.

A. The Board of County Commissioners shall establish and maintain personnel and civil service, retirement, and group insurance programs. The personnel system of the county shall be based on merit principles in order to foster effective career service in county employment and to employ those persons best qualified for county services which they are to perform.

B. The Mayor shall appoint a personnel director who shall head the department of personnel and whose duty it shall be to administer the personnel and civil service programs and the rules governing them. The standards of such programs shall not be less than those prevailing at the time of the effective date of this Charter.

C. Except as provided herein, Chapter 30255, General Laws, 1955, as it exists on the effective date of this Charter, shall remain in effect until amended or changed by ordinance of the Board of County Commissioners adopted by two-thirds vote of the members present after recommendation from either the Personnel Advisory Board or the County >>Mayor<<[[Manager]].

* * *