

MEMORANDUM

Special Item No. 17

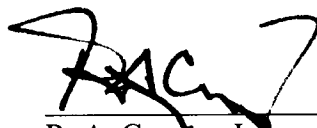
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 24, 2011

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

SUBJECT: Resolution calling a special election whether to amend Home Rule Charter to create the Office of Inspector General who shall be independent and shall, at a minimum, be empowered to perform investigations, audits, reviews and oversight or county contracts, programs, projects, abuse, waste mismanagement

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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

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SUBJECT: Special Item No. 17

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

Special Item No. 17

Veto _____

3-24-11

Override _____

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA TO BE HELD ON TUESDAY, [_____], 2011, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO CREATE THE OFFICE OF INSPECTOR GENERAL WHO SHALL BE INDEPENDENT AND SHALL, AT A MINIMUM, BE EMPOWERED TO PERFORM INVESTIGATIONS, AUDITS, REVIEWS AND OVERSIGHT OF COUNTY CONTRACTS, PROGRAMS, PROJECTS, ABUSE, WASTE AND MISMANAGEMENT AS WELL AS COUNTY FUNDED CONTRACTS, PROGRAMS AND PROJECTS AND PROVIDE INSPECTOR GENERAL SERVICES TO OTHER GOVERNMENTAL ENTITIES WITH SUCH OFFICE'S APPOINTMENT, TERM, POWERS, DUTIES AND RESPONSIBILITIES TO BE FURTHER ESTABLISHED BY ORDINANCE

WHEREAS, Section 2-1076 of the Code of Miami-Dade County currently provides for an Office of the Inspector General; and

WHEREAS, the current Office of Inspector General is not provided for by the Miami-Dade County Home Rule Charter ("Charter"); and

WHEREAS, the amendment of the Charter to create an Office of Inspector General shall provide additional independence and authority to the Office of the Inspector General; and

WHEREAS, it is in the interest of the citizens of Miami-Dade County to have an Independent Office of the Inspector General to investigate County and County funded contracts, programs, projects, abuse, waste and mismanagement,

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

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, [], 2011, 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
ESTABLISHING INDEPENDENT INSPECTOR GENERAL

SHALL THE CHARTER BE AMENDED TO CREATE THE OFFICE OF INSPECTOR GENERAL WHO SHALL BE INDEPENDENT AND SHALL, AT A MINIMUM, BE EMPOWERED TO PERFORM INVESTIGATIONS, AUDITS, REVIEWS AND OVERSIGHT OF COUNTY CONTRACTS, PROGRAMS, PROJECTS, ABUSE, WASTE AND MISMANAGEMENT AS WELL AS COUNTY FUNDED CONTRACTS, PROGRAMS AND PROJECTS AND PROVIDE INSPECTOR GENERAL SERVICES TO OTHER GOVERNMENTAL ENTITIES WITH SUCH OFFICE'S APPOINTMENT, TERM, POWERS, DUTIES AND RESPONSIBILITIES TO BE FURTHER ESTABLISHED BY ORDINANCE?

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 Chairman Joe A. Martinez. 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	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of March, 2011. 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

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-9¹

GENERAL PROVISIONS

* * *

>>SECTION 9.11. INSPECTOR GENERAL.

There is hereby created and established an Office of the Inspector General. The Inspector General shall head the Office of the Inspector General. The minimum qualifications, term, powers, duties and responsibilities of the Inspector General as well as the organization of the Office of the Inspector General shall be set forth by Ordinance. Such Ordinance shall, at a minimum, provide that: (1) the Office of Inspector General be sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General; (2) the Office of the Inspector General be empowered to perform investigations, audits, reviews and oversight of County contracts, programs, projects, abuse, waste and mismanagement as well as County funded contracts, programs and projects; and (3) the Office of Inspector General be empowered to provide inspector general services to other governmental entities and municipalities upon the approval of a request to provide such services by a majority of the Board of County Commissioners.<<

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.