

MEMORANDUM

EPC
Agenda Item No. 2B

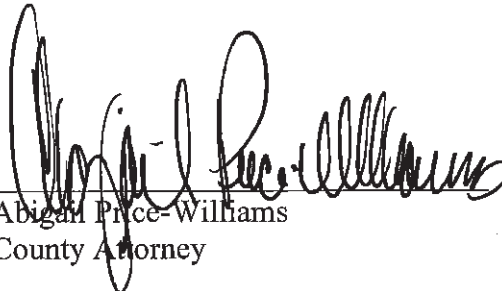
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 10, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution creating a Charter
Review Task Force; setting forth
powers and responsibilities of
such task force; providing for a
report; and providing for sunset

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/smm

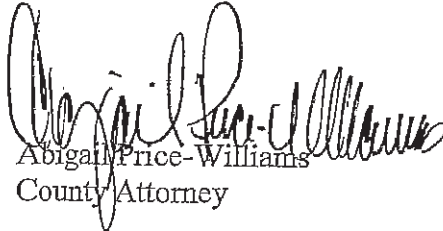


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 6, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.

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**
- Statement of social equity required**
- Ordinance creating a new board requires detailed County Mayor'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
Veto _____
Override _____

Agenda Item No.
12-6-16

RESOLUTION NO. _____

RESOLUTION CREATING A CHARTER REVIEW TASK
FORCE; SETTING FORTH POWERS AND
RESPONSIBILITIES OF SUCH TASK FORCE; PROVIDING
FOR A REPORT; AND PROVIDING FOR SUNSET

WHEREAS, section 9.07 of the Home Rule Charter (“Charter”) provides that amendments to the Charter may only be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors as set forth in the Charter; and

WHEREAS, section 9.08 of the Charter requires the Board of County Commissioners at least once in every five-year period to review the Charter and determine whether or not there is a need for revisions of the Charter; and

WHEREAS, on March 8, 2012 the Board through Resolution No. 253-12 created the most recent Charter Review Task Force to review the Charter and advise the Board of any recommended amendments or revisions; and

WHEREAS, in March of 2017, it will be five years since the creation of the last Charter Review Task Force; and

WHEREAS, the creation of a new Charter Review Task Force will allow opportunity for public input and focused study of possible amendments to the Charter; and

WHEREAS, the initiatory petition process was recently tested, and there is a need to clarify this process to ensure that Miami-Dade County uses its resources in an effective and efficient manner while also ensuring that the right of citizens to access their county government is preserved;

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

Section 1. Effective March 1, 2017, there is hereby created a Charter Review Task Force which shall consist of 17 members, one member shall be appointed by each County Commissioner, one by the Mayor of Miami-Dade County, one by the Chair of the Miami-Dade Legislative Delegation, one by the League of Cities, and one by the Miami-Dade County Clerk of the Courts. Appointments shall be made by submission of a memorandum to the Clerk of the Board of Miami-Dade County by each official or entity authorized to make such appointment within 15 days of adoption of this Resolution. The Chairperson of the Task Force shall be selected by the members of the Task Force.

Section 2. The Charter Review Task Force shall reflect racial, ethnic, and gender balance and diversity and its members shall be electors of Miami-Dade County.

Section 3. The Charter Review Task Force shall be staffed by the County Mayor or the County Mayor's designee, the County Attorney, and County Clerk.

Section 4. The Charter Review Task Force shall review the Home Rule Charter of Miami-Dade County in its entirety and shall prepare and submit to this Board written recommendations setting forth any proposed amendments or revisions to the Charter. In conducting its review, the Task Force should:

- a. Study the Final Report of the last Charter Review Task Force;
- b. Study all proposed charter amendments submitted to the voters since the last Charter Review Task Force issued its recommendations;
- c. Invite knowledgeable members of the community to appear and make recommendations;
- d. Invite representatives of Miami-Dade County's municipalities to appear and make recommendations;

- e. Conduct public hearings at various stages in the review process;
- f. Conduct regional public meetings throughout Miami-Dade County to convey recommendations of the Charter Review Task Force to persons in attendance and receive any additional comments from the public regarding recommendations. The Task Force shall reconvene to consider any public comments prior to submission of a final report to the Board of County Commissioners recommending Charter amendment proposals and placement of such proposals on the General Election ballot. These regional public meetings shall be in addition to meetings which are to be conducted in accordance with the Code of Miami-Dade County, Florida. Nothing herein prohibits the Task Force from conducting by electronic means any such regional public meetings required by this paragraph.

Section 5. All proceedings of the Charter Review Task Force shall be conducted in accordance with the Government in the Sunshine Law (section 286.011, Florida Statutes) and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. The Task Force shall be deemed an "agency" for the purposes of the Public Records Law (chapter 119, Florida Statutes).

Section 6. The Task Force shall submit its written recommendations to this Board no later than 360 days after the effective date of this resolution; provided, however that nothing herein prohibits the Task Force from providing a report or reports to the Board prior to such time. The report and recommendations of the Task Force shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 7. Nothing in this resolution precludes the Board of County Commissioners or a petitioner who has been certified to have submitted a legally sufficient initiative petition with sufficient signatures from placing a proposal to amend the Charter on the ballot, nor does anything herein preclude the Mayor of Miami-Dade County from seeking to place such a proposal on the ballot.

Section 8. The County Attorney is hereby directed to prepare any necessary resolutions to place these recommendations on the November, 2018 General Election ballot for consideration by the Board of County Commissioners.

Section 9. The Task Force created pursuant to this resolution shall sunset and stand dissolved on the 363rd day from the effective date of the Task Force set forth in section 1 of this resolution, unless it is extended by an ordinance duly adopted by the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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