

Miami-Dade County Charter Review Task Force Meeting
Monday, November 13, 2017
Miami-Dade County
South Dade Regional Library Auditorium
10750 SW 211th Street
Cutler Bay, Florida 33189
6:00 p.m.
Agenda

- Public hearing for members of the public to suggest changes or amendments to the Home Rule Charter
- After public hearing, and if there's a quorum, the Task Force will consider the following issues:
- 1st ISSUE FOR CONSIDERATION: Whether the Charter should be amended as relates to the **citizen petition process for referendum and for initiative to pass or repeal ordinances, or to amend the Charter**, and, if so, what those amendments should be?

PRESENTATION: Five to ten minute presentation by the County Attorney's Office as to the current Charter provisions on this issue

DISCUSSION AND VOTE: On whether any of the foregoing Charter provisions should be amended.

- 2nd ISSUE FOR CONSIDERATION: Whether the Charter requirement that any appointed official or employee of Miami-Dade County who qualifies as a candidate for election to any federal, state or municipal office shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position should be amended, and, if so, what those amendments should be?

PRESENTATION: Brief presentation by the County Attorney's Office as to the current Charter provisions on this issue, and presentation by the Clerk as to any documents or records located indicating why these provisions were added to the Charter in 1962.

DISCUSSION AND VOTE:

On whether any of the foregoing Charter provisions should be amended.

- Approval of the Clerk's Summary of Minutes for the October 30 Charter Review Task Force Meeting.
- Adjournment

**MIAMI-DADE CHARTER REVIEW TASK FORCE
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES
OCTOBER 30, 2017**

The Miami-Dade Charter Review Task Force (the Task Force) convened its seventh meeting on October 30, 2017, at the Miami-Dade County Stephen P. Clark Government Center, Commission Chambers, Second Floor, 111 N.W. 1st Street, Miami, FL 33128, at 6:16 p.m. Upon roll call, the following Task Force members were present: Chair Robert Cuevas, Vice Chair Maria Lievano-Cruz, Ms. Alice Burch, Mr. Carlos Diaz-Padron, Ms. Anna-Bo Emmanuel, Mr. Alfredo J. Gonzalez, Mr. William H. Kerdyk Jr., and Mr. Mike Valdes-Fauli. Mr. Jeff P. H. Cazeau, Mr. Maurice Ferre, Mr. Luis E. Gonzalez, Mr. Marlon Hill, Mr. Neisen Kasdin, and Mr. Eric Zichella were absent. The Commission District 10 seat remains vacant.

County Commissioner Daniella Levine Cava was also present.

In addition to Task Force members, the following staff members were present: Assistant County Attorneys Oren Rosenthal, Abbie Schwaderer-Raurell, and Mike Valdes; Ms. Nicole Tallman, Director of Policy and Legislation and Ms. Patricia Flor, Senior Policy Analyst, Office of the Mayor; Mr. Christopher A. Agrippa, Director, and Mr. Alan Eisenberg, Deputy Clerk, Office of the Clerk of the Board.

Mr. Christopher Agrippa announced that Mr. Maurice Ferre, Mr. Marlon Hill, and Mr. Eric Zichella provided notification that they would be absent. He also announced that Vice-Chair Maria Lievano-Cruz would be leaving at 8:00 p.m.

Chairman Robert Cuevas called the meeting to order and led the Pledge of Allegiance.

REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD

Chair Robert Cuevas opened the reasonable opportunity for the public to be heard.

Ms. Maribel Balbin, 8346 Dundee Terrace, Miami Lakes, appeared before the Task Force representing the League of Women Voters. She commented on the fact that Task Force recommendations did not need to take place immediately; however, might be appropriate at various times over the next five years. Ms. Balbin indicated that a change to a hybrid mayor/manager system could occur in 2020 and that a Commission salary increase could occur in 2022. She suggested that district boundary changes could be addressed through a District Boundary Task Force every ten years beginning in 2020 after the next census report.

Mr. Wil Fleites, 8401 SW 97 Road, Miami, discussed Section 1.05.C of the County Charter relating to forfeiture of office of County elected and appointed officials and employees. He noted County employees running for office were now required to give up their employment pursuant to this 55 year old provision. Mr. Fleitas presented proposed draft language to the Task

Force, prepared with the assistance of the International Firefighters Union, and opined Version 3 was a viable option for consideration. He said he would compromise on the issue of County employees running for a county office; however, believed the option to run for federal, state, or municipal office should remain as an option, while maintaining employment.

Discussion ensued between Vice-Chair Maria Lievano-Cruz and staff over the intent behind the provision against County employees running for elected office and maintaining their employment. It was noted the appropriate records were from 1962 and were in the process of being obtained from the Clerk of the Board.

Assistant County Attorney Oren Rosenthal indicated the provision was the result of a previous Charter Review Task Force review effort that resulted in a ballot vote.

It was moved by Vice Chair Lievano-Cruz that the discussion on forfeiture of office of County elected and appointed officials and employees be considered at the November 13, 2017 Task Force meeting. This motion was seconded by Mr. Alfredo Gonzalez, and upon being put to a vote, passed by unanimous vote of all members present.

Chair Cuevas cautioned that a quorum of Task Force members would be needed to consider agenda items at this meeting, with the exception of hearing citizen presentations.

Ms. Susan Windmiller, 2103 Coral Way, Miami, President, League of Women Voters (League), commended Task Force members for their service. She asked that the schedule of upcoming community meetings be finalized and published so that the League could assist in promoting these events to the community.

Mr. Zachariah A. Cosner, 7180 SW 114 Terrace, Miami, representing the Friends of the Everglades, indicated that Parcel 294 in Urban Expansion Area (UEA) 2 and Parcel 292 in UEA 3 violated other portions of the Comprehensive Development Master Plan (CDMP). He noted these areas were not suitable for development under multiple elements of the land use and conservation elements of the CDMP. Mr. Cosner said UEA 2 was directly over the western well field and areas considered surf buffer zones while UEA 3 overlapped with low lying land. He indicated expansion of the Urban Development Boundary (UDB) into these UEA's was being considered in the 2018 Evaluation and Appraisal report. Mr. Cosner pointed out that this would be dangerous because a fifteen year supply of development land within the UDB was required according to Land Use Element 8F and that County staff continuously recommended curtailment of UEA's since 2010.

Mr. Craig Leen, Coral Gables City Attorney, 405 Biltmore Way, Coral Gables, noted he personally believed commissioner salaries should be higher than \$6,000 and should be based on the State formula. He pointed out that municipal and county relations needed to be discussed by the Task Force, noting a good model for the future would be one where the County sets the

objective and cities adopt the implementation method for their municipalities, using the affordable housing initiative as an example. Mr. Leen said, pursuant to Section 6.02 of the County Charter, cities could have a higher standard of zoning regulation and service and should do so in conjunction with the County. He suggested having a municipal representative on the County Commission that solely represented municipalities and establishing a task force in the County Charter to address these issues. In conclusion, Mr. Leen added that there should also be a Charter provision creating a Home Rule Task Force protecting the cities and County from State encroachment and preemption.

In response to Mr. Carlos Diaz-Padron's question about city representation, Mr. Leen commented the County currently had a single member district form of government with thirteen commissioners. He proposed adding two additional commissioners; one appointed commissioner representing the cities and one commissioner representing the unincorporated areas.

Ms. Maggie Fernandez, 3620 SW 21 Street, Miami, welcomed Ms. Anna-Bo Emmanuel to the Task Force. She said Task Force member attendance records were being monitored and pressure would be applied to ensure members were replaced if they were not taking this appointment seriously. Ms. Fernandez also opined the UDB should not be moved, noting that it should be made more difficult to move.

There being no other persons wishing to address the Task Force, the reasonable opportunity to be heard was closed.

Chair Cuevas noted Ms. Emmanuel was appointed as a Task Force member by Commissioner Jordan and welcomed her.

Ms. Emmanuel mentioned that she was happy to be a part of the Task Force and looked forward to working with everyone.

1st ISSUE FOR CONSIDERATION: Procurement

DISCUSSION AND VOTE: On whether the Charter should be amended as relates to the *procurement* process, and if so, what those amendments should be?

Task Force Member Ferre's proffered amendment (see attached).

There was no further discussion on the procurement process and no changes were made.

2nd ISSUE FOR CONSIDERATION; Whether the Charter should be amended as it relates to the County's Urban Development Boundary and, if so, what those amendments should be?

PRESENTATION:

Five to ten-minute presentation by the County Attorney's Office as to the current Charter provisions relating to the Urban Development Boundary (UDB).

Assistant County Attorney Abbie Schwaderer-Raurell noted Section 1.01.A.5 of the Charter provided that "any decision to include any additional land within the UDB of the County's Comprehensive Development Master Plan (CDMP) shall require a two-thirds vote of the Board of County Commissioners then in office." She commented on provisions in the County Code and the CDMP which imposed additional procedural requirements related to the UDB. Assistant County Attorney Schwaderer-Raurell mentioned that Florida Statutes prohibited initiative or referendum with respect to any local CDMP amendments, noting an applicant could not be forced to go through the referendum process to get an application approved.

Five to ten-minute presentation by Jerry Bell, Assistant Director for Planning in the Department of Regulatory and Economic Resources, relating to the Urban Development Boundary (UDB) (see attached).

Mr. Jerry Bell provided an overview of the UDB, noting it separated the area where new urban growth and development could occur from where it should not. He described the UDB Expansion Criteria (Policy LU-8F and Policy LU-8H), noting the UDB should contain developable land to sustain countywide residential demands for fifteen years. Mr. Bell stated an Evaluation and Appraisal Report (EAR), evaluating the countywide land supply, was prepared every seven years and the last report was completed in 2010. He mentioned this analysis had not demonstrated any real need to expand the UDB to accommodate additional demand over several review cycles.

Mr. Bell indicated that applications to move the UDB were accepted every two years; that a 2/3 vote of the County Commission was added to the County Charter in 2012; that applications could not create an area surrounded by more than 75% of land within the UDB; that only three UDB amendments were approved within the past ten years; that an application to amend the UDB may be filed by any person/entity, including the County Commission; and that the amendment process takes approximately nine months and includes up to four public hearings.

Mr. Bell stated that Urban Expansion Areas (UEAs) were evaluated when considering moving the UDB. He described the UEA Task Force created by Mayor Carlos Gimenez in May, 2017 to help inform the County's review and assessment of the CDMP through this process.

Vice Chair Lievano-Cruz mentioned she was interested in having staff study where there should be growth based on environmental and traffic issues in order to establish a permanent UDB that would be moved in stages and remove the County Commission from the politics associated with this decision process.

Assistant County Attorney Schwaderer-Raurell commented that a fixed UDB line could be included in the CDMP. She advised that additional procedural requirements or a requirement that the County had a UDB with certain characteristics could be incorporated in the Charter, if desired.

DISCUSSIOIN AND VOTE: On whether any of the foregoing Charter provisions should be amended.

There was no further discussion on amendments to the Charter as related to the County's Urban Development Boundary and no changes were made.

3rd ISSUE FOR CONSIDERATION: Report from the County Attorney's Office as to the current provisions for handling elections during emergencies.

Assistant County Attorney Michael Valdes reported that this issue was considered by the 2007 Charter Review Task Force. He advised Task Force members that the Charter sets forth the election of County Commissioners, Mayor, and Property Appraiser; noting the first round was during the State Primary Election held in even numbered years and a runoff held during the Statewide General Election. Assistant County Attorney Valdes mentioned there were also elections for creation of new municipalities, to fill County Commission vacancies, Article 7, referendum, recall, bond issues and petitions, noting some had specific election dates and others needed to occur in conjunction with a State Primary or General Election.

Assistant County Attorney Valdes indicated that County elections were the only elections that the County could move due to a natural disaster. He said the Governor had emergency power to move or suspend elections based upon recommendations of local officials or the Secretary of State. Assistant County Attorney Valdez cautioned that there were often statements of emergency in Florida and the natural disaster state of emergency could last for long periods of time. He noted we were still in a state of emergency for Hurricane Irma and there was no guarantee of when an election could occur after such events. Assistant County Attorney Valdez reported twelve state of emergencies were declared in Florida in 2012.

Assistant County Attorney Valdez added that the County would be responsible for all costs associated with holding elections in the event that County elections were moved and State elections were not moved.

There was no further discussion on provisions for handling elections during emergencies and no changes were made.

4th ISSUE FOR CONSIDERATION: Report from staff on efforts to advertise public hearing meetings.

Ms. Nicole Tallman reported she did not begin providing public notice of the upcoming public hearing meetings until after a change to the South Dade Cultural Arts Center location was considered by the Task Force at tonight's (10/30) meeting. She said she would now begin sending Sunshine Meeting notices, posting on the County calendar, advertising in the Daily Business Review, notifying the Miami Today, and posting information on the Charter Review Task Force website. Ms. Tallman added that Ms. Susan Windmiller would promote the events through the League of Women Voters. She said that social media efforts included the County Commission and Mayors websites as well as Facebook and Twitter accounts. Ms. Tallman added that press releases would be distributed to local English, Spanish and Creole print, television and radio outlets. She mentioned local municipalities, Jackson Memorial Hospital, Miami-Dade Public Schools and other community and government agencies would also be informed. Ms. Tallman said the County Communications Department would increase their efforts to target additional residents and increase the frequency of postings.

Ms. Tallman asked Task Force members to promote the meetings to their distribution lists as well. She said that meetings were in the community and therefore would not be broadcast as were previous meetings. Ms. Tallman mentioned efforts to provide a WebEx connection for the public to participate over the web at the final meeting in the Commission Chambers.

Ms. Tallman opened the floor to any recommendations from Task Force members to help promote the events.

Mr. Mike Valdes-Fauli questioned whether a County email database existed to which Ms. Tallman reported she would work with the Communications Department to send notifications through this source.

In response to Ms. Alice Burch's inquiry about Facebook Live, Ms. Tallman mentioned that Facebook Live was another option in addition to WebEx. Ms. Burch commented about past success using Facebook Live.

Ms. Tallman said she would try to accommodate Facebook Live access at the community meetings; however, cautioned over the video quality without adequate lighting.

Mr. Alfredo Gonzalez requested a flier be created and provided to Task Force members for distribution.

Ms. Anna-Bo Emmanuel suggested working with the venues to help promote the events at those locations.

Mr. William Kerdyk Jr. added that surrounding municipalities, where the meetings were being held, should be notified.

County Commissioner Daniella Levine Cava acknowledged Task Force members for their service. She mentioned that each County Commissioner had their own distribution lists and encouraged them to help promote the upcoming meetings. Commissioner Levine Cava said she would provide refreshments at the November 13, 2017 meeting at the South Dade Regional Library and challenged her colleagues to do so at meetings in their communities. She suggested that specific topics of discussion be identified on promotional materials. In conclusion, Commissioner Levine Cava also suggested holding a training session before the meeting for residents to learn more about the Charter.

Chair Cuevas commented that there was a supplement included in today's (10/30) meeting agenda which listed specific issues the Task Force considered and suggested that this list be included in marketing materials.

Commissioner Levine Cava volunteered to provide a Facebook Live feed for the November 13, 2017 meeting.

APPROVAL OF THE CLERK'S SUMMARY OF MINUTES FOR THE SEPTEMBER 25 AND OCTOBER 16 CHARTER REVIEW TASK FORCE MEETINGS

It was moved by Mr. Alfredo Gonzalez that the meeting minutes from the September 25, 2017 and October 16, 2017 Charter Review Task Force meetings be approved. This motion was seconded by Vice Chair Maria Lievano-Cruz and upon being put to a vote, passed unanimously by all members present.

CHANGE TO NOVEMBER 13, 2017 MEETING LOCATION

Ms. Nicole Tallman mentioned the location of the November 13, 2017 community meeting was being changed from the South Dade Cultural Arts Center to the South Dade Regional Library, located at 10750 SW 211 Street, Cutler Bay.

UPCOMING ISSUE FOR CONSIDERATION FOR NOVEMBER 13TH MEETING

Whether the Charter should be amended as relates to the citizen petition process for referendum and for initiative to pass or repeal ordinances or to amend the Charter.

Chair Cuevas reminded Task Force members that the citizen initiative and petition process and the ability of County employees to run for elected office would be discussed at the November 13, 2017 meeting.

ADJOURNMENT

There being no further business, the Charter Review Task Force meeting was adjourned at 7:16 p.m.

Flor, Patricia (Office of the Mayor)

From: webmaster@miamidade.gov
Sent: Sunday, November 05, 2017 11:32 AM
To: Charter - Miami-Dade
Subject: Charter Review Suggestions

Contact Person: **Mike Deacon**

E-mail: **tortugas66@gmail.com**

Contact Phone Number: **305 233 3296**

Home Address: **9713 SW 191 St**

City: **Cutler Bay**

State: **FL**

Zip Code: **33157**

Suggestions: **Please prohibit campaign consultants from lobbying, and lobbyists from working as campaign consultants, and provide for penalties for violations.**

Flor, Patricia (Office of the Mayor)

From: webmaster@miamidade.gov
Sent: Wednesday, November 08, 2017 4:19 AM
To: Charter - Miami-Dade
Subject: Charter Review Suggestions

Contact Person: **Ellen Mitchell**

E-mail: **Ememitch@icloud.com**

Contact Phone Number: **305-984-9086**

Home Address: **10440 SW 123 Ct**

City: **Miami**

State: **FI**

Zip Code: **33186**

Suggestions: **Stop all future development in West Kendall until Traffic and congestion gets resolved**

Proposed Areas of Study Related to the Charter

- Commissioner compensation
- Strong mayor form of government/County manager/County administrator
- Term limits
- Urban Development Boundary
- City-County Home Rule Body
- Election of commissioners/Commission composition and structure/at-large commission and district members/recalls
- County governance limitations/preemption/municipal compliance
- Budget process/Procurement process/Department of Finance
- Organization of the Department of Law
- Incorporation and annexation
- Citizens' Bill of Rights
- Placement of charter amendments before the electorate/initiative petition process
- The handling of financial difficulties in municipalities
- Section 1.01, paragraph 3 – adding ridesharing services
- Notice requirements in Section 1.02
- Section 7.01 relating to policies of parks, aquatic preserves and preservation lands
- Elected vs. appointed officers
- Independent authorities and districts
- Commission on Ethics
- Sustainable, resilient development; sea level rise
- Incorporation of technological advancements to advance transparency

No Recommendations Made

The following areas of study were placed on an agenda of the Charter Review Task Force. However, no amendments were proposed by the Task Force for consideration.

Question	Proposed Amendment	Action Taken
Whether the Charter should be amended as relates to an elected County Mayor or a manager selected by the County Commission to head and manage the County?	No proposed amendments - The Charter Review Task Force reserved the right to revisit this area of study to allow for discussion and proposed changes.	Motion passed (6-3)
Whether the Charter should be amended as it relates to the County's Urban Development Boundary?	No proposed amendments	No action taken
Whether the Charter should be amended as relates to the budget process?	No proposed amendments	No action taken
Whether the Charter should be amended as relates to the organization and function of the Finance Department?	No proposed amendments	No action taken

2017 Charter Review Task Force Recommendations

Question	Proposed Amendment	Action Taken
Whether the Charter should be amended as it relates to Commission compensation?	<p>SECTION 1.06. – SALARY.</p> <p>Each County Commissioner shall receive a [[salary of \$6,000 per year]] >>yearly salary in accordance with general law applicable to non-charter counties which shall be << payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.</p>	Motion passed (6-2)
Whether the Charter should be amended as it relates to elections?	<p>SECTION 3.03. NONPARTISAN ELECTIONS .</p> <p>All elections for Mayor, <u>Clerk of Courts</u> and the other members of the Board shall be nonpartisan and no ballot shall show the party designation of any candidate. No candidate shall be required to pay any party assessment or state the party of which he is a member or the manner in which he voted or will vote in any election.</p>	Motion passed (unanimous)
Whether the Charter should be amended as it relates to term limits?	<p>SECTION 3.01. – ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.</p> <p>>>E. Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four year terms. No term of service as a Commissioner commencing prior to 2012 shall be considered a part of or counted toward the two term limit.<<</p>	Motion passed (6-2)
Whether the Charter should be amended as relates to the Office of the Commission Auditor?	<p>SECTION 9.10. COMMISSION AUDITOR <u>OFFICE OF BUDGET AND RESEARCH.</u></p> <p>There is hereby created and established the Office of the Commission Auditor <u>office of budget and research (OBR)</u>. The Commission Auditor <u>OBR Director</u>, who shall be a certified public accountant, will be selected by the County Commission and shall report directly to the County Commission. The County Commission shall provide by ordinance for the specific functions and responsibilities of the Commission Auditor <u>OBR</u>, which shall include but not be limited to providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.</p>	Motion passed (6-2)

2017 Charter Review Task Force Failed Recommendations

Question	Proposed Amendment	Action Taken
Whether the Charter should be amended as it relates to Commission compensation?	<p>SECTION 1.06. <u>MAXIMUM SALARY AND RESTRICTIONS ON OUTSIDE EMPLOYMENT.</u></p> <p>Each County Commissioner shall <u>serve in a full-time capacity and shall not be entitled to any outside employment for compensation other than as outlined herein. Each County Commissioner shall receive an annual salary of \$6,000 that shall not exceed fifty percent (50%) of the annual allowable salary of the Mayor in the same year, per year payable monthly and each County Commissioner shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.</u></p>	Failed for lack of motion
	<p>SECTION 1.06. – SALARY.</p> <p>Each County Commissioner shall receive a salary of [[\$6,000]] >> \$50,000 << per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.</p>	Motion failed (4-4)
Whether the Charter should be amended as it relates to the organization of the Commission?	<p>SECTION 1.08. – ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES</p> <p>The Mayor shall not be a member of the Commission. [[The Commission shall select the chairperson and vice-chairperson of the Commission.]] >> <u>The Chairperson and Vice-Chairperson shall be elected for two-year terms by county-wide election held at the time of the state primary elections. All commissioners elected within the proceeding two years shall automatically become candidates for such election. Commissioners shall be listed in order of commission district on the ballot. The commissioner receiving the highest votes shall become the Chairperson and the commissioner receiving the second-highest votes shall become the Vice-Chairperson. Should a tie result, the outcome shall be determined by lot. The term of the Chairperson and Vice-Chairperson shall commence on the second Tuesday next succeeding the date of the general election in November.<<</u> The Chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The Vice-Chairperson shall perform the duties of the chairperson in the absence or incapacity of the Chairperson. Any member may be selected by the Commission to preside over commission meetings in the event of the absence of the Chairperson and the Vice-Chairperson.</p> <p>The >> <u>Chairperson</u> << [[Commission]] may organize [[itself]] >> the Commission << into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the [[Commission]] >> <u>Chairperson</u> << may appoint its members [[or authorize the Chairperson to appoint committee members]]. Commission committees may conduct public hearings, as authorized by ordinance of the Commission. The Clerk of the Circuit Court or a deputy shall serve as clerk of the Commission. No action of the Commission shall be taken</p>	Motion failed (3-5)

Question	Proposed Amendment	Action Taken
	<p>except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.</p> <p>>><u>A vacancy in the office of Chairperson shall be filled by the Vice-Chairperson and a vacancy in the office of Vice-Chairperson shall be filled by majority vote of the Commission to be held at the next regularly scheduled meeting.</u><<</p>	
Whether the Charter should be amended as it relates to the method of election for the County Commission?	<p>SECTION 3.01. – ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.</p> <p>A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections. >><u>A candidate must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.</u><<</p> <p>B. [[A candidate must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.]] >><u>At the time of the state primary election, Commissioners elected to a term commencing within the two years preceding the state primary election shall run in a countywide election for retention in office. Such Commissioners shall have their name appear on the ballot in order of Commission district as follows: "Shall County Commissioner [name] be retained in office?" and thereafter the words "Yes" and "No." If a majority of the qualified electors voting on such question vote for retention, the Commissioner shall be retained for the remainder of the term. If less than a majority of the qualified electors voting on such question vote for retention, an election shall be held within the Commissioner's district in conjunction with the state general election to fill the remainder of the term of office. Qualification dates shall be established by the Board of County Commissioners by ordinance. The Commissioner who failed to obtain a majority vote for retention shall be entitled to qualify as a candidate to fill the remainder of the term of office. The candidate receiving the highest vote total in such election shall fill the remainder of the term of office and shall take office on the second Tuesday next succeeding the state general election.</u><<</p> <p>Motion to add two at large members of the commission</p>	<p>Motion failed for lack of second</p> <p>Motion failed (4-4)</p>

Question	Proposed Amendment	Action Taken
Whether the Charter should be amended as relates to the procurement process?	<p>SECTION 2.02. - RESPONSIBILITIES OF THE MAYOR.</p> <p>The Mayor shall serve as head of the county government with the following specific powers and responsibilities:</p> <p>A. The Mayor shall be responsible for the management of all administrative departments of the County government>>, <u>except the Department of Procurement Management</u>,<< 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.</p> <p>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.</p> <p>C. 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>>, <u>except for the director of the department of procurement management</u>,<< shall become effective unless disapproved by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting. >><u>The appointment of the director of the department of procurement management shall become effective upon approval of a majority of those Commissioners then in office.</u><< The Mayor shall also have the right to suspend, reprimand, remove, or discharge any administrative department director, with or without cause. >><u>The Commission shall also have the right to suspend, reprimand, remove, or discharge the director of the department of procurement management by majority vote of those Commissioners then in office and may overturn any decision of the Mayor to suspend, reprimand, remove, or discharge the director of the department of procurement management by a two-thirds majority of those Commissioners then in office at the Commission's next regularly scheduled meeting.</u><<</p> <p>D. 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.</p>	Failed for lack of motion

Question	Proposed Amendment	Action Taken
	<p>E. 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.</p> <p>F. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall set forth the Mayor's funding priorities for the County.</p> <p>SECTION 5.01. - DEPARTMENTS.</p> <p>There shall be departments of finance, personnel, planning, >>procurement management,<< law, and such other departments as may be established by administrative order of the Mayor. All administrative functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Mayor.</p> <p>SECTION 5.03. - FINANCIAL ADMINISTRATION.</p> <p>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</p> <p>B. Between June 1 and July 15, the County Mayor should prepare a proposed budget containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the Mayor, 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.</p> <p>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.</p> <p>[[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</p>	

Question	Proposed Amendment	Action Taken
	<p>evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Mayor, 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. Notwithstanding any other provision of the Charter to the contrary, in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.]]</p> <p>E. Any county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Willful violation of this Section shall constitute malfeasance in office, shall effect forfeiture of office or position, and render the transaction voidable by the Board.</p> <p>F. Such officers and employees of the county as the Board may designate shall give bond in the amount and with the surety prescribed by the Board. The bond premiums shall be paid by the county.</p> <p>G. At the end of each fiscal year the Board shall provide for an audit by an independent certified public accountant designated by the Board of the accounts and finances of the county for the fiscal year just completed.</p> <p>H. The Budget Commission created by Chapter 21874, Laws of Florida, 1943, is hereby abolished, and Chapter 21874 shall no longer be of any effect.</p> <p>>>SECTION 5.03.01 – PROCUREMENT MANAGEMENT.</p> <p>A. 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 by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board.</p> <p>B. The department of procurement management shall be an independent administrative department under the direction of an appointed director. The department of procurement management shall be responsible for soliciting all contracts for public improvements and purchases of supplies, materials, and services, including professional, when the transaction involves more than one million dollars or such other minimum amount</p>	

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	<p>established by the Board by ordinance. The director of the department of procurement management shall recommend the award of competitively solicited contracts to the Board who may approve such award or reject all proposals by a majority vote of those Board members present. A two-thirds vote of the Board members present shall be required to take any action other than rejection of all proposals or the recommended action of the director.</p> <p>C. The Board, upon written recommendation of the director of the department of procurement management, 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.</p> <p>D. Notwithstanding any other provision of the Charter to the contrary, in circumstances where the director of the department of procurement management informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson of the Board of County Commissioners and not the director of the department of procurement management shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.<<</p>	