

# **Miami-Dade County Charter Review Task Force**

## **Final Recommendations Report**

February 26, 2018

[www.miamidade.gov/charter](http://www.miamidade.gov/charter)

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# Executive Summary

Pursuant to Resolution No. R-304-17, the Miami-Dade County Charter Review Task Force reviewed the Home Rule Charter of Miami-Dade County in its entirety. This report sets forth the Task Force's analysis of the Charter, and proposed amendments or revisions for Board consideration to place before the voters of Miami-Dade County. The Task Force convened on June 28, 2017 and conducted 11 public meetings, obtained input from experts, the public and County staff, and, after this extensive review process, adopted eight final recommendations for amendment to the Miami-Dade County Home Rule Charter.

## Recommended Charter Amendments

### **Recommendation No. 1A: Commission Compensation**

**Increase Commissioner salaries** to the amount set by the State formula for county commissioner salaries (currently \$99,997).

### **Recommendation No. 1B: Commission and Mayor Compensation**

**Create an independent salary commission** which shall annually set the Commissioners' and Mayor's salary.

### **Recommendation No. 2: Nonpartisan Elections**

Provide that **elections** for Office of the Clerk of Courts be **nonpartisan**.

### **Recommendation No. 3: Election and Commencement of Terms of County Commissioners**

**Repeal term limits** for County Commissioners.

### **Recommendation No. 4: Commission Office of Budget and Management**

Change the name of the **Office of Commission Auditor** to the Commission of the Office of Budget and Research and remove the requirement that the Director be a certified public accountant.

### **Recommendation No. 5: Forfeiture of Office of County Elected and Appointed Officials and Employees**

Limit the requirement for a **County appointed official or employee of the County** who **qualifies as a candidate** for elective office to take a **leave of absence** and, if elected to **forfeit** his or her County position, only to those who qualify **for County elective office**.

### **Recommendation No. 6: Initiative and Referendum**

Preclude persons circulating **Initiative and Referendum** petitions from **paying** or receiving payment on a basis related to the **number of signatures obtained** for circulating the petition.

### **Recommendation No. 7: Initiative and Referendum**

Provide that the **County Commission** shall **determine the legal sufficiency** of citizen **Initiative and Referendum** petitions prior to collection of signatures.

### **Recommendation No. 8: Election and Commencement of the Mayor and County Commissioners**

Amend the Charter to provide that the names of unopposed candidates for **Mayor** and **County Commissioners** shall not appear on the **runoff election ballot** and a runoff election shall not take place. Each **unopposed candidate** shall be deemed to have voted for himself or herself. No votes cast in favor of any **candidate who withdraws or becomes disqualified or deceased** prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

# Introduction and Background

Miami-Dade County became the first home rule County in Florida with the adoption of the Home Rule Charter in 1957. The Home Rule Charter was adopted pursuant to a special grant of authority in the Florida Constitution to the voters of Miami-Dade County through the Miami-Dade County Home Rule Amendment. 2017 marked the 60<sup>th</sup> anniversary of the Charter's adoption. The Home Rule Amendment grants the voters of Miami-Dade County very broad powers to determine for themselves the form of their local government.

The Home Rule Charter begins with a Citizens' Bill of Rights. It sets forth the power of the Board of County Commissioners and the Mayor, and sets forth the process for their election. The Charter also addresses the Administrative Organization and Procedure for the County, including a framework of powers of municipalities, initiative, referendum and recall, and other general provisions.

In order to ensure that the Home Rule Charter is responsive to the changing needs of our community, Section 9.08 of the Charter requires that the Board of County Commissioners, at least once in every five year period, review the Charter and determine whether or not there is need for revisions and then must be approved by an affirmative vote of the electorate. Amendments may be proposed and placed on the ballot either by the Board of County Commissioners or by petition of the citizens.

On March 20, 2017, the Board of County Commissioners approved Resolution No. R-304-17 creating the 2017 Charter Review Task Force. The Charter Review Task Force was charged with reviewing the Home Rule Charter of Miami-Dade County in its entirety and preparing and submitting to the Board of County Commissioners written recommendations setting forth any proposed amendments or revisions to the Charter.

In conducting its review, the Task Force was directed to:

- Study the Final Report of the last Charter Review Task Force;
- Study all proposed charter amendments submitted to the voters since the last Charter Review Task Force issued its recommendations;
- Invite knowledgeable members of the community to appear and make recommendations;
- Invite representatives of Miami-Dade County's municipalities to appear and make recommendations;
- Conduct public hearings at various stages in the review process;
- Conduct regional public meetings 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 was to 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 were to be in addition to meetings which are to be conducted in accordance with the Code of Miami-Dade County, Florida.

The Task Force successfully completed each of these tasks.

The Task Force met on the following days, at the following locations, and afforded the public the opportunity to provide input on possible amendments to the Charter:

- June 28, 2017 at 10:00 a.m. - Miami-Dade Library Auditorium
- July 17, 2017 at 6:00 p.m. - County Commission Chambers
- August 14, 2017 at 6:00 p.m. - County Commission Chambers
- August 28, 2017 at 6:00 p.m. - County Commission Chambers
- September 11, 2017 (cancelled due to Hurricane Irma)
- September 25, 2017 at 6:00 p.m. - County Commission Chambers
- October 16, 2017 at 6:00 p.m. - County Commission Chambers
- October 30, 2017 at 6:00 p.m. - County Commission Chambers
- November 13, 2017 at 6:00 p.m. - County Commission Chambers
- November 28, 2017 at 6:00 p.m. - Doral City Hall
- December 4, 2017 at 6:00 p.m. - North Dade Regional Library
- December 11, 2017 (Virtual Meeting) at 6:00 p.m. - County Commission Chambers
- February 12, 2018 at 6:00 p.m. - County Commission Chambers
- February 26, 2018 at 6:00 p.m. - County Commission Chambers

The Task Force presents this report to the Board of County Commissioners detailing the Task Force's recommendations and work reviewing the Home Rule Charter.

# Public Input Process

As directed by the Board, this Charter Review process has provided for a high degree of public participation. Task Force members and County staff have been committed to identifying new and creative means of providing meaningful public information and education, as well as access to the Charter Review process. Task Force members made public outreach a priority and suggested innovative methods of communicating with residents. In an effort to encourage attendance by the public, Task Force members decided to schedule all meetings at 6:00 p.m. in the evening to allow residents an opportunity to attend. Internet technology, social media and the resources provided by the County's Communications Department greatly improved the Task Force's ability to gather public input.

## Charter Website/E-mail

The Charter Review Task Force website ([www.miamidade.gov/charter/task-force-2017](http://www.miamidade.gov/charter/task-force-2017)) was launched on June 28, 2017. The comprehensive website includes a list of Task Force members and valuable information such as charter history, previous task force reports, research performed by staff and benchmarking information. The website is specifically organized to grant the public easy access to resources and information discussed throughout the review process. Specifically, for each meeting held by the Task Force, staff has worked diligently to post to the website agendas, materials minutes and video recordings as soon as they become available.

Of significant note, the website provides a vehicle to encourage public input and comment on all matters of consideration under the Task Force's purview. At any point in the review process, the public was able to send comments to the Task Force by visiting the website and submitting suggestions or via email at [CHARTER@miamidade.gov](mailto:CHARTER@miamidade.gov). All comments received were provided to Task Force members for their review and consideration.

As of January 17, 2018, 23 substantive comments were received by email. And most significantly, since June 29, 2017, the website was visited as follows:

- 2017 Charter Review Task Force page – 2,187 views
- Charter Review Home page – 1,207 views
- 2017 Charter Review Task Force meetings tab – 976 views
- 2017 Task Force members tab – 419 views

## Broadcast/Social Media

In an effort to encourage public engagement and input, every Task Force meeting was televised on Miami-Dade County TV and streamed live on the Board of County Commissioners' webcast page, and Facebook page. Web links to each meeting were posted on the Charter Review website and, multiple County social media accounts in advance of each meeting to make it easier for residents to tune in. Additionally, with the support of the Board of County Commissioners media

team, nearly every meeting held was streamed on Facebook Live, which allowed viewers to comment or ask questions.

In addition to posting live coverage of each meeting to Facebook, staff worked closely with the Communications Department to generate flyers and promotional materials that can be easily distributed throughout social media (Appendix B). These flyers were circulated to Task Force members for distribution as well.

Staff also worked to post reminders about upcoming meetings to social media accounts belonging to the Board of County Commissioners, the County Mayor, and Miami-Dade County government (Appendix C). Additionally, these flyers, along with text posts, were geo-boosted to increase visibility on followers' newsfeeds in the areas where public meetings were scheduled to take place.

- **Mayor's social media followers:**
  - Facebook: Over 10,000
  - Instagram: Over 1,500
  - Twitter: 18,000
- **Board of County Commissioners social media followers:**
  - Facebook: 287 followers
  - Twitter: 996 followers
- **Miami-Dade County's social media followers:**
  - Facebook: Over 65,000
  - Twitter: Over 64,000

### **Input from Community (at each meeting)**

Throughout the review process, and at each meeting, the Task Force offered a reasonable opportunity for the public to be heard. By affording residents the opportunity to address the Task Force at the beginning of each meeting, the public was able to offer input on topics scheduled to be discussed, or suggest topics for subsequent meetings.

In response to the Board's direction, the Charter Review Task Force invited input from many knowledgeable members of the community. Specifically, the Task Force solicited input from Deputy Mayor Edward Marquez, who oversees the Finance Department; Jennifer Moon, Director of the Office of Management and Budget; Namita Uppal, Chief Procurement Officer for the Internal Services Department; Neil Singh, Interim Commission Auditor; Jerry Bell, Assistant Director for Planning in the Department of Regulatory and Economic Resources; Joe Centorino, Director of the Commission on Ethics; the County Attorney's Office and the Clerk's Office. Various members of City Councils and local governments also participated in the reasonable opportunity for the public to be heard.

## Regional Public Meetings

In compliance with the Board's directives, the Task Force held four regional public meetings throughout Miami-Dade County.

### **First Public Meeting**

November 13, 2017, 6:00 p.m.

South Dade Regional Library

### **Second Public Meeting**

November 28, 2017, 6:00 p.m.

Doral City Hall

### **Third Public Meeting**

December 4, 2017, 6:00 p.m.

North Dade Regional Library

### **Fourth Public Meeting (Virtual)**

December 11, 2017, 6:00 p.m.

Board of County Commissioners Chambers

The public meetings were scheduled in the North, South, East and West regions of the County to grant surrounding communities the opportunity to comment on recommendations of the Task Force. The Public Meetings allowed the public to participate in person at the meeting location or by viewing the meeting live on cable TV, online, or via Facebook Live.

The Fourth Public Meeting was a virtual meeting providing a call-in number circulated via various County social media pages, Miami-Dade TV, and the Charter Review website to encourage public participation. This "Virtual Meeting" allowed viewers to share their thoughts in three ways: by attending in person, calling in, or posting comments via the Miami-Dade County Commissioners Facebook livestream or email. Staff worked with the Information Technology Department to establish a system to communicate questions posed online or over the phone directly to the Task Force during the meeting. Additionally, staff contacted commission offices to inform them of regional meetings scheduled in their respective districts.

Over 40 people attended these four public meetings. However, no additional public comments were received during the workshops via phone and email. In addition to members of the public speaking at the four public hearings, a number of elected officials attended including:

- Commissioner Daniella Levine Cava
- City of Doral Mayor Juan Carlos Bermudez
- Former Commissioner Betty T. Ferguson

## **Media Outreach**

In advance of each Charter Review Task Force meeting, media advisories were distributed throughout the community. The media advisories provided a brief description of topics of discussion, meeting time, date and location, and background on the creation of the Task Force. All County media advisories are distributed to all major English, Spanish and Creole-language print, TV and radio stations, various municipalities, community organizations and government agencies, Jackson Memorial Hospital, Miami-Dade County Public Schools, as well as internally throughout County government.

Miami Today also consistently reported on the happenings of the Charter Review Task Force. Miami Today has a circulation of approximately 68,000.

## **Meeting Notices**

Per Florida Statute, sunshine meeting notices were circulated and posted online to the County calendar in advance of each meeting. In addition to sunshine meeting notices, newspaper advertisements in the Daily Business Review were posted for each one of the public meetings to ensure that residents were made aware of the upcoming meetings. The Daily Business Review has a circulation of approximately 62,000.



# Issues for Study

At the first Charter Review Task Force meeting, members were asked to review the current provisions of the Charter and identify and submit suggested areas of study to staff. The Task Force members also added to the list of areas of study based on input gathered from the public.

The Task Force proposed the following areas of study:

- 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

Following a compilation of the suggested areas of study, and in conjunction with the Chairman of the Task Force, staff organized the proposed areas of study and assigned topics of discussion to dedicated meeting dates. The following topics were further refined, organized and placed on meeting agendas as follows:

## **August 14**

- Strong mayor form of government: County Manager vs County Administrator
  - Powers
  - Qualifications
  - Organization and function of budget and procurement

**August 14, August 28, September 25, October 16, October 30**

- Budget and Procurement process/Organization of the Department of Finance

#### **September 25**

- Office of the Commission Auditor
  - Function

#### **October 16**

- Aspects of the County Commission
  - Commissioner Compensation
  - Structure and organization of the County Commission
    - Number of Commissioners
    - Method of election by district, at-large, or some combination
    - Alternate ways of fostering County-wide perspective
  - Term limits

#### **October 16, October 30**

- Provisions for handling elections during emergencies

#### **October 30**

- Urban Development Boundary

#### **November 13, November 28, December 11**

- Citizen petition process for referendum and for initiative to pass or repeal ordinances, or to amend the Charter

#### **November 13**

- Forfeiture of office

#### **November 28**

- County governance, preemption and municipal authority
- Regulation of utility franchises and County operation of utilities

#### **November 28, December 4**

- Parks, aquatic preserves and preservation lands

#### **December 4**

- Vehicles for hire operating in the County

#### **December 11**

- Election and commencement of terms of the County Mayor and County Commissioners

#### **February 12**

- Process for establishing County Mayor's annual compensation

## Research

Throughout the Charter review process, extensive research and materials were collected and evaluated by County staff and provided to the Task Force. At the request of the Task Force, additional information and research were provided in advance of scheduled discussion topics. County staff worked diligently in gathering supplemental information pertaining to areas of study suggested by the Task Force.

The supplemental information provided to members included comparative analysis of similar jurisdictions with population and budget that closely resembled that of Miami-Dade County, as well as comparisons of powers delegated to the Board and Administration. Task Force members were provided historical background information on existing Charter provisions, as well as summaries for each section in the Charter. Included in the informational package provided to each Task Force member was a list of recently passed and failed ballot initiatives to amend the Charter.

The in-depth research conducted by staff also included benchmarking data of various forms of government, trends in commission compensation, structure and form of budget departments, and powers delegated to the elected or appointed officials.

In addition to supplemental information provided by staff, and prior to the discussion of each topic studied, the County Attorney's Office provided an overview of past and current Charter provisions and applicable state law.

The research and data provided to the Task Force allowed for in-depth understanding and discussion of the Charter review process.

# **Task Force Recommendations**

Throughout the Charter review process, Task Force members made several recommendations based on individual ideas and after seeking public input and comment. Each recommendation was presented, studied, discussed and voted on by Task Force members. Detailed below are the Task Force's final recommendations to the Board of County Commissioners.

## **Issue No. 1A and 1B – Commission and Mayoral Compensation**

### **Research Conducted**

The Task Force reviewed data issued by the Florida Legislature's Office of Economic and Demographic Research regarding salaries of elected County constitutional officers (Appendix D). The statutory provisions established by the State Legislature apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a County home rule charter, as well as those officials of counties that have a chartered consolidated form of government.

The state statutory formula takes into consideration population, base salaries, and factors relating to the percentage increase in salaries of state career employees, and cost of living factors. Pursuant to the salary formula, and the population figures for Fiscal Year 2017-2018, the salary for County commissioners in Miami-Dade County would be \$99,997.

The Task Force was provided with comparisons of salaries of County commissioners in Broward County, Florida; Hillsborough County, Florida; Orange County, Florida; Cook County, Illinois; and Fairfax County, Virginia (Appendix E). These jurisdictions were selected based on several criteria, including population, form of government, and extent of unincorporated areas.

The Task Force was also provided with election results relating to commission compensation dating back to 1962 (Appendix F). This supplement provided ballot language presented to voters, as well as the number of ballots cast and the percentage by which the question passed or failed.

### **Background**

Miami-Dade County established an annual salary of \$6,000 for County Commissioners in 1957, when the County's Home Rule Charter was adopted. While the demands of the position of County Commissioner have grown substantially, the salary has remained the same. Miami-Dade County is now the most populous County in the State of Florida with a population of over 2.7 million residents and a budget in excess of \$7 billion. Other counties in the State of Florida compensate their Commissioners at a significantly higher rate than in Miami-Dade County as established annually by the State based upon the population of the County. Establishing a salary established by State law for County Commissioners will provide incentive for additional individuals to become candidates for the office.

In arriving at its recommendations regarding Commission Compensation, the Task Force considered and debated the following issues:

- A proposal to increase commissioner's salary from \$6,000 to \$50,000 (motion failed 4-4).
- Inclusion of an explanation for the reason for increasing compensation in the ballot question language.
- Elimination of compensation figure.
- Increased compensation limited up to fifty percent (50%) of the Mayor's salary in the same year and prohibit outside employment.
- That Commissioners' salary compensation be increased based on the Florida State formula (currently \$99,997).

The Task Force also considered a draft proposal by Commissioner Moss at the February 12, 2018 Charter Review Task Force meeting (Appendix G). The Commissioner requested that the Task Force review and make recommendations on the draft resolution prior to it being presented to the full Board. After further review, the Task Force decided to include in the final report Commissioner Moss' proposal as an alternate to Recommendation No. 1 relating to commissioner compensation.

### **Recommendation 1A**

The Charter should be amended to provide that each County Commissioner receive a yearly salary in accordance with state statutory formula (currently \$99,997).

*Motion passed (6-2)*

### **Amendment Language**

SECTION 1.06. – SALARY.

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.

### **Recommendation 1B**

The Charter should be amended to create a three member independent salary commission whose members do not hold elective office and do not have conflicts of interest, with members appointed by the County's Chief Judge, Clerk of Courts and the Governor; and which shall annually set the Commissioners' and Mayor's salaries rather than setting such salaries by Charter or by act of the Board, respectively.

*Motion passed (6-2)*

## **Amendment Language**

### **SECTION 1.06. - SALARY.**

~~[[Each County Commissioner shall receive a salary payable monthly and]] >>There shall be an independent salary commission which shall annually establish the salary for County Commissioners and the County Mayor for the next succeeding calendar year. The independent salary commission shall consist of three members appointed annually. The Chief Judge of the Eleventh Judicial Circuit, the Clerk of Courts for Miami-Dade County and the Governor of the State of Florida shall each appoint one member to the independent salary commission. The members of the independent salary commission shall not hold public elective office and shall not have a conflict of interest in their service on the independent salary commission as determined by the Commission on Ethics and Public Trust. In the event the independent salary commission fails to establish a new salary for the County Commissioners or County Mayor prior to the end of the calendar year, the County Commissioners and County Mayor shall be paid the same salary as the prior calendar year. The salary established by the independent salary commission shall be payable monthly and the County Commissioners and the County Mayor<< shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.~~

## **Issue No. 2 – Nonpartisan Elections**

### **Background**

It was determined by the Task Force that the Clerk of Courts should be included as nonpartisan candidates.

Luis G. Montaldo, representing the Miami-Dade Clerk of Courts, Harvey Ruvin, expressed support for this proposal during the December 11, 2017 Charter Review Task Force meeting.

### **Recommendation**

The Charter should be amended to provide that all elections for the Clerk of Courts shall be nonpartisan and no ballot shall show the party designation of any candidate.

*Motion passed (unanimous)*

## **Amendment Language**

### **SECTION 3.03. NONPARTISAN ELECTIONS.**

All elections for Mayor, Clerk of Courts 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.

## **Issue No. 3 – Elimination of Term Limits**

### **Background**

The problems facing this community are difficult ones. They are not easy to understand, and they are certainly not easy to solve. The ability to do so depends on understanding the complex entity which is the County and being able to generate consensus at the Commission level as to how best to apply its many resources towards solving these problems. These intertwined prerequisites for solving our problems are developed over time through experience serving as a Commissioner. It is the opinion of the Task Force that it does not serve us well to cast away that experience arbitrarily at the end of eight years. The voters should have the ability to re-elect a Commissioner that they believe is effective, regardless of how long the Commissioner may previously have served. Experience in governing is not a negative attribute.

In arriving at its recommendations regarding the elimination of term limits, the Task Force considered and debated the following issues:

- Structure and organization of the County Commission, specifically, a proposal to have commissioners elected for four-year terms from district elections and halfway through their terms for a county-wide retention election. If not retained, a countywide election could be held to inject some countywide perspective (failed for lack of motion).
- A proposal to revise how the Board selected its Chair and Vice Chair, specifically the Chairperson and Vice Chair shall be elected for two-year terms by county-wide election and all commissioners elected within the proceeding two years shall automatically become candidates for such election. This proposals also provided that 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 (motion failed 3-5).
- Costs associated with countywide campaigns and elections.
- A rotational system to select the Chair and Vice Chair.
- A need for countywide at-large representation adding additional countywide commission seats.

### **Recommendation**

The term limits imposed by the Charter on County Commissioners should be eliminated.

*Motion passed (6-2)*

### **Amendment Language**

SECTION 3.01. – ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

~~>>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.<<~~

## **Issue No. 4 – Commission Office of Budget and Management**

### **Research Conducted**

During the August 28, 2017 Charter Review Task Force meeting, the Interim Commission Auditor, Neil Singh, presented an overview of the role and function of the Commission Auditor to the Task Force. The presentation included an explanation of the Commission Auditor's role in the budget and legislative process.

The Task Force was provided a copy of the County Code of ordinances outlining the specific functions and responsibilities of the Commission Auditor (Appendix H), along with the table of organization for the Office of the Commission Auditor (Appendix I). Additionally, Task Force members were provided with a summary of the powers of the Commission Auditor compared to those of the County Mayor and County Commission, as provided for in the Charter (Appendix J).

### **Background**

The Charter currently provides for an Office of the Commission Auditor. The Commission Auditor must be a certified public accountant who reports directly to the County Commission. The County Commission provides by ordinance for the specific functions and responsibilities of the Commission Auditor, which include, but are not limited to, providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and County services and contracts.

In arriving at its recommendation relating to the Office of the Commission Auditor, the Task Force considered and debated the following issues:

- Eliminating the requirement that the director be a Certified Public Accountant.
- Renaming the Office of the Commission Auditor the Commission Office of Management and Research. After further discussion the word "management" was replaced with "budget" since the Task Force did not envision much management activity occurring.
- The need for more audit functions.

**Recommendation** The Charter should be amended to change the name of the Office of the Commission Auditor to the Commission Office of Budget and Research (OBR), change the title of the Director to Commission OBR Director, and remove the requirement that the Director be a certified public accountant.

*Motion passed (6-2)*



## **Amendment Language**

### **SECTION 9.10. COMMISSION AUDITOR OFFICE OF BUDGET AND RESEARCH.**

There is hereby created and established the Office of the Commission Auditor office of budget and research (OBR). The Commission Auditor OBR Director, ~~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 OBR, 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.

## **Issue No. 5 – Forfeiture of Office of County Elected and Appointed Officials and Employees**

### **Research Conducted**

In response to a request for information on the current Charter provisions relating to forfeiture of office for County-elected and appointed officials and employees, the Task Force was provided background information on such provisions. Based on the research conducted, it was found that the County Commission approved placement of a Charter amendment, recommended by the Charter Review Board, on the May 29, 1962 ballot. The amendment prevented County officials from holding any other elective office and required appointed County officials to resign their positions in order to run for elective office. The amendment was approved by voters in a 49,168 to 6,283 vote.

Despite limited access to paper records dating back to the 1960s, the Clerk of the Board was able to provide decades-old meeting minutes containing discussions on the 1962 amendment (Appendix K). This background information allowed Task Force members to understand the context in which this provision was drafted.

### **Background**

Section 1.05 of the Miami-Dade Home Rule Charter currently requires all Miami-Dade County appointed officials or employees who qualify for elected office to take a leave of absence from their position until after the election and, if elected, to forfeit their office. The Task Force believes that such provision overly restricts County appointees and employees from pursuing part-time public service by running for office where such service does not present a conflict with their County employment. By eliminating the restriction on running for any office except a County office, the appointees and employees will now not be categorically restricted from running for office and serving, if elected, while maintaining County employment. The employees running for and elected to other federal, state or municipal office will still be required to abide by all other County rules regarding employment and conflict of interests.

In arriving at its recommendation relating to the Office of the Commission Auditor, the Task Force considered and debated the following issues:

- Some Task Force members felt that County employees should have the right to run for office so long as it does not interfere with their job.
- Some Task Force members felt that it was not in the best interest of the workforce or County citizens for employees to have a divided allegiance.
- Applicable outside employment provisions for County employees.
- Employee responsibilities and ability to serve as an elected official.
- The various elected officials who currently serve on a part-time basis while holding full-time employment.

### **Recommendation**

Any appointed official or employee of Miami-Dade County who qualifies as a candidate for election to the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser 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. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

*Motion passed (6-4)*

### **Amendment Language**

SECTION 1.05. - FORFEITURE OF OFFICE OF COUNTY ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES.

Any appointed official or employee of >>Miami<<Dade County who qualifies as a candidate for election to >>the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser<< [~~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. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

## **Issue No. 6 – Compensation for Number of Signatures Obtained for Circulating a Petition**

### **Research Conducted**

The Task Force was provided with comparative analysis relating to procedures for citizen's initiative and referendum for Florida counties with a population greater than 500,000. The analysis included information on signature requirements, petition approval process, and required action after petition approval, and applicable restrictions (Appendix L).

## **Background**

The Home Rule Charter of Miami-Dade County provides the electors of the County with the power to (1) propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, (2) remove any member of the Board of County Commissioners, the Mayor, or the Property Appraiser by recall election, and (3) propose amendments to the Home Rule Charter. All of these procedures require the circulation of a petition and the collection of a requisite number of valid signatures. In order to ensure the integrity of the signature gathering process, individuals circulating a petition for initiative, referendum, recall, or charter amendment should not be paid on a basis related to the number of signatures that they have obtained because such a payment method increases the potential for fraud.

In arriving at its recommendation, the Task Force considered and debated the following issues:

- Requiring one sworn affidavit for the entire collection of signatures for a petition.
- A limit on the amount of signatures notarized in the affidavit.
- Requiring that a sworn affidavit be filed for every 25 petition signatures.

The Task Force reviewed the issue relating to the affidavit and notary requirement to address more than one single petition with a signature and found the issue was better addressed by ordinance change rather than Charter change.

## **Recommendation**

The Charter should be amended to provide that the person or persons circulating the petition shall not pay or offer to pay any individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating the petition.

*Motion passed (7-1)*

## **Amendment Language**

### **SECTION 8.01 – INITIATIVE AND REFERENDUM**

The person or persons circulating the petition shall not pay or offer to pay any individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating the petition.

## **Issue No. 7 – Approval of Legal Sufficiency of Petitions**

### **Background**

In arriving at its recommendation, the Task Force considered and debated the following issues:

- Conducting the legal sufficiency review at the beginning of the process in an effort to save citizens time and money.
- Input from the Clerk's Office, specifically Luis G. Montaldo, who represented Miami-Dade Clerk of Courts, Harvey Ruvin. Specifically, Mr. Montaldo communicated that the Clerk of

Courts should not be the party to determine legal sufficiency of the petition form, noting it created the potential for a conflict, caused confusion, and removed the Clerk from a neutral position.

- A recommended proposal by the Clerk of Courts providing for the Board to approve petition form for legal sufficiency.

## **Recommendation**

The Charter should be amended to provide that subsequent to the date the Clerk approves the petition as to form, a public hearing shall be held on the proposal at the next Board of County Commissioners meeting to hear testimony from the public and for the Board of County Commissioners to determine the legal sufficiency of the petition.

*Motion passed (5-3)*

## **Amendment Language**

### SECTION 8.01 INITIATIVE AND REFERENDUM

~~A public hearing shall be held on the proposal at the next Board of County Commissioners meeting subsequent to the date the Clerk approves the petition as to form.~~ <<Subsequent to the date the Clerk approves the petition as to form, a public hearing shall be held on the proposal at the next Board of County Commissioners meeting, to hear testimony from the public and for the Board of County Commissioners to determine the legal sufficiency of the petition.>>

## **Issue No. 8 – Runoff Elections**

### **Background**

The Miami-Dade County Home Rule Charter states that “if no candidate [for County Commissioner] 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.” However, the Charter is silent as to whether a runoff election is required where a candidate for Mayor or County Commissioner becomes unopposed due to withdrawal, disqualification, or death following a general election but prior to the runoff election.

This proposal would provide that in such circumstances, no election needs to be held, which would eliminate uncertainty as to whether votes cast for a withdrawn/disqualified/deceased candidate will be counted, and spare taxpayers the seemingly unnecessary expense of a runoff election where there is only an unopposed candidate.

### **Recommendation**

The names of unopposed candidates for Mayor and County Commissioners shall not appear on the runoff election ballot and a runoff election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. No votes cast in favor of any candidate who

withdraws or becomes disqualified or deceased prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

*Motion passed (unanimous)*

### **Amendment Language**

SECTION 3.01. - ELECTION AND COMMENCEMENT OF TERMS OF MAYOR AND COUNTY COMMISSIONERS.

The names of unopposed candidates for Mayor and County Commissioners shall not appear on the runoff election ballot and a runoff election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. No votes cast in favor of any candidate who withdraws or becomes disqualified or deceased prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

## **Failed Recommendations**

Throughout the review process, the Task Force proposed various recommendations that failed. Although the Task Force proposed various changes to the Charter that failed, the failed recommendations listed below are those that were memorialized and presented as formal amendments.

### **Commissioner Compensation**

#### **Proposal**

The Charter should be amended to provide that each County Commissioner serve in a full-time capacity and not be entitled to any outside employment for compensation. Each County Commissioner shall receive an annual salary that shall not exceed fifty percent (50%) of the annual allowable salary of the Mayor in the same 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.

*Failed for lack of motion*

#### **Recommendation**

The Charter should be amended to provide that each County Commissioner receive a salary of \$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.

*Motion failed (4-4)*

### **Organization of Commission and Commission Committees**

#### **Proposal**

The County Commission should have a more County-wide perspective that cannot be obtained by solely relying on single member district elections. To inject a more County-wide prospective, the Chairperson and Vice-Chairperson of the County Commission should be elected at a Countywide election every two years. All County Commissioners serving in the second half of their term shall become eligible for such election with the commissioner receiving the highest vote becoming Chairperson for the next two years and the commissioner receiving the second highest vote total becoming the Vice-Chairperson for the next two years. The Chairperson shall be responsible for presiding over commission meetings and shall establish all standing committees, special committees and ad hoc committees and shall appoint their membership.

*Motion failed (3-5)*

## **Election and Commencement of Terms for County Commissioners**

### **Proposal**

The Charter should be amended to provide that when commissioners are elected from their districts in the primary election, the names of all other commissioners would be placed on every ballot Countywide in a merit retention format: "Shall County Commissioner A be retained in office?" If a majority votes "YES" the commissioner serves the remaining two years of his or her term. If a majority votes "NO" the Charter will provide for an election in that commissioner's district, to be held at the general election, for a commissioner to serve the remaining two years. The commissioner listed on the merit retention ballot would still be eligible to qualify and run. This proposal: (1) encourages and rewards commissioners for dedication to Countywide issues; (2) gives all Miami-Dade voters an investment in the commission as a whole; and (3) preserves the central theme of district elections--only voters within a district elect their commissioner.

*Failed for lack of motion*

## **Creation of an Independent Department of Procurement**

### **Proposal**

The Charter should be amended to create an independent department of procurement management. The director of such department will be appointed by the Mayor subject to the approval of a majority of the Commission and may be disciplined or terminated by the Mayor of a majority of the Commission. In the event the Mayor disciplines or terminates the director of the department of procurement management, the Commission may overturn such decision by a 2/3 vote of those members in office at the next regularly scheduled meeting. The department shall be responsible for the solicitation of all contracts in excess of one million dollars or such other amount as set by the Commission. The Board may approve the director's recommendation to award contracts or reject all bids by majority vote, but, if the Board desires to take any other action, a two-thirds vote shall be required. The director of the department of procurement management shall also recommend all waivers of the competitive process to the Commission.

*Failed for lack of motion*

## **Municipal Powers**

### **Proposal**

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens. The municipal

governing body makes the ultimate determination as to whether a particular municipal law or regulation provides for a higher standard under this section.

*Failed for lack of motion*

## **County Utilities**

### **Proposal**

The Charter should be amended to allow the County to operate, or contract with another entity to operate a light, power or telephone utility to provide service to County or any other governmental entity owned or operated facilities without a supermajority vote of the County Commission or approval of the electorate.

*Motion failed (4-4)*

## **Vehicles for Hire**

### **Proposal**

The Miami-Dade County Home Rule Charter currently empowers the Board of County Commissioners to license and regulate “taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the county.” The proposed amendment would have specifically referenced rideshare services.

*Motion failed (3-5)*



## **No Proposals Proffered**

In reviewing the County Charter the Task Force, no motions were made to amend the Charter as relates to the following.

### **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**

In studying the current and past forms of government in Miami-Dade County, the Task Force was provided supplemental information, data and research on multiple forms of government that exist throughout various jurisdictions. Specifically, the Task Force was provided the following:

- Survey on County Form of Government by the International City/County Management Association (Appendix M)
- Model County Charter by the National Civic League (Appendix N)
- Outlines of Charter provisions relating to the powers and responsibilities of the County Mayor and Board of County Commissioners (Appendix O)
- Comparative analysis of the powers and responsibilities of the County Mayor, Board of County Commissioners and Commission Auditor (see Appendix J)
- Comparative analysis of the forms of government and structure of Miami-Dade County, Newark, New Jersey; Philadelphia, Pennsylvania; and Washington, D.C. (Appendix P)

### **Whether the Charter should be amended as it relates to the County's Urban Development Boundary**

During the October 30, 2017, Charter Review Task Force meeting, Jerry Bell, Assistant Director for Planning in the Department of Regulatory and Economic Resources, gave a presentation to the Task Force members on the Urban Development Boundary (Appendix Q).

No motions were made to amend the provisions of the Charter that relate to the Urban Development Boundary.

### **Whether the Charter should be amended as relates to the budget process and the organization and function of the Department of Finance**

The Task Force was provided supplemental information relating to the current budget process and the organization and function of the Department of Finance. Additionally, several presentations were made by County staff outlining the current framework for the County budget and procurement process. Specifically, the Task Force was provided the following information:

- Comparative analysis of budget and procurement responsibilities in Miami-Dade County, Newark, New Jersey; Philadelphia, Pennsylvania; and Washington, D.C. (See Appendix P).
- Procurement Reform Advisory Board (PRAB) Final Report (2006) (Appendix R)
- Presentation by Namita Uppal, Chief Procurement Officer, of the Internal Services Department on overview of the current procurement process (Appendix S)
- Presentation by Deputy Mayor Edward Marquez on the current structure and function of the Finance Department (Appendix T)
- Presentation by Jennifer Moon on the budget process (Appendix U)
- Presentation by Neil Singh, Interim Commission Auditor, on the Commission Auditor's participation in the budget process

The Task Force considered and debated the following issues relating to the budget process, the organization and function of the Department of Finance and the procurement process:

- Placing the Budget Office under the County Commission.
- Placing the Department of Finance under the County Commission.
- Expanding the Office of the Commission Auditor to include a Budget Office, noting the importance of the County Commission to create their own budget.
- Moving up the timeline for the Mayor to submit the draft budget.
- Providing for the County's Budget Director to be appointed by the County Commission.
- Establishment of a County Commission budget committee with dedicated staff.
- Propose that the Commission Auditor submit a draft budget to the County Commission by July 15<sup>th</sup> of each year.
- The Finance Department be organized under the direction and discretion of the County Commission, noting that the Commission should formulate the County budget.

## Conclusion

Every five years, this Task Force is charged with reviewing the Miami-Dade County Home Rule Charter, and recommending changes, if necessary. As technology and the needs of residents evolve, this review process allows our residents the opportunity to determine how the Charter can be amended to better align our County with current times and issues. The Task Force successfully concluded its evaluation of the Charter, and respectfully submits these recommendations for the Board's consideration.

This work could not have been performed without the professional support of staff from the County Mayor's Office, County Attorney's Office and Clerk of the Board. In addition, we also thank staff from various County departments, including the Communications Department, the Board's Media team, Office of Strategic Business Management, Office of Management and Budget, Regulatory and Economic Resources Department and the Internal Services Department.

Finally, this process is only successful when the public participates and makes it their own. The Task Force appreciates public interest in this work and comments received via email, the website and social media, and at each meeting.

## Appendix

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# Appendix A

## Charter Review Task Force Appointments

Member	Appointment
Anna-Bo Emmanuel <i>(Previously George M. Burgess)</i>	District 1 – Commissioner Barbara J. Jordan
Jeff P. H. Cazeau	District 2 – Commissioner Jean Monestime
Alice Burch	District 3 –Vice Chairwoman Edmonson
Neisen Kasdin	District 4 – Commissioner Sally A. Heyman
Alfredo J. Gonzalez	District 5 – Commissioner Bruno A. Barreiro
Carlos-Diaz Padron	District 6 – Commissioner Rebeca Sosa
Mike Valdes-Fauli	District 7 – Commissioner Xavier Suarez
Robert Cuevas	District 8 – Commissioner Daniella Levine Cava
Marlon Hill	District 9 – Commissioner Dennis C. Moss
Vacant	District 10 – Commissioner Javier D. Souto
Vacant <i>(Previously Maurice Ferre)</i>	District 11 – Commissioner Joe A. Martinez
Maria Lievano-Cruz	District 12 – Commissioner Jose “Pepe” Diaz
Paul Hernandez <i>(Previously Luis E. Gonzalez)</i>	District 13 – Chairman Esteban L. Bovo, Jr.
Forrest Andrews <i>(Previously Eric Zichella)</i>	Miami-Dade Delegation Chairman

## **Charter Review Task Force Staff**

### **Mayor's Office:**

Nicole Tallman  
Director, Policy and Legislative Affairs

Patricia Flor  
Senior Policy Analyst, Policy and Legislative Affairs

### **County Attorney's Office:**

Oren Rosenthal  
Michael Valdes  
Monica Rizo  
Abbie Schwaderer-Raurell

### **Clerk of the Board:**

Christopher Agrippa  
Director, Clerk of the Courts

Alan Eisenberg  
Commission Reporter, Clerk of the Courts

# Appendix B



# THE CHARTER REVIEW TASK FORCE

## NEEDS YOUR INPUT ON THE MIAMI-DADE COUNTY CHARTER

Do you have ideas on term limits, commissioner compensation, nonpartisan elections, and more? Share your thoughts at the first #CRTF2017 Regional Public Meeting.

MONDAY, **November 13, 2017** AT 6 p.m.

South Dade Regional Library

10750 SW 211th Street • Cutler Bay, FL 33189

For more information, visit [www.miamidade.gov/charter](http://www.miamidade.gov/charter)  
Find Miami-Dade County on   @MiamiDadeCounty



# THE CHARTER REVIEW TASK FORCE

## NEEDS YOUR INPUT ON THE MIAMI-DADE COUNTY CHARTER

Do you have ideas on term limits, commissioner compensation, nonpartisan elections, and more? Share your thoughts at the next **#CRTF2017** Regional Public Meeting.

TUESDAY, **November 28, 2017** AT 6 p.m.

Doral City Hall

8401 NW 53rd Terrace • Doral, FL 33166

For more information, visit [www.miamidade.gov/charter](http://www.miamidade.gov/charter)  
Find Miami-Dade County on   @MiamiDadeCounty





# THE CHARTER REVIEW TASK FORCE

## NEEDS YOUR INPUT ON THE MIAMI-DADE COUNTY CHARTER

Do you have ideas on term limits, commissioner compensation, nonpartisan elections, and more? Share your thoughts at the next **#CRTF2017** Regional Public Meeting.

MONDAY, **December 4, 2017** AT 6 p.m.

North Dade Regional Library

2455 NW 183rd Street • Miami Gardens, FL 33056

For more information, visit [www.miamidade.gov/charter](http://www.miamidade.gov/charter)  
Find Miami-Dade County on   @MiamiDadeCounty





# THE CHARTER REVIEW TASK FORCE

## NEEDS YOUR INPUT ON THE MIAMI-DADE COUNTY CHARTER

You can share your thoughts during the next **#CRTF2017** Regional Public Meeting in three ways: Attend in person, call **305-375-5771**, or share your comments with the Task Force via the **@MiamiDadeBCC** Facebook Livestream. Phone lines will open at 6 p.m.

MONDAY, **December 11, 2017** AT 6 p.m. (VIRTUAL PUBLIC MEETING)  
Stephen P. Clark Center, 2nd Floor - Commission Chamber  
111 NW 1st Street • Miami, FL 33128

For more information, visit [www.miamidade.gov/charter](http://www.miamidade.gov/charter)  
Find Miami-Dade County on   **@MiamiDadeCounty**



# Appendix C

## Social Media Blurbs

“Have a say in how #OurCounty works. Go to the next Charter Review Task Force meeting, Mon., Oct. 30 at the Stephen P. Clark Ctr. #CRTF2017”

“The next meeting of the Charter Review Task Force will be held on Monday, October 16th at 6:00 p.m. to discuss (1) the procurement process, (2) the structure, organization, compensation and terms of the County Commission, (3) the election process and (4) proposed dates for regional public meetings. #CRTF2017

To share your feedback with the #CRTF2017 members, please visit:  
<http://www.miamidade.gov/charter/contact.asp>”

“The Charter Review Task Force Meeting is going live today, Oct. 30 at 6 p.m. on Facebook. Tune in. #CRTF2017”

“Did you miss the Oct. 30 Charter Review Task Force Meeting? Watch the video archive.”

“Read what you missed. The minutes of the Oct. 30 Charter Review Task Force Meeting are now available. #CRTF2017”

“Read what you missed. The minutes of the Oct. 30 Charter Review Task Force Meeting are now available. #CRTF2017”

# Appendix D

**Salaries of  
Elected County Constitutional Officers  
and School District Officials  
for Fiscal Year 2017-18**

**September 2017**

**The Florida Legislature's  
Office of Economic and Demographic Research**







## **Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-18**

### **Summary:**

The practice of determining the compensation of Florida's county constitutional officers by state law was sanctioned by the Constitution of 1885 and has been maintained since the 1968 constitutional revision.<sup>1</sup> However, it was not until 1973 that the Legislature authorized the salary compensation formula that was the precursor to its present form.<sup>2</sup> Prior to that legislation, the authorization of changes to county officers' compensation required frequent legislative action. A summary of these historical constitutional provisions and general law amendments can be found in this report's appendix.

In expressing its intent, the Legislature determined that a uniform salary law was needed to replace the previous local law method of determining compensation, which was haphazard, preferential, inequitable, and probably unconstitutional.<sup>3</sup> In addition, the Legislature intended to provide for uniform compensation of county officers having substantially equal duties and responsibilities and basing these uniform salary schedules on countywide population. Furthermore, in acknowledging the Legislature's stated intent for uniformity, Florida's Attorney General opined in 2008 that a sheriff could not voluntarily reduce his or her salary below that established by law.<sup>4</sup> However, in 2009, the Legislature authorized district school board members and elected school superintendents to reduce their salaries on a voluntary basis.<sup>5</sup> Furthermore, in 2011, the Legislature authorized county commissioners, clerks of circuit court, county comptrollers, sheriffs, supervisors of elections, property appraisers, and tax collectors to voluntarily reduce their salaries.<sup>6</sup>

The statutory salary provisions apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter, as well as those officials of counties that have a chartered consolidated form of government as provided in Chapter 67-1320, L.O.F., (i.e., Duval County).<sup>7</sup> The adoption of a charter provides the county's electors with a mechanism to fundamentally alter the form of county government and the status of constitutional officers.<sup>8</sup> Salaries have been computed for all officers of charter counties and are provided for reference purposes even though the statutorily-calculated figures may not be applicable.

The current salary formula methodology specifies that the latest official population census counts or intercensal estimates for the years between decennial censuses serve as a major component of the salary computation. In addition to the population figures, the salary formula contains five other components. The *base salary* and *group rate* components for the separate officers are specified in various sections of Chapter

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1. Section 5, Art. II, State Constitution.

2. Chapter 73-173, L.O.F.

3. Section 145.011, F.S.

4. Florida Attorney General Opinion 2008-28 available at <http://myfloridalegal.com/ago.nsf/Opinions>.

5. Chapters 2009-3 and 2009-59, L.O.F.

6. Chapter 2011-158, L.O.F.

7. Section 145.012, F.S.

8. According to the Florida Association of Counties, Florida's charter counties and their respective year of charter adoption are as follows: Alachua (1987), Brevard (1994), Broward (1975), Charlotte (1986), Clay (1991), Columbia (2002), Duval (1968), Hillsborough (1983), Lee (1996), Leon (2002), Miami-Dade (1957), Orange (1987), Osceola (1992), Palm Beach (1985), Pinellas (1980), Polk (1998), Sarasota (1971), Seminole (1989), Volusia (1971) and Wakulla (2008) available at <http://www.fl-counties.com/about-floridas-counties/charter-county-information>.

145, F.S., for elected county officers and Chapter 1001, F.S., for elected school district officials.<sup>9</sup> The *initial factor* component is currently set in law as a constant numerical value.<sup>10</sup> The Florida Department of Management Services (DMS) annually certifies the remaining two components, the *annual factor* and *cumulative annual factor*, used in the salary formula calculations.<sup>11</sup> Traditionally, this annual certification has occurred in late summer, typically during the month of August or September.<sup>12</sup>

Prior to 1984, the Florida Department of Community Affairs calculated salaries for county constitutional officers; however, that authority was deleted from law during the 1984 legislative session.<sup>13</sup> From 1985 through 2009, the former Legislative Committee on Intergovernmental Relations continued the annual salary calculations for county constitutional officers and elected school officials as a service to governmental units. Since 2010, the Legislature's Office of Economic and Demographic Research (EDR) has made the annual calculations. Since the EDR is not required by law to perform these calculations, county government and school district officials are encouraged to independently verify the salaries of their respective elected officials.

#### **General Law Amendments Affecting Elected County and School District Officers' Compensation:**

There were no general amendments resulting from the 2017 Regular and Special Legislative Sessions.

#### **Definition of Terms Relevant to the Current Statutory Formula:**

*Population* means the latest annual determination of population of local governments produced by the EDR and provided to the Governor's Office in accordance with s. 186.901, F.S.<sup>14</sup> For the years between decennial censuses, the University of Florida's Bureau of Economic and Business Research (BEBR) generates annual population estimates for local governments, in accordance with a contract administered by the EDR. *Salary* means the total annual compensation, payable under the schedules set forth in Chapter 145, F.S., to be paid to an officer as personal income.<sup>15</sup> *Annual Factor* means 1 plus the lesser of either: 1) the average percentage increase in the salaries of state career service employees for the current fiscal year as determined by the DMS or as provided in the General Appropriations Act; or 2) 7 percent.<sup>16</sup> *Cumulative Annual Factor* means the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.<sup>17</sup> *Initial Factor* means a factor of 1.292, which is the product, rounded to the nearest thousandth, of an earlier cost-of-living increase factor authorized by Chapter 73-173, L.O.F., and intended by the Legislature to be preserved in adjustments to salaries made prior to the enactment of Chapter 76-80, L.O.F., multiplied by the annual increase factor authorized by Chapter 79-327, L.O.F.<sup>18</sup>

#### **Salary Computation Methodology:**

STEP 1 of the salary computation involves the determination of the relevant population group number for the elected officer based on the countywide population. **Table 1** lists the official 2016 county population estimates used to compute the 2017-18 salaries.

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9. Sections 145.031, 145.051, 145.071, 145.09, 145.10, 145.11, 1001.395, 1001.47, F.S.

10. Section 145.19(1)(c), F.S.

11. Section 145.19(2), F.S.

12. The letter from the Department of Management Services' Division of Human Resource Management, which certified the annual factor and cumulative annual factor for the 2017-18 fiscal year, was dated August 31, 2017. (Letter on file with the EDR.)

13. Chapter 84-241, L.O.F.

14. Section 145.021(1), F.S.

15. Section 145.021(2), F.S.

16. Section 145.19(1)(a), F.S.

17. Section 145.19(1)(b), F.S.

18. Section 145.19(1)(c), F.S.

Two sets of countywide population ranges are used to determine the salaries of the elected officers. One set applies to the clerk of circuit court, county comptroller (if applicable), tax collector, property appraiser, supervisor of elections, sheriff, and school superintendent. The second set applies only to county commissioners and school board members. Each population range has an assigned population group number.

STEP 2 of the salary computation involves the determination of the relevant base salary and group rate that corresponds to the population group number determined in the first step. **Table 2** displays the applicable sets of population ranges, base salaries, and group rates, which correspond to each population group number.

STEP 3 involves computing the salaries of elected county officers using the following formula.

$$\text{Salary} = [ \text{Base Salary} + ( \text{Population Above Group Minimum} \times \text{Group Rate} ) ] \times \\ \text{Initial Factor} \times \text{Certified Annual Factor} \times \text{Certified Cumulative Annual Factor}$$

**Sample Computation of Salary:**

Alachua County's Clerk of Circuit Court, Property Appraiser, Supervisor of Elections, and Tax Collector

2016 Population Estimate:	257,062
Group Number (IV) Minimum:	200,000
Corresponding Base Salary (i.e., Group IV):	\$30,175
Corresponding Group Rate (i.e., Group IV):	0.01575
Initial Factor:	1.292
Certified Annual Factor:	1.0413
Certified Cumulative Annual Factor:	3.3034

$$\text{Salary} = [ \$30,175 + [(257,062 - 200,000) \times 0.01575] ] \times 1.292 \times 1.0413 \times 3.3034 = \$138,102$$

**Salaries of Elected County Constitutional Officers:**

**Table 3** displays the salaries for the county constitutional officers calculated pursuant to the statutory formula. As previously mentioned, these salaries apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter, as well as those officials of counties that have a chartered consolidated form of government as provided in Chapter 67-1320, L.O.F., (i.e., Duval County). The formula-based salaries of supervisors of elections are based upon a five-day workweek; however, if a supervisor does not keep his or her office open five days per week then the salary is prorated accordingly.<sup>19</sup> The EDR's calculation of each supervisor of elections' salary is based on the assumption of a five-day workweek and does not reflect any applicable pro rata reduction. Each elected county constitutional officer may reduce his or her salary rate on a voluntary basis; however, the salary figures published in this report do not reflect any such voluntary reductions.<sup>20</sup> Additionally, these salary figures do not include any special qualification salary (discussed in the section entitled *Additional Compensation*), which may be awarded to eligible officers.

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19. Sections 145.09(2), F.S.

20. Sections 145.031(3), 145.051(3), 145.071(3), 145.09(4), 145.10(3), 145.11(3), F.S.

### **Salaries of Elected School Superintendents and School Board Members:**

**Table 3** also displays the salaries for the school superintendents and school board members calculated pursuant to the statutory formula. The formula-based salary computation is made for each school district's superintendent and included in the table even though the statutory provisions apply only to elected superintendents. Additionally, the salary figures do not include any special qualification salary, performance salary incentive, or district school board-approved salary (each discussed in the section entitled *Additional Compensation*), which may be awarded to eligible elected school superintendents. Each elected school board member and school superintendent may also reduce his or her salary rate on a voluntary basis; however, the salary figures published in this report do not reflect any such voluntary reductions.<sup>21</sup>

### **Effective Date of Salary Changes:**

Elected county and school officers' salaries are adjusted annually pursuant to law, but the law fails to specify the effective date of these annual changes.<sup>22</sup> Florida's county governments operate on the October 1<sup>st</sup> to September 30<sup>th</sup> local fiscal year, while Florida's school districts operate on the July 1<sup>st</sup> to June 30<sup>th</sup> state fiscal year. In an attempt to clarify this uncertainty, Florida's Attorney General opined that salary increases are effective October 1<sup>st</sup> for the elected county officers and July 1<sup>st</sup> for the elected school district officials.<sup>23</sup>

### **Additional Compensation:**

Select county constitutional officers are eligible to receive a special qualification salary of up to \$2,000 added to their formula-based salary; however, the officer must first successfully complete the required certification program.<sup>24</sup> Any officer becoming certified during a calendar year receives in that year a pro rata share of the special qualification salary based on the remaining period of the year. Any special qualification salary is added after the calculation of the formula-based salary.

Certification programs are offered to the clerks of circuit court, sheriffs, supervisors of elections, property appraisers, tax collectors, and elected school superintendents, and the officer is required to complete a course of continuing education to remain certified.<sup>25</sup> The following state agencies prescribe the courses of continuing education: the Supreme Court for clerks of circuit court; the Department of Law Enforcement for sheriffs; the Department of State's Division of Elections for supervisors of elections; the Department of Revenue for property appraisers and tax collectors; and the Department of Education for elected school superintendents.

In addition to the special qualification salary for elected school superintendents, the Department of Education also provides a leadership development and performance compensation program, which consists of two phases: a content, knowledge, and skills phase; and a competency acquisition phase.<sup>26</sup> Upon successful completion of both phases and demonstrated successful performance, the school superintendent is issued a Chief Executive Officer Leadership Development Certificate and given an annual performance salary incentive of not less than \$3,000 nor more than \$7,500 based upon his or her performance evaluation. For elected school superintendents, current law also provides that a district school board may approve, by majority vote, a salary in excess of the formula-based amount.<sup>27</sup>

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21. Sections 1001.395(2), 1001.47(6), F.S.

22. Section 145.19(2), F.S.

23. Florida Attorney General Opinion 79-87.

24. Section 145.19(2), F.S.

25. Sections 145.051(2), 145.09(3), 145.10(2), 145.11(2), 1001.47(4), F.S.

26. Section 1001.47(5), F.S.

27. Section 1001.47(1), F.S.

**Payment of Group Insurance Premiums or Charges:**

Current law authorizes the payment of premiums or charges for group insurance for those county officers whose compensation is fixed by Chapter 145, F.S.<sup>28</sup> All or any portion of the payment of the costs of life, health, accident, hospitalization, or annuity insurance for county officers, as authorized in s. 112.08, F.S., is not deemed to be compensation within the purview of Chapter 145, F.S.<sup>29</sup>

**Role of the EDR:**

As previously mentioned, the EDR has continued the annual calculations of elected county constitutional officers and school district officials' salaries as a service to interested parties. No legislative entity is under statutory obligation to perform these annual calculations; therefore, county government and school district officials are encouraged to independently compute the salaries of their own elected officers in order to verify the salary figures published in this report.

Beyond making the formula-based salary calculations and publishing this annual report, the EDR does not collect any of the following information: 1) the salary figures of those officers whose salaries are not set pursuant to the statutory formula; 2) the salary figures of those officers choosing to voluntarily reduce their salary; 3) a listing of county constitutional officers and elected school superintendents receiving any special qualification salary and the amounts of those supplemental awards; 4) a listing of elected school superintendents receiving any performance salary incentive or district school board-approved salary and the amounts of those supplemental awards; and 5) the amounts of any group insurance premiums or charges paid on behalf of those county officers whose compensation is fixed by law. Persons interested in obtaining such figures should contact the county government or school district directly.

**Florida Attorney General Opinions:**

Florida's Attorney General has issued the following legal opinions relevant to the salary issue.

<u>Opinion #</u>	<u>Subject</u>
2008-28	Sheriff – voluntary reduction of salary
99-63	Clerk, fees imposed on county commission
93-94	Class C travel and mileage reimbursements
93-31	Fee officer's salary
91-68	Florida Retirement System
82-68	Salary incentive benefits for sheriff
81-45	Ch. 80-377; school boards
79-87	County officers' salary adjustments
79-66	Salary of county officer, deficiency
78-159	Payment of clerk's social security benefits
77-131	School board members, group insurance purchase
76-157	Sheriffs and financial reports
75-241	Investment income as interest
75-147	Public funds for group life insurance
74-184	Changes in salaries and county population
74-177	Calculating filing fees for candidates

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28. Section 112.14, F.S.

29. Section 145.131(3), F.S.

The full texts of those opinions are available via the searchable online database of legal opinions.<sup>30</sup> Local government officials seeking more clarification should review the opinions in their entirety. The reader should keep the date of the opinion in mind when reviewing its relevance to current law or any interpretations that have been articulated in Florida case law.

**Salaries of Other Elected State Officials and Full-Time Members of Commissions:**

The salaries of Florida's elected state officials and full-time members of commissions are not set by a statutory salary formula, but are set annually in the General Appropriations Act and may be reduced on a voluntary basis.<sup>31</sup> Listed below are the salaries of those elected officials and commission members, effective July 1, 2017, which do not reflect any voluntary reductions.

<b>Elected State Officials and Full-Time Commission Members</b>	<b>Salary</b>
Governor	\$ 130,273
Lieutenant Governor	\$ 124,851
Chief Financial Officer	\$ 128,972
Attorney General	\$ 128,972
Commissioner of Agriculture	\$ 128,972
Supreme Court Justice	\$ 162,200
Judges - District Court of Appeal	\$ 154,140
Judges - Circuit Courts	\$ 146,080
Judges - County Courts	\$ 138,020
State Attorneys	\$ 154,140
Public Defenders	\$ 154,140
Commissioner-Public Service Commission	\$ 131,036
Public Employees Relations Commission Chair	\$ 96,789
Public Employees Relations Commission Commissioners	\$ 45,862
Commissioner-Parole and Probation	\$ 91,724
Criminal Conflict and Civil Regional Counsels	\$ 105,000

Effective October 1, 2017, the annual rates of compensation for certain state officials will increase.<sup>32</sup>

Supreme Court Justice	\$ 178,420
Judges - District Court of Appeal	\$ 169,554
Judges - Circuit Courts	\$ 160,688
Judges - County Courts	\$ 151,822
State Attorneys	\$ 169,554
Public Defenders	\$ 169,554
Commissioner-Public Service Commission	\$ 132,036
Public Employees Relations Commission Chair	\$ 97,789
Public Employees Relations Commission Commissioners	\$ 46,362
Commissioner-Parole and Probation	\$ 92,724
Criminal Conflict and Civil Regional Counsels	\$ 115,000

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30. <http://myfloridalegal.com/ago.nsf/Opinions>

31. Section 8 of Chapter 2017-70, L.O.F.

32. Section 17 of Chapter 2017-88, L.O.F.

The annual salaries of members of the Florida Senate and House of Representatives are set as a fixed dollar amount, but current law includes a provision for annual adjustment on July 1<sup>st</sup> based on the average percentage increase in the salaries of state career service employees for the fiscal year just concluded.<sup>33</sup> However, notwithstanding the provisions of s. 11.13(1), F.S., the authorized salaries of state legislators for the 2016-17 fiscal year are set at the same level in effect on July 1, 2010.<sup>34</sup> Consequently, the 2017-18 salaries for the Senate President and House Speaker are \$41,181 each, and the salaries for all other Senate and House members are \$29,697 each.

**Availability of Historical Salary Data:**

Several compilations of prior years' salary data are available.<sup>35</sup>

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33. Section 11.13(1), F.S.

34. Section 54 of Chapter 2017-71, L.O.F.

35. <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/s-z.cfm>



Table 1 Florida's 2016 County Population Estimates			
County	Population	County	Population
Alachua	257,062	Lee	680,539
Baker	26,965	Leon	287,671
Bay	176,016	Levy	40,553
Bradford	27,440	Liberty	8,736
Brevard	568,919	Madison	19,238
Broward	1,854,513	Manatee	357,591
Calhoun	14,580	Marion	345,749
Charlotte	170,450	Martin	150,870
Citrus	143,054	Miami-Dade	2,700,794
Clay	205,321	Monroe	76,047
Collier	350,202	Nassau	77,841
Columbia	68,566	Okaloosa	192,925
DeSoto	35,141	Okeechobee	40,806
Dixie	16,773	Orange	1,280,387
Duval	923,647	Osceola	322,862
Escambia	309,986	Palm Beach	1,391,741
Flagler	103,095	Pasco	495,868
Franklin	11,916	Pinellas	954,569
Gadsden	48,486	Polk	646,989
Gilchrist	16,848	Putnam	72,972
Glades	13,047	St. Johns	220,257
Gulf	16,628	St. Lucie	292,826
Hamilton	14,665	Santa Rosa	167,009
Hardee	27,637	Sarasota	399,538
Hendry	38,370	Seminole	449,124
Hernando	179,503	Sumter	118,577
Highlands	101,531	Suwannee	44,349
Hillsborough	1,352,797	Taylor	22,478
Holmes	20,003	Union	15,887
Indian River	146,410	Volusia	517,411
Jackson	50,345	Wakulla	31,599
Jefferson	14,498	Walton	62,943
Lafayette	8,621	Washington	24,888
Lake	323,985	<b>Florida Total</b>	<b>20,148,654</b>
Data Source: "Florida Estimates of Population 2016" Bureau of Economic and Business Research, University of Florida.			

**Table 2**  
**Salary Computation Statistics**

<b>Elected County Constitutional Officers</b>	<b>Population Group Numbers</b>	<b>County Population Range</b>		<b>Base Salary</b>	<b>Group Rate</b>
		<b>Minimum</b>	<b>Maximum</b>		
Clerk of Circuit Court	I	0	49,999	\$21,250	0.07875
Comptroller	II	50,000	99,999	\$24,400	0.06300
Property Appraiser	III	100,000	199,999	\$27,550	0.02625
Supervisor of Elections	IV	200,000	399,999	\$30,175	0.01575
Tax Collector	V	400,000	999,999	\$33,325	0.00525
ss. 145.051, 145.09, 145.10, and 145.11, F.S.	VI	1,000,000		\$36,475	0.00400
Sheriff	I	0	49,999	\$23,350	0.07875
s. 145.071, F.S.	II	50,000	99,999	\$26,500	0.06300
	III	100,000	199,999	\$29,650	0.02625
	IV	200,000	399,999	\$32,275	0.01575
	V	400,000	999,999	\$35,425	0.00525
	VI	1,000,000		\$38,575	0.00400
County Commissioners	I	0	9,999	\$4,500	0.150
s. 145.031, F.S.	II	10,000	49,999	\$6,000	0.075
	III	50,000	99,999	\$9,000	0.060
	IV	100,000	199,999	\$12,000	0.045
	V	200,000	399,999	\$16,500	0.015
	VI	400,000	999,999	\$19,500	0.005
	VII	1,000,000		\$22,500	0.000
<b>Elected School District Officials</b>	<b>Population Group Numbers</b>	<b>County Population Range</b>		<b>Base Salary</b>	<b>Group Rate</b>
		<b>Minimum</b>	<b>Maximum</b>		
School Superintendent	I	0	49,999	\$21,250	0.07875
s. 1001.47, F.S.	II	50,000	99,999	\$24,400	0.06300
	III	100,000	199,999	\$27,550	0.02625
	IV	200,000	399,999	\$30,175	0.01575
	V	400,000	999,999	\$33,325	0.00525
	VI	1,000,000		\$36,475	0.00400
School Board Members	I	0	9,999	\$5,000	0.083300
s. 1001.395, F.S.	II	10,000	49,999	\$5,833	0.020830
	III	50,000	99,999	\$6,666	0.016680
	IV	100,000	199,999	\$7,500	0.008330
	V	200,000	399,999	\$8,333	0.004165
	VI	400,000	999,999	\$9,166	0.001390
	VII	1,000,000		\$10,000	0.000000

Note: This table reflects the statutory change enacted by Chapter 2016-157, Laws of Florida, which made the base salaries and group rates used to calculate a supervisor of election's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, county comptrollers, property appraisers, and tax collectors.

**Table 3**  
**Finalized Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-18**  
**Pursuant to the Salary Formula in Chapter 145, Florida Statutes**  
**See Table Notes for Additional Clarification**

		Elected County Constitutional Officers						Elected School District Officials	
County		Clerk of Circuit Court	Property Appraiser	Supervisor of Elections	Tax Collector	Sheriff	County Commissioners	School Superintendent	School Board Members
Alachua	c	\$ 138,102	\$ 138,102	\$ 138,102	\$ 138,102	\$ 147,435	\$ 77,135	\$ 138,102	\$ 38,091
Baker	e	\$ 103,879	\$ 103,879	\$ 103,879	\$ 103,879	\$ 113,212	\$ 32,321	\$ 103,879	\$ 27,494
Bay	e	\$ 131,309	\$ 131,309	\$ 131,309	\$ 131,309	\$ 140,643	\$ 68,535	\$ 131,309	\$ 36,147
Bradford	e	\$ 104,046	\$ 104,046	\$ 104,046	\$ 104,046	\$ 113,379	\$ 32,479	\$ 104,046	\$ 27,538
Brevard	c	\$ 152,048	\$ 152,048	\$ 152,048	\$ 152,048	\$ 161,382	\$ 90,418	\$ 152,048	\$ 41,780
Broward	c	\$ 177,298	\$ 177,298	\$ 177,298	\$ 177,298	\$ 186,631	\$ 99,997	\$ 177,298	\$ 44,443
Calhoun	e	\$ 99,545	\$ 99,545	\$ 99,545	\$ 99,545	\$ 108,878	\$ 28,193	\$ 99,545	\$ 26,348
Charlotte	c	\$ 130,660	\$ 130,660	\$ 130,660	\$ 130,660	\$ 139,993	\$ 67,422	\$ 130,660	\$ 35,941
Citrus	e	\$ 127,464	\$ 127,464	\$ 127,464	\$ 127,464	\$ 136,797	\$ 61,942	\$ 127,464	\$ 34,926
Clay	c e	\$ 134,480	\$ 134,480	\$ 134,480	\$ 134,480	\$ 143,813	\$ 73,686	\$ 134,480	\$ 37,133
Collier		\$ 144,621	\$ 144,621	\$ 144,621	\$ 144,621	\$ 153,954	\$ 83,345	\$ 144,621	\$ 39,815
Columbia	c e	\$ 113,640	\$ 113,640	\$ 113,640	\$ 113,640	\$ 122,973	\$ 44,950	\$ 113,640	\$ 31,002
DeSoto	e	\$ 106,741	\$ 106,741	\$ 106,741	\$ 106,741	\$ 116,074	\$ 35,046	\$ 106,741	\$ 28,251
Dixie	e	\$ 100,312	\$ 100,312	\$ 100,312	\$ 100,312	\$ 109,645	\$ 28,924	\$ 100,312	\$ 26,551
Duval	c	\$ 160,325	\$ 160,325	\$ 160,325	\$ 160,325	\$ 169,658	\$ 98,301	\$ 160,325	\$ 43,972
Escambia	e	\$ 141,806	\$ 141,806	\$ 141,806	\$ 141,806	\$ 151,139	\$ 80,664	\$ 141,806	\$ 39,070
Flagler		\$ 122,802	\$ 122,802	\$ 122,802	\$ 122,802	\$ 132,135	\$ 53,951	\$ 122,802	\$ 33,447
Franklin	e	\$ 98,612	\$ 98,612	\$ 98,612	\$ 98,612	\$ 107,945	\$ 27,305	\$ 98,612	\$ 26,101
Gadsden	e	\$ 111,412	\$ 111,412	\$ 111,412	\$ 111,412	\$ 120,745	\$ 39,494	\$ 111,412	\$ 29,487
Gilchrist	e	\$ 100,339	\$ 100,339	\$ 100,339	\$ 100,339	\$ 109,672	\$ 28,949	\$ 100,339	\$ 26,558
Glades	e	\$ 99,008	\$ 99,008	\$ 99,008	\$ 99,008	\$ 108,341	\$ 27,682	\$ 99,008	\$ 26,206
Gulf	e	\$ 100,262	\$ 100,262	\$ 100,262	\$ 100,262	\$ 109,595	\$ 28,875	\$ 100,262	\$ 26,537
Hamilton	e	\$ 99,575	\$ 99,575	\$ 99,575	\$ 99,575	\$ 108,908	\$ 28,221	\$ 99,575	\$ 26,356
Hardee	e	\$ 104,115	\$ 104,115	\$ 104,115	\$ 104,115	\$ 113,448	\$ 32,545	\$ 104,115	\$ 27,556
Hendry	e	\$ 107,871	\$ 107,871	\$ 107,871	\$ 107,871	\$ 117,204	\$ 36,122	\$ 107,871	\$ 28,550
Hernando		\$ 131,716	\$ 131,716	\$ 131,716	\$ 131,716	\$ 141,049	\$ 69,232	\$ 131,716	\$ 36,276
Highlands	e	\$ 122,620	\$ 122,620	\$ 122,620	\$ 122,620	\$ 131,953	\$ 53,638	\$ 122,620	\$ 33,389
Hillsborough	c	\$ 168,379	\$ 168,379	\$ 168,379	\$ 168,379	\$ 177,712	\$ 99,997	\$ 168,379	\$ 44,443
Holmes	e	\$ 101,443	\$ 101,443	\$ 101,443	\$ 101,443	\$ 110,776	\$ 30,000	\$ 101,443	\$ 26,850
Indian River		\$ 127,856	\$ 127,856	\$ 127,856	\$ 127,856	\$ 137,189	\$ 62,614	\$ 127,856	\$ 35,051
Jackson	e	\$ 108,538	\$ 108,538	\$ 108,538	\$ 108,538	\$ 117,871	\$ 40,091	\$ 108,538	\$ 29,651
Jefferson	e	\$ 99,516	\$ 99,516	\$ 99,516	\$ 99,516	\$ 108,849	\$ 28,165	\$ 99,516	\$ 26,340
Lafayette	e	\$ 97,459	\$ 97,459	\$ 97,459	\$ 97,459	\$ 106,792	\$ 25,747	\$ 97,459	\$ 25,413
Lake		\$ 142,786	\$ 142,786	\$ 142,786	\$ 142,786	\$ 152,119	\$ 81,597	\$ 142,786	\$ 39,330
Lee	c	\$ 154,653	\$ 154,653	\$ 154,653	\$ 154,653	\$ 163,986	\$ 92,898	\$ 154,653	\$ 42,470
Leon	c e	\$ 140,244	\$ 140,244	\$ 140,244	\$ 140,244	\$ 149,577	\$ 79,176	\$ 140,244	\$ 38,657
Levy	e	\$ 108,635	\$ 108,635	\$ 108,635	\$ 108,635	\$ 117,968	\$ 36,850	\$ 108,635	\$ 28,752
Liberty	e	\$ 97,499	\$ 97,499	\$ 97,499	\$ 97,499	\$ 106,833	\$ 25,823	\$ 97,499	\$ 25,456
Madison	e	\$ 101,175	\$ 101,175	\$ 101,175	\$ 101,175	\$ 110,508	\$ 29,745	\$ 101,175	\$ 26,779
Manatee		\$ 145,139	\$ 145,139	\$ 145,139	\$ 145,139	\$ 154,472	\$ 83,837	\$ 145,139	\$ 39,952
Marion	e	\$ 144,310	\$ 144,310	\$ 144,310	\$ 144,310	\$ 153,643	\$ 83,048	\$ 144,310	\$ 39,732
Martin	e	\$ 128,376	\$ 128,376	\$ 128,376	\$ 128,376	\$ 137,709	\$ 63,506	\$ 128,376	\$ 35,216
Miami-Dade	c	\$ 192,342	\$ 192,342	\$ 192,342	\$ 192,342	\$ 201,675	\$ 99,997	\$ 192,342	\$ 44,443
Monroe		\$ 115,734	\$ 115,734	\$ 115,734	\$ 115,734	\$ 125,068	\$ 46,945	\$ 115,734	\$ 31,557
Nassau	e	\$ 116,237	\$ 116,237	\$ 116,237	\$ 116,237	\$ 125,570	\$ 47,423	\$ 116,237	\$ 31,690
Okaloosa	e	\$ 133,282	\$ 133,282	\$ 133,282	\$ 133,282	\$ 142,615	\$ 71,916	\$ 133,282	\$ 36,773
Okeechobee		\$ 108,724	\$ 108,724	\$ 108,724	\$ 108,724	\$ 118,057	\$ 36,934	\$ 108,724	\$ 28,776
Orange	c	\$ 167,091	\$ 167,091	\$ 167,091	\$ 167,091	\$ 176,424	\$ 99,997	\$ 167,091	\$ 44,443
Osceola	c	\$ 142,708	\$ 142,708	\$ 142,708	\$ 142,708	\$ 152,041	\$ 81,522	\$ 142,708	\$ 39,309
Palm Beach	c	\$ 169,071	\$ 169,071	\$ 169,071	\$ 169,071	\$ 178,404	\$ 99,997	\$ 169,071	\$ 44,443
Pasco	e	\$ 150,344	\$ 150,344	\$ 150,344	\$ 150,344	\$ 159,677	\$ 88,795	\$ 150,344	\$ 41,329
Pinellas	c	\$ 161,047	\$ 161,047	\$ 161,047	\$ 161,047	\$ 170,380	\$ 98,988	\$ 161,047	\$ 44,163
Polk	c	\$ 153,870	\$ 153,870	\$ 153,870	\$ 153,870	\$ 163,203	\$ 92,153	\$ 153,870	\$ 42,262
Putnam	e	\$ 114,874	\$ 114,874	\$ 114,874	\$ 114,874	\$ 124,207	\$ 46,125	\$ 114,874	\$ 31,329
St. Johns		\$ 135,525	\$ 135,525	\$ 135,525	\$ 135,525	\$ 144,859	\$ 74,682	\$ 135,525	\$ 37,410
St. Lucie		\$ 140,605	\$ 140,605	\$ 140,605	\$ 140,605	\$ 149,938	\$ 79,520	\$ 140,605	\$ 38,753
Santa Rosa	e	\$ 130,259	\$ 130,259	\$ 130,259	\$ 130,259	\$ 139,592	\$ 66,733	\$ 130,259	\$ 35,813
Sarasota	c	\$ 148,075	\$ 148,075	\$ 148,075	\$ 148,075	\$ 157,408	\$ 86,634	\$ 148,075	\$ 40,728
Seminole	c	\$ 149,253	\$ 149,253	\$ 149,253	\$ 149,253	\$ 158,586	\$ 87,756	\$ 149,253	\$ 41,040
Sumter	e	\$ 124,608	\$ 124,608	\$ 124,608	\$ 124,608	\$ 133,941	\$ 57,047	\$ 124,608	\$ 34,020
Suwannee	e	\$ 109,964	\$ 109,964	\$ 109,964	\$ 109,964	\$ 119,297	\$ 38,115	\$ 109,964	\$ 29,104
Taylor	e	\$ 102,309	\$ 102,309	\$ 102,309	\$ 102,309	\$ 111,642	\$ 30,825	\$ 102,309	\$ 27,079
Union	e	\$ 100,002	\$ 100,002	\$ 100,002	\$ 100,002	\$ 109,335	\$ 28,628	\$ 100,002	\$ 26,469
Volusia	c	\$ 150,847	\$ 150,847	\$ 150,847	\$ 150,847	\$ 160,180	\$ 89,273	\$ 150,847	\$ 41,462
Wakulla	c e	\$ 105,501	\$ 105,501	\$ 105,501	\$ 105,501	\$ 114,834	\$ 33,865	\$ 105,501	\$ 27,923
Walton	e	\$ 112,065	\$ 112,065	\$ 112,065	\$ 112,065	\$ 121,399	\$ 43,450	\$ 112,065	\$ 30,585
Washington	e	\$ 103,152	\$ 103,152	\$ 103,152	\$ 103,152	\$ 112,486	\$ 31,628	\$ 103,152	\$ 27,302

A "c" denotes each of Florida's 20 charter counties, according to the Florida Association of Counties (FAC).

[ <http://www.fl-counties.com/charter-county-information> ]

An "e" denotes those school districts having an elected school superintendent, according to the Florida Association of District School Superintendents (FADSS).

[ <http://www.fadss.org/membership/superintendents> ]

**Table 3**  
**Finalized Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-18**  
**Pursuant to the Salary Formula in Chapter 145, Florida Statutes**  
**See Table Notes for Additional Clarification**

County	Elected County Constitutional Officers					Elected School District Officials	
	Clerk of Circuit Court	Property Appraiser	Supervisor of Elections	Tax Collector	Sheriff	County Commissioners	School Superintendent School Board Members

**Notes:**

- 1) Salary figures have been calculated by the Florida Legislature's Office of Economic and Demographic Research (EDR) pursuant to the statutory formula in Chapter 145, F.S. Although not required by law, the EDR calculates salaries of elected county constitutional officers and school district officials as a service to county governments and school districts. County and school district officials are encouraged to independently compute and verify these salary figures.
- 2) The calculated salary figures for all officers reflect the use of 2016 countywide population estimates listed in "Florida Estimates of Population 2016" published by the University of Florida's Bureau of Economic and Business Research.
- 3) These salary figures may not be applicable to those elected county officers of a chartered consolidated government or those elected officers in counties having a home rule charter, which specifies another method of salary compensation. As indicated in this table, Florida currently has 20 charter counties.
- 4) Salary figures are included for each school district's superintendent even though the salaries determined by statutory formula are applicable only to elected school superintendents. As indicated in this table, Florida currently has 41 elected school superintendents.
- 5) These salary figures do not include any special qualification salary available to eligible clerks of circuit court, property appraisers, sheriffs, supervisors of elections, and tax collectors who have completed the required certification program specified in the relevant sections of Chapter 145, F.S. Additionally, the salary figures for elected school superintendents do not include any special qualification salary and performance salary incentive available to eligible elected school superintendents who have completed the required certification programs specified in Section 1001.47, F.S.
- 6) As the result of recent statutory authorizations (i.e., Chapters 2009-3, 2009-59, and 2011-158, L.O.F.), each elected county constitutional officer and school district official may voluntarily reduce his or her salary rate. However, the salary figures listed in this table do not reflect any such voluntary reductions.
- 7) This table reflects the statutory change enacted by Chapter 2016-157, L.O.F., which made the base salaries and group rates used to calculate a supervisor of election's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, county comptrollers, property appraisers, and tax collectors.
- 8) Pursuant to law, the Florida Department of Management Services must annually certify two components of the salary formula calculation: the annual factor and cumulative annual factor. For the 2017-18 fiscal year, the certified annual factor is 1.0413 and the certified cumulative annual factor is 3.3034.

## **Appendix**

### **Summary of Relevant Constitutional Provisions and Statutory Changes**

Article III, section 27 and Article VIII, section 6 of the Florida Constitution of 1885 stated that the Legislature provides for the election of county officers and prescribes by law their powers, duties, and compensation.

Chapter 7334, 1917 Laws of Florida (L.O.F.), established by defined schedule the compensation of all county officials previously paid in whole or in part on the basis of fees or commissions.

Chapter 8497, 1921 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 9270, 1923 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 11954, 1927 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 14502, 1929 L.O.F., required fee or commission-based county officials to file itemized sworn statements showing receipts and disbursements of the office.

Chapter 14665, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, county judge, county assessor of taxes, superintendent of public instruction, tax collector, and clerk of the board of county commissioners in those counties having a population not less than 10,630 and not greater than 10,650.

Chapter 14666, 1931 L.O.F., set the annual compensation of clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and clerk of civil court and criminal court of record in those counties having a population greater than 155,000.<sup>1</sup>

Chapter 15607, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, justice of the peace, and clerk of criminal court of record in those counties having a population not less than 13,600 and not greater than 13,650.

Chapter 15608, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, and clerk of civil court and criminal court of record in those counties having a population not less than 35,000 and not greater than 45,000.

Chapter 15611, 1931 L.O.F., set the annual compensation for county judge in those counties having a population not less than 7,200 and not greater than 7,400.

Chapter 15739, 1931 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, and county judge in those counties having a population not less than 19,000 and not greater than 22,000.

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1. The title of tax assessor was subsequently changed to property appraiser per Chapter 77-102, L.O.F.

Chapter 15740, 1931 L.O.F., set the annual compensation for county judge, sheriff, clerk of circuit court, tax assessor, and tax collector in those counties having a population more than 17,650 and less than 19,000.

Chapter 15968, 1933 L.O.F., set the annual compensation for sheriff, tax assessor, tax collector, clerk of circuit court, and county judge in those counties having a population not more than 3,600 and not less than 3,400.

Chapter 15970, 1933 L.O.F., set the annual compensation for all county officials in those counties having a population not less than 18,100 and not more than 18,700.

Chapter 15971, 1933 L.O.F., set the annual compensation for county judge, sheriff, tax collector, tax assessor, justice of the peace, and constable in those counties having a population not less than 2,466 and not more than 2,500.

Chapter 15972, 1933 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and board of county commissioners in those counties having a population not less than 19,000 and not more than 22,000.

Chapter 15973, 1933 L.O.F., set the annual compensation for supervisor of registration, superintendent of public instruction, and justice of the peace in those counties having a population not less than 18,100 and not more than 18,700.

Chapter 15974, 1933 L.O.F., set the annual compensation for sheriff, clerk of circuit court, tax collector, tax assessor, county judge, clerk of county court and criminal court of record, superintendent of public instruction, supervisor of registration, members of the board of public instruction, and probation officer in those counties having a population not less than 70,000 and not more than 140,000.

Chapter 15975, 1933 L.O.F., set the annual compensation for county judge, sheriff, clerk of circuit court, superintendent of public instruction, tax assessor, tax collector, supervisor of registration, county commissioners, county board of public instruction, justice of the peace, constable, attorney for the board of county commissioners, attorney for the board of public instruction, and deputy sheriff in those counties having a population not less than 12,456 and not more than 12,900.

Chapter 15976, 1933 L.O.F., set the annual compensation for members of the board of county commissioners, members of the board of public instruction, county judge, county prosecuting attorney, and superintendent of public instruction of Jefferson County.

Chapter 15977, 1933 L.O.F., set the annual compensation for sheriff, tax collector, tax assessor, clerk of circuit court, and superintendent of public instruction in those counties having a population not less than 13,600 and not more than 13,700.

Chapter 15979, 1933 L.O.F., set the annual compensation for sheriff, clerk of circuit court, tax assessor, tax collector, county judge, clerk of criminal court of record, justice of the peace, and constable in those counties having a population not less than 49,800 and not more than 53,500.

Chapter 15980, 1933 L.O.F., set the annual compensation for superintendent of public instruction, members of the board of county commissioners, members of the board of public instruction, and supervisor of registration in those counties having a population not less than 3,400 and not more than 3,700.

Chapter 16006, 1933 L.O.F., authorized the board of county commissioners in those counties having a population not less than 13,600 and not more than 13,700 to designate the number of deputies and the compensation of deputies in the offices of the sheriff, tax collector, tax assessor, and clerk of circuit court.

Chapter 16921, 1935 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and clerk of civil and criminal court of record in those counties having a population more than 180,000.

Chapter 16922, 1935 L.O.F., set the annual compensation for county judge, tax assessor, tax collector, and superintendent of public instruction in those counties having a population not less than 4,060 and not more than 4,070.

Chapter 16923, 1935 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, county judge, superintendent of public instruction, and clerk in those counties having a population not less than 20,000 and not more than 23,000.

Chapter 16924, 1935 L.O.F., set the annual compensation for county commissioners, members of the board of public instruction, and superintendent of public instruction in those counties having a population not less than 6,418 and not more than 6,500.

Chapter 16925, 1935 L.O.F., set the annual compensation for sheriff, clerk of circuit court, tax collector, tax assessor, county judge, clerk of county court and criminal court of record in those counties having a population not less than 70,000 and not more than 140,000.

Chapter 16926, 1935 L.O.F., set the annual compensation for clerk of circuit court, sheriff, tax collector, tax assessor, and county judge in those counties having a population not less than 12,400 and not more than 12,500.

Chapter 16927, 1935 L.O.F., set the annual compensation for clerk of circuit court as county auditor, clerk of the board of county commissioners, sheriff, county judge, tax collector, and tax assessor in those counties having a population not less than 3,150 and not more than 3,200.

Chapter 16928, 1935 L.O.F., set the annual compensation for clerk of circuit court, tax assessor, tax collector, sheriff, county judge, superintendent of public instruction, clerk of criminal court of record, county solicitor, justice of the peace, and constable in those counties having a population not less than 45,000 and not more than 50,000.

Chapter 16929, 1935 L.O.F., amended Chapter 14666, 1931 L.O.F., so as to apply to all counties having a population of 150,000 according to the last or any future official census.

Chapter 20891, 1941 L.O.F., required the county's tax assessor and tax collector to pay a portion of all monies, in excess of the sum that the officer was entitled to as annual compensation, to the Board of Public Instruction.

Chapter 24101, 1947 L.O.F., required fee or commission-based county officers to submit a report to the board of county commissioner annually rather than semi-annually.

Chapter 28041, 1953 L.O.F., modified the thresholds in the defined schedule that set the compensation of fee or commission-based county officials.

Chapter 61-461, L.O.F., provided for the compensation of county officers (i.e., members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of registration, tax assessor, and tax collector). The Legislature acknowledged that the functions, powers, duties, and responsibilities vary between county officers in the same county and between the same county officer in different counties with respect to the county's population, geography, economy, and government. Consequently, the amount of compensation set in law for each type of county officer varied from county to county, except for Dade County where compensation was determined locally based on home rule powers. The intent of the legislation was not to repeal, affect, or modify any local or special law, or general law of local application enacted prior to or during 1961 as to the compensation of county officers, travel expenses of county officers, or payment of extra compensation of the chair of the board of county commission or board of public instruction. Also, the legislation was not applicable where in conflict with relevant local laws in Franklin, Gadsden, Liberty, and Wakulla counties.

Chapter 63-560, L.O.F., increased, decreased, or left unchanged from amounts set in Chapter 61-461, L.O.F., the compensation for members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of registration, tax assessor, and tax collector. The legislation also provided for the compensation of county officials whose compensation for official duties was paid in whole or part by fees or commissions. The amount of such compensation was not to exceed \$7,500, unless otherwise provided in law.

Chapter 65-356, L.O.F., increased, decreased, or left unchanged from amounts set in Chapter 63-560, L.O.F., the compensation for members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of registration, tax assessor, and tax collector.

Chapter 67-543, L.O.F., increased from amounts set in Chapter 65-356, L.O.F., the compensation for Broward County members of the board of county commissioners, sheriff, and tax assessor.

Chapter 67-576, L.O.F., increased, decreased, or left unchanged from amounts set in Chapters 65-356 and 67-543, L.O.F., the compensation for members of the board of county commissioners, members of the board of public instruction, clerk of circuit court, county judge, sheriff, superintendent of public instruction, supervisor of elections, tax assessor, and tax collector.

Chapter 67-594, L.O.F., increased from amount set in Chapter 67-576, L.O.F., the compensation for Gadsden County's tax assessor.

Article II, section 5(c) of the Florida Constitution, as revised in 1968, provided that the powers, duties, compensation, and method of payment of state and county officers are fixed by law.



Chapter 69-211, L.O.F., declared legislative intent to preserve statewide uniformity of county officials' salaries and prohibited special laws or general laws of local application pertaining to compensation of members of the board of county commissioners, clerk of circuit court, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector.

Chapter 69-216, L.O.F., deleted references to sections of the 1885 constitution that were replaced by new sections in the 1968 revision.

Chapter 69-346, L.O.F., provided for the uniform salaries of members of the board of county commissioners, members of the district school board, clerk of circuit court, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector based upon the classification of counties according to population. The legislation provided that all other income of county officials from fees or services rendered to state, county, or municipal governments was income of the office and for the recording and reporting of fees collected as well as the disposition of excess fees. The legislation repealed previously enacted local or special laws or general laws of local application related to the compensation of county officials and repealed chapter provisions providing for the compensation of county judge.

Chapter 69-403, L.O.F., provided for the transfer of the salary provisions of county judge from Chapter 145 to Chapter 44, F.S., and repealed obsolete provisions in Chapter 145, F.S.

Chapter 70-395, L.O.F., provided a salary increase to sheriff in existing bracketed population counties and created three new population brackets with corresponding salaries for counties having a population in excess of 300,000 persons.

Chapter 70-419, L.O.F., provided that the salary of a board or commission member could not be reduced until the first Tuesday after the first Monday in January 1973.

Chapter 70-429, L.O.F., provided a salary increase to supervisors of elections in existing bracketed population counties.

Chapter 70-445, L.O.F., provided that those county officials whose total compensation was in excess of the salary payable pursuant to the chapter as amended effective July 1969, could continue to be compensated under the terms and conditions that prevailed immediately prior to July 1, 1969, until expiration of the official's present term of office. Thereafter, the salaries of those officials would be reduced to that provided by the chapter. The legislation excluded supervisor of elections from the 20 percent limitation. In addition, the legislation provided an additional monthly expense allowance for the chairs of county commissions.

Chapter 72-111, L.O.F., provided that payment of insurance for county officials and employees in s. 112.08, F.S., would not be considered additional compensation.

Chapter 72-240, L.O.F., delayed any change of procedures for determining the pay of certain county officials until the adjournment of the next regular legislative session following the submission of the first official recommendations of the State and County Officers' Compensation Commission, created pursuant to HB 184 (1972 session), or September 30, 1974, whichever occurred first.

Chapter 72-404, L.O.F., added county comptroller to salary provisions of the clerk of circuit court. The legislation also provided that the county would pay the clerk's or county comptroller's salary if the state did not pay the salary. Additionally, the county would compensate the clerk of circuit court for any additional county court-related duties that the clerk would be required to perform if the state did not pay such compensation.

Chapter 73-172, L.O.F., modified the procedure regarding disposition of excess fees collected by a tax collector or assessor. The legislation provided that the tax assessor would receive as salary the base salary indicated, based on the county's population with compensation made for population increments over the minimum for each population group, which would be determined by multiplying the population in excess of the group minimum times the group rate. In addition, the legislation provided for a special qualification salary of \$2,000 per year to qualified tax assessors. Also, the legislation provided for an additional adjustment to the tax assessor's salary based on the U.S. Department of Labor's Consumer Price Index, which would be multiplied by the adjusted salary rate. Finally, the legislation specified that the guaranteed salary provision upon resolution of the board of county commissioners would not apply to the tax assessor.

Chapter 73-173, L.O.F., redefined the definition of population used to calculate salaries. The legislation increased the salary of county commissioners, district school board members, clerk of circuit court and county comptroller, sheriff, superintendent of schools, supervisor of elections, tax assessor, and tax collector by establishing a calculation method. The calculation method provided that the officer would receive as salary the base salary indicated in the appropriate section of the chapter, based on the county's population with compensation made for population increments over the minimum for each population group, which would be determined by multiplying the population in excess of the group minimum times the group rate. In addition, the legislation provided for a special qualification salary of \$2,000 per year to qualified tax assessors. Also, the legislation provided for an additional adjustment to all officers' salaries based on the U.S. Department of Labor's Consumer Price Index, which would be multiplied by the applicable adjusted salary rate.

Chapters 73-333 and 73-334, L.O.F., deleted obsolete provisions in the Chapter 145, F.S.

Chapter 74-325, L.O.F., clarified funds that could be included as income of the county official's office and provided that a county official could not use the office, its personnel, or its property for a private purpose.

Chapter 77-102, L.O.F., changed all chapter references of tax assessor to property appraiser to reflect a name change.

Chapter 79-190, L.O.F., changed reference from the Department of Administration to the Executive Office of the Governor with respect to the annual determination of population.

Chapter 79-327, L.O.F., provided that all county officers' salaries be adjusted annually, effective July 1, 1979, based on the average percentage increase in State Career Service employees' salaries as determined by the Department of Administration or as provided in the General Appropriations Act. The increases for any fiscal year were limited to no more than seven percent. In addition, it raised the base salaries for supervisor of elections by \$4,300 in each population group, retroactive to the fiscal year beginning October 1, 1978.

Chapter 80-31, L.O.F., authorized district school boards by majority vote to increase the school superintendent's salary above specified limits.

Chapter 80-377, L.O.F., extended the provisions for special qualification salary to the following officers: clerk of circuit court, sheriff, supervisor of elections, tax collector, and superintendent of schools. The legislation increased the base salaries and group rates for the following officers: school board members, superintendent of schools, clerk of circuit court, county comptroller, sheriff, property appraiser, tax collector, and supervisor of elections. In addition, the legislation added school board members to the list of county officers whose compensation may not be changed by special laws or general laws of local application. The legislation required the Department of Administration to annually certify the annual factor and cumulative annual factor and the Department of Community Affairs to annually calculate the adjusted salary rate. The legislation provided that the adjusted salary rate would be the product of the salary rate granted by the appropriate chapter and section pertaining to a particular officer multiplied first by the initial factor, then by the cumulative factor, and finally by the annual factor. Finally, the legislation transferred statutory provisions regarding the base salaries and group rates for school board members and school superintendents from Chapter 145 to Chapter 230, F.S.

Chapter 81-167, L.O.F., amended provisions regarding the annual calculation of county officers' salaries to reflect the change in name of the Department of Community Affairs to Department of Veteran and Community Affairs.

Chapter 81-216, L.O.F., specified the Department of Law Enforcement as the state agency responsible for establishing the requirements for sheriffs seeking the special qualification salary.

Chapter 83-55, L.O.F., amended provisions regarding the annual calculation of county officers' salaries to reflect the change in name of the Department of Veteran and Community Affairs to Department of Community Affairs.

Chapter 83-215, L.O.F., revised cross-references regarding repeal of other laws related to compensation to conform provisions to the 1980 law change that transferred salary provisions for school board members and school superintendents from Chapter 145 to Chapter 230, F.S.

Chapter 84-241, L.O.F., removed the Department of Community Affairs as the state agency responsible for calculating the salaries of county officers. No replacement agency was named.

Chapter 85-322, L.O.F., increased salaries of clerk of the circuit court, county comptroller, supervisor of elections, property appraiser, tax collector, sheriff, and superintendent of schools by consolidating population group I (population range: 0-9,999) and population group II (population range: 10,000-49,999) into a new population group I (population range: 0-49,999); increasing the base salaries for each of the named officers at each population group level; and increasing the group rate at the highest population group level for each of the named officers.

Chapter 86-152, L.O.F., authorized the Executive Director of the Department of Revenue to waive the requirements for eligibility to receive the special qualification salary for any property appraiser who was at least 60 years of age and who had been a property appraiser for at least 20 years.

Chapter 87-224, L.O.F., revised cross-reference regarding the annual determination of population of local governments and renumbered population group levels for the office of sheriff to conform to the 1985 law change.

Chapter 88-42, L.O.F., amended the definition of the annual factor for purposes of calculating the annual salary increases of county officers.

Chapter 88-158, L.O.F., amended provisions regarding a county officer's guaranteed salary upon resolution of the board of county commissioners if all fees collected by the officer were turned over to the board. Such a resolution would be applicable only with respect to the county official who concurred in its adoption and only for the officer's duration in the current term of office.

Chapter 88-175, L.O.F., increased the base salaries for clerk of circuit court and county comptroller, tax collector, property appraiser, and supervisor of elections at each population group level.

Chapter 89-72, L.O.F., reduced the amount of time in which property appraisers and tax collectors must qualify to receive the special qualification salary after first taking office from six to four years.

Chapter 89-178, L.O.F., increased the sheriff's base salaries at each population group level.

Chapter 91-45, L.O.F., deleted obsolete provisions pertaining to special qualification salary for clerk of circuit court, county comptroller, sheriff, and supervisor of elections.

Chapter 92-279, L.O.F., amended provisions regarding the annual certification of the annual factor and cumulative annual factor to reflect the change in name of the Department of Administration to Department of Management Services.

Chapter 92-326, L.O.F., retained salaries of school board members and superintendents of schools at fiscal year 1991-92 levels.

Chapter 93-146, L.O.F., deleted authorization to fix salaries of district school board members by special or local law. The legislation extended the prohibition regarding special laws or general laws of local application to laws concerning compensation of district school board members. In addition, the legislation provided for annual salary adjustment for district school board members and superintendents of schools. Finally, the legislation provided for payment of specified salaries and ratification of previously paid salaries in addition to repealing all local and special laws or general laws of local application that relate to the compensation of district school board members.

Chapter 95-147, L.O.F., removed gender-specific references without substantive changes in legal effect.

Chapter 2001-266, L.O.F., deleted requirements that copies of certain salary-related resolutions adopted by boards of county commissioners be filed with the Department of Banking and Finance and the Auditor General.

Chapter 2002-387, L.O.F., enacted the "Florida K-20 Education Code in Chapter 1001, F.S. The legislation repealed provisions related to population group levels, base salaries, and group rates for district school board members and superintendents of schools. The legislation repealed provisions in Chapter 230, F.S., requiring the calculation of adjusted salary rate for district school board members and allowed district school boards to annually determine the salary of its members. Additionally, the legislation repealed certain salary provisions for superintendents of schools.

Chapter 2003-261, L.O.F., amended provisions regarding any revenue deficiency to be paid by the board of county commissioners to reflect the change in name of the Department of Banking and Finance to Department of Financial Services.

Chapter 2003-402, L.O.F., prohibited a county from appropriating to the clerk of circuit court based on the fees collected by that office.

Chapter 2004-41, L.O.F., reinstated statutory language pertaining to the salary computation for elected school superintendents that existed in law prior to the repeal of such language by Chapter 2002-387, L.O.F.

Chapter 2007-234, L.O.F., partially reinstated statutory language pertaining to the salary computation for school board members that existed in law prior to the repeal of such language by Chapter 2002-387, L.O.F. However, a portion of the new law was incorrectly drafted. The maximum county population for Population Group II was authorized as 49,000 rather than 49,999. For purposes of calculating salaries of school board members for the 2007-08 fiscal, no county's population fell within the 49,001 through 49,999 range so the error did not prevent any school board member's salary from being calculated.

Chapter 2008-4, L.O.F., provided the necessary statutory language to correct an error contained in Chapter 2007-234, L.O.F. The maximum county population of Population Group II for school board members was set to 49,999.

Chapter 2009-3, L.O.F., amended s. 1001.395, F.S., to provide that notwithstanding the provisions of s. 1001.395 or s. 145.19, F.S., district school board members could reduce their salary rate on a voluntary basis.

Chapter 2009-59, L.O.F., amended s. 1001.395, F.S., to provide that notwithstanding the provisions of s. 1001.395 and s. 145.19, F.S., for the 2009-10 fiscal year, the salary of each school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less. In addition, the legislation amended s. 1001.47, F.S., to provide that notwithstanding the provisions of s. 1001.47 and s. 145.19, F.S., elected school superintendents could reduce their salary rate on a voluntary basis. Also, the legislation amended s. 1001.47, F.S., to provide that notwithstanding the provisions of s. 1001.47 and s. 145.19, F.S., for the 2009-10 fiscal year, the salary of each elected school superintendent calculated pursuant to s. 1001.47, F.S., was reduced by 2 percent.

Chapter 2010-154, L.O.F., amended s. 1001.395, F.S., to provide that notwithstanding the provisions of s. 1001.395 and s. 145.19, F.S., for the 2010-11 fiscal year, the salary of each school board member shall be the amount calculated pursuant to s. 1001.395(1), F.S., or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.

Chapter 2011-158, L.O.F., provided that notwithstanding the provisions of Chapter 145, F.S., each member of a board of county commissioners, clerk of the circuit court, county comptroller, sheriff, supervisor of elections, property appraiser, and tax collector was authorized to voluntarily reduce his or her salary rate.

Chapter 2014-39, L.O.F., repealed the obsolete language of s. 1001.47(7), F.S., which reduced the salaries of elected district school superintendents by 2 percent for the 2009-10 fiscal year only.

Chapter 2016-157, L.O.F., made the base salaries and group rates used to calculate a supervisor of election's salary the same as the current base salaries and group rates used to calculate the salaries of the clerks of circuit court, county comptrollers, property appraisers, and tax collectors.

# Appendix E

**Miami-Dade County**  
**Office of Management and Budget**  
**Forms of Government and Legislative Body Demographics in Selected Counties**

*The contents herein are based on available governing documents such as county charters and codes of ordinances, and are summary in nature and not comprehensive. Additional informational sources are cited below. Counties were selected based on several criteria including population, form of government and extent of unincorporated areas.*

Jurisdiction Population <sup>1</sup>	Form of Government	Board Member Salaries	Board Structure	
			Number of Members Form of Representation	Term Limits
Florida Counties				
Miami-Dade County, Florida  2,712,945	Mayor/Council	\$6,000 per year	13 Commissioners • Single member districts	Two 4-year terms
Broward County, Florida  1,909,632	Council/Manager	\$99,997 <sup>2</sup> per year  Commissioners' salaries shall be determined and established in accordance with the general law of the State of Florida pertaining to compensation for Commissioners of non-charter counties	9 Commissioners • Single member districts	Three 4-year terms
Hillsborough County, Florida  1,376,238	Council/Manager	\$99,997 <sup>2</sup> per year  Salaries of all commission members shall be as provided by ordinance at 75 percent or higher of the salary which would have been provided by general law had this Charter not been adopted. The chairman shall receive additional remuneration in an amount often [sic] percent of the basic salary for the period of time such person serves as chairman <sup>3</sup>	7 Commissioners • 4 single member districts • 3 countywide seats	Two 4-year terms • Limit does not apply when after two terms a Commissioner of a single member district seeks election to a countywide seat or vice versa

<sup>1</sup>Population Figures from U.S. Census Quick Facts

<sup>2</sup>Finalized Salaries of Elected County Constitutional Officers - FY 2017-18

<sup>3</sup>County Code increases the 75% figure to an "amount equivalent to 100 percent"



Jurisdiction Population <sup>1</sup>	Form of Government	Board Member Salaries	Board Structure	
			Number of Members Form of Representation	Term Limits
Orange County, Florida  1,314,367	Mayor/Council	\$56,083 per year, county chairman shall receive \$112,500 <sup>4</sup>  Commissioners' salaries shall be uniform and shall be set by ordinance. The salary in effect at the beginning of a commissioner's term in office shall not be lowered during that commissioner's term	6 Commissioners • Single member districts	Two 4-year terms
Non-Florida Counties				
Cook County, Illinois  5,203,499	Mayor/Council President of the Board acting as county executive is elected countywide  Note: Cook County does not have a charter and is governed by Article VII of the Illinois constitution.	\$85,000 per year <sup>5</sup>  An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected <sup>6</sup>	17 Commissioners • Single member districts	No term limits Terms are 4 years
Fairfax County, Virginia  1,138,652	Council/Manager  Note: Fairfax County does not have its own charter and is governed by Title 15 of the Code of Virginia	\$95,000 per year, except the chairman who receives \$100,000 per year <sup>7</sup>  The board shall, subject to the limitations of general law, fix the compensation of all county officers and employees <sup>8</sup>	10 Supervisors • 9 single member districts • 1 countywide Supervisor serves as Chairman	No term limits Terms are 4 years

<sup>4</sup> [Orange County, Florida Code of Ordinances](#)

<sup>5</sup> [Cook County Salaries - Ballotpedia](#)

<sup>6</sup> [Constitution of the State of Illinois](#)

<sup>7</sup> [Fairfax County - "About the Board of Supervisors"](#)

<sup>8</sup> [Code of Virginia, Title 15](#)

Jurisdiction Population <sup>1</sup>	Form of Government	Board Member Salaries	Board Structure	
			Number of Members Form of Representation	Term Limits
Harris County, Texas  4,589,928	Council/Manager  Note: Harris County does not have a charter and is governed by state law	\$167,556 per year <sup>9</sup>	4 Commissioners and 1 County Judge <ul style="list-style-type: none"> <li>Commissioners are from single member district</li> <li>County Judge is elected countywide</li> </ul>	No term limits Terms are 4 years
King County, Washington  2,149,970	Mayor/Council County Executive position is elected countywide	\$145,000 to \$149,000 per year <sup>10</sup>	9 Council Members <ul style="list-style-type: none"> <li>Single member districts</li> </ul>	No term limits Terms are 4 years
Los Angeles County, California  10,137,915	Council/Manager	\$236,000 per year <sup>11</sup>  No person while a member of the Board of Supervisors shall receive any compensation, in addition to that provided for by this Section, for services rendered to any public or governmental entity  They shall each receive as compensation the same as prescribed by law for a judge of the Superior Court in and for the County of Los Angeles and shall devote all their time during business hours to the faithful service of the public	5 Supervisors <ul style="list-style-type: none"> <li>Single member districts</li> </ul>	Three 4-year terms
Maricopa County, Arizona  4,242,997	Council/Manager  Note: Maricopa County does not have a charter and is governed by Article 12 of the Arizona Constitution	\$76,600 per year <sup>12</sup>  The Board of Supervisors of each county is hereby empowered to fix salaries for all county and precinct officers within such county for whom no compensation is provided by law, salaries so fixed shall remain in full force and effect until changed by general law <sup>13</sup>	5 Supervisors <ul style="list-style-type: none"> <li>Single member districts</li> </ul>	No term limits Terms are 4 years

<sup>9</sup> Harris County Salaries - The Houston Chronicle

<sup>10</sup> King County Salaries - The News Tribune

<sup>11</sup> Government Compensation in California - State Controller's Office

<sup>12</sup> Arizona Salaries - The Arizona Republic

<sup>13</sup> Arizona Constitution - Article 12

Jurisdiction Population <sup>1</sup>	Form of Government	Board Member Salaries	Board Structure	
			Number of Members Form of Representation	Term Limits
Montgomery County, Maryland  1,043,863	Mayor/Council County Executive position is elected countywide	\$136,258 per year <sup>14</sup>  The Council shall prescribe by law the compensation for its members. Membership on the Council shall be considered a full-time position for the purpose of determining compensation. No change in the compensation of members of the Council shall become effective during the term of office of the Council enacting the change	9 Council Members • 5 single member districts • 4 countywide seats	Three 4-year terms
Wayne County, Michigan  1,749,366	Mayor/Council Chief Executive Officer position is elected countywide	\$61,800 per year, with an extra \$12,000 for the chair, \$6,000 for the vice chair and vice chair pro tempore and \$4,000 for chairs of committees <sup>15</sup>  The County Commission shall provide compensation for Commissioners by ordinance. A change in compensation after first established may not be made effective before the commencement of a new term	15 Commissioners • Single member districts	No term limits Terms are 2 years

<sup>14</sup> [Bethesda Magazine](#)

<sup>15</sup> [Detroit Free Press](#)

# Appendix F

<b><i>Prior Election Results Regarding Salary Amendments</i></b>			
<b>Election</b>	<b>Charter Amendment Question</b>	<b>Total Ballots Cast</b>	<b>Percent</b>
<b>1/31/12</b>	Devote full-time service to the office of Commissioner and hold no other employment; No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state formula, adjusted annually (currently approximately \$92, 097); and Serve no more than two consecutive four-year terms in office excluding all terms of service prior to 2012?	Yes- 70,918 <b>No- 83,601</b>	Yes- 45.90% <b>No- 54.10%</b>
<b>5/24/11</b>	Devote full-time service to the office of Commissioner and hold no other employment; No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually by the county's population (currently approximately \$92, 097); and Serve no more than three consecutive four-year terms in office excluding all terms prior to 2012?	Yes- 52,950 <b>No- 129,554</b>	Yes- 29.01% <b>No- 70.99%</b>
<b>11/4/08</b>	Devote full-time service to the office of Commissioner and hold no other employment; and No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually by the county's population (currently approximately \$91, 995), used by other Florida counties, including Broward County?	Yes- 336,273 <b>No- 357,515</b>	Yes- 48% <b>No- 52%</b>
<b>9/5/06</b>	Shall the Charter be amended to provide that County Commissioners no longer receive the \$6,000 annual salary established in 1957, but shall receive instead the population based salary provided by State statutory formula (currently approximately \$88,919) and used by other Florida counties, including Broward County?	<b>Yes- 65,150</b> No- 90,424	<b>Yes- 42%</b> No- 58%
<b>8/31/04</b>	In an effort to encourage more persons who are dedicated to good government to run for office, shall County Commissioners no longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by a State statutory formula based on population used by other Florida	Yes- 125,634 <b>No- 131,162</b>	Yes- 49% <b>No- 51%</b>

	counties, including Broward County (currently approximately \$84,213), and Commencing with the election of County Commissioners in 2006, shall Commissioners be limited to four consecutive four-year terms?		
<b>9/10/02</b>	Shall the Charter be amended so that county commissioners no longer receive the \$6,000 annual salary established in 1957, and they commence receiving as of the effective date of this amendment, the salary provided by a state formula based on population used by other Florida counties, including Broward County (currently approximately \$80,500)?	Yes- 121,997 <b>No- 147,891</b>	Yes- 45% <b>No- 55%</b>
<b>5/8/90</b>	Shall the Charter be revised to – Increase Commission salaries to statutory amount for non-charter county commissioners (currently approximately \$51,600)?	Yes- 22,867 <b>No- 82,214</b>	Yes- 22% <b>No- 78%</b>
<b>3/11/80</b>	Shall Section 1.06 of the Home Rule Charter be amended to provide that the Mayor and County Commissioners receive a salary of \$12,000 per year instead of the current \$6,000 per year?	Yes- 68,029 <b>No- 113,171</b>	Yes- 38% <b>No- 62%</b>
<b>3/9/76</b>	Shall the Charter be amended to provide annual salaries for the Mayor and County Commissioners, in accordance with State Law instead of \$6,000 per year?	Yes- 43,706 <b>No- 206,693</b>	Yes- 17% <b>No- 83%</b>
<b>3/14/72</b>	A Full Time Strong Mayor with a minimum salary of \$40,000, a Full Time Vice-Mayor with a salary of \$12,000, a Chairman of the Board of County Commissioners with a salary of \$14,000 and Commissioners with a Salary of \$10,000.	<b>Yes-66,998</b> No- 144,274	<b>Yes- 32%</b> No- 68%
<b>11/7/67</b>	Whether Section 1.06 of the Home Rule Charter shall be amended to provide that after June 10, 1968, each member of the Board of County Commissioners shall receive, in addition to the \$6,000 annual salary, \$50 for each day's attendance at official board meetings, such per diem payments not to exceed \$9,000 annually for each member of the Commission?	Yes-17,034 <b>No- 46,248</b>	Yes- 36% <b>No- 64%</b>
<b>11/5/63</b>	Amendment to Section 1.06 of The Home Rule Charter to provide a salary of \$15,000 for the Mayor and a salary of \$10,000 for other County Commissioners.	Yes- 47,010 <b>No- 76,645</b>	Yes- 38% <b>No- 62%</b>
<b>10/17/61</b>	Shall the Home Rule Charter of Government for Dade County, Florida be amended by adoption of an	Yes- 97,170 <b>No- 105,097</b>	Yes- 48% <b>No- 52%</b>

	<p>amended Charter, which limits and redefines the powers of the County Commission, reduces the number of County Commissioners to five, fixes Commissioner's salaries at \$15,000 per annum, provides such revised Charter shall become effective immediately upon adoption, prescribes method by which such revised Charter may be abolished and contains other provisions as set forth in the initiatory petitions on file with Clerk of the County Commission?</p>		
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# Appendix G



RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2018, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO CREATE AN INDEPENDENT SALARY COMMISSION TO SET THE SALARIES OF THE COUNTY COMMISSIONERS AND COUNTY MAYOR

**WHEREAS**, Miami-Dade County established an annual salary of \$6,000 for County Commissioners in 1957, when the County's Home Rule Charter was adopted; and

**WHEREAS**, the demands of the position of County Commissioner have grown substantially, while the salary has remained the same; and

**WHEREAS**, Miami-Dade County is now the most populous county in the State of Florida with a population of over 2.4 million residents and a budget in excess of \$7 billion; and

**WHEREAS**, the Board of County Commissioners currently sets the salary of the County Mayor; and

**WHEREAS**, allowing an independent salary commission appointed by the Chief Judge of the Eleventh Judicial Circuit, the Clerk of the Courts in and for Miami-Dade County and the Governor of the State of Florida to determine the salaries of the Miami-Dade County Commission and County Mayor would allow an independent evaluation of the appropriate salary for such offices on a year-to-year basis; and

**WHEREAS**, a salary for County Commissioners and the County Mayor set by an independent salary commission is the best way to ensure that Miami-Dade County's elected officials are appropriately compensated in a reasonable manner; and

**WHEREAS**, assuring potential candidates for the office of County Commissioner and County Mayor that their salaries will be set by an independent salary commission will encourage more members of the community to seek public office ensuring greater diversity in the composition of elected officials; and

**WHEREAS**, any change in the method of compensating County Commissioners must be done by an amendment to the Miami-Dade County Home Rule Charter approved by a vote of the electorate,

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

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with a General Election on Tuesday, November 6, 2018, 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:

CHARTER AMENDMENT  
CREATING INDEPENDENT SALARY COMMISSION TO SET  
SALARIES OF COUNTY COMMISSIONERS AND MAYOR

SHALL THE CHARTER BE AMENDED TO CREATE A THREE MEMBER INDEPENDENT SALARY COMMISSION WHOSE MEMBERS DO NOT HOLD ELECTIVE OFFICE AND DO NOT HAVE CONFLICTS OF INTEREST, WITH MEMBERS APPOINTED BY THE COUNTY'S CHIEF JUDGE, CLERK OF COURTS AND THE GOVERNOR; AND WHICH SHALL ANNUALLY SET THE COMMISSIONERS' AND MAYOR'S SALARIES RATHER THAN SETTING SUCH SALARIES BY CHARTER OR BY ACT OF THE BOARD, RESPECTIVELY?

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 Commissioner Dennis C. Moss. 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this[ ], 2018. 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

# MIAMI-DADE COUNTY HOME RULE CHARTER

## ARTICLE-1<sup>1</sup>

### BOARD OF COUNTY COMMISSIONERS

\* \* \*

#### Section 1.06. SALARY.

~~[[Each County Commissioner shall receive a salary payable monthly and]]~~ >>There shall be an independent salary commission which shall annually establish the salary for County Commissioners and the County Mayor for the next succeeding calendar year. The independent salary commission shall consist of three members appointed annually. The Chief Judge of the Eleventh Judicial Circuit, the Clerk of Courts for Miami-Dade County and the Governor of the State of Florida shall each appoint one member to the independent salary commission. The members of the independent salary commission shall not hold public elective office and shall not have a conflict of interest in their service on the independent salary commission as determined by the Commission on Ethics and Public Trust. In the event the independent salary commission fails to establish a new salary for the County Commissioners or County Mayor prior to the end of the calendar year, the County Commissioners and County Mayor shall be paid the same salary as the prior calendar year. The salary established by the independent salary commission shall be payable monthly and the County Commissioners and the County Mayor<< shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

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<sup>1</sup>Words 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.

# Appendix H

## ARTICLE XLVII. - COMMISSION AUDITOR<sup>[70]</sup>

### Sec. 2-471. - Created and Established.

There is hereby created the Office of the Commission Auditor. The organization and administration of the Office of Commission Auditor shall be sufficiently independent to assure that no interference or influence external to the office shall adversely affect the independence and objectivity of the Commission Auditor. The Office of the Commission Auditor shall be provided a discrete budget and staffing allowance. The Commission Auditor shall head the Office of the Commission Auditor and shall have the power to appoint, employ, and remove such assistants, employees and personnel as deemed necessary for the efficient and effective administration of the affairs of the office. The Commission Auditor shall report solely to and receive direction from the Board of County Commissioners ("Commission"). The Commission shall determine the appropriate salary and benefits package for the Commission Auditor.

(Ord. No. 03-2, § 1, 1-23-03)

### Sec. 2-472. - Appointment.

The Commission Auditor shall be appointed by a majority vote of the entire Commission utilizing the selection process described in Section 2-473.

(Ord. No. 03-2, § 2, 1-23-03)

### Sec. 2-473. - Auditor selection process.

The selection process shall be open and competitive and shall include, at a minimum, the following:

1. Establishment of an Ad Hoc Auditor Screening Committee ("Auditor Screening Committee"), appointed by the Commission and responsible for the screening and preliminary interviewing of candidates. The Auditor Screening Committee shall be composed of five members appointed by the Commission and selected as follows:
  - a. Two members, preferably certified public accountants, from either a private sector accounting firm or other governmental agency with experience in accounting and financial management operations.
  - b. Two members from either private sector or non-profit organizations with executive experience and a background in program evaluation; and
  - c. One member who is not an elected official.
2. The Miami-Dade County Employee Relations Department shall advertise the availability of the position of Commission Auditor and shall provide the Auditor Screening Committee with a list of qualified candidates.
3. The Auditor Screening Committee shall screen, interview and evaluate applicants for the position of Commission Auditor, and propose a slate of the top five candidates for the



Commission's consideration. The Auditor Screening Committee shall be staffed by the Employee Relations Department.

4. The Commission shall interview and select the Commission Auditor from the slate presented by the Auditor Screening Committee.

(Ord. No. 03-2, § 3, 1-23-03)

Sec. 2-474. - Minimum Qualifications.

The Commission Auditor shall possess a State of Florida Certified Public Accountant license, and have at least five years of progressive managerial experience in the field of government accounting, auditing and program evaluation.

(Ord. No. 03-2, § 4, 1-23-03)

Sec. 2-475. - Term of office.

The Commission Auditor may be removed from office by a vote of at least two-thirds of the entire Commission. The Commission Auditor shall maintain an active State of Florida Certified Public Accountant license while serving in this position.

(Ord. No. 03-2, § 5, 1-23-03)

Sec. 2-476. - Types of audits.

The Office of the Commission Auditor shall, to the extent required by the annual work program, perform, among others, the following types of audits in accordance with Government Auditing Standards:

1. Financial and compliance audits - to determine whether financial operations are being properly conducted, whether the financial reports of the audited department, agency or entity are presented fairly, and whether the agency, department or entity has complied with the applicable requirements and regulations;
2. Economy and efficiency audits - to determine whether an agency, department or entity is managing or utilizing its resources in an economical and efficient manner, and the causes of any inefficiencies or uneconomical practices;
3. Program results audits - to determine whether the desired results or benefits are being achieved, whether the objectives established by the Commission are being met, and whether the agency, department or entity has considered alternatives that might yield desired results at a lower cost;
4. Special studies - which are informally conducted audits used to evaluate program effectiveness or efficiency under specific circumstances or when directed by the Commission;

5. Follow-up reports - to determine the extent to which the original recommendations were implemented and whether the implemented recommendations resulted in the desired improvements;
6. Contract Audits - to audit any contract entered into by the County or using County funds; and
7. Memoranda - to inform about pending legislation, issues and proposals coming before the Commission and provide independent assessments including, but not limited to, a fiscal impact analysis of all ordinances and resolutions on the Commission agenda.

(Ord. No. 03-2, § 6, 1-23-03)

Sec. 2-477. - Scope of Authority.

The Commission Auditor shall, to the extent provided for in the annual work program, perform the following functions and be charged with the following responsibilities on behalf of the Commission:

1. To determine the extent to which legislative policies are being faithfully, efficiently and effectively implemented by the Mayor and County personnel;
2. To determine whether County programs are achieving their desired objectives;
3. To review both the administrative control and executive control systems as established by the Mayor or the Mayor's designee and departmental personnel, and to determine whether such control systems are adequate and effective in accomplishing their objectives;
4. To perform audits provided for in Section 2-476;
5. To give information to the Commission whenever required regarding any subject relating to the affairs of the County;
6. To offer input throughout the budgetary process;
7. To review the reasonableness of all revenue estimates included in the Mayor's proposed budgets;
8. To review all departmental budgets and perform an analysis of the Mayor's proposed budgets and make recommendations to the Commission regarding adjustments to the proposed budgets;
9. To prepare a budget for the County if requested by the Commission;
10. To make periodic reports to the Commission which shall include, but not be limited to, the following:
  - a. To determine whether departments, agencies and entities of the County have complied with the fiscal and legislative policies of the Commission;
  - b. To provide information on proposals that could adversely affect the County including, but not limited to, the County's credit rating;

- c. To report matters and make recommendations concerning the effectiveness and efficiency of programs and the operation of the County;
  - d. To be empowered to take exception to improper specific expenditures incurred by any County department, agency or entity; and
11. In furtherance of the Commission's policy set forth in Section 2-271 of the Code of Miami-Dade County, the Office of the Commission Auditor shall gather and provide Gender Equity Data, as such term is defined in Section 2-271 of the Code of Miami-Dade County, annually to the Miami-Dade County Commission for Women in the categories enumerated below.
- a. Economic Development: As compared to men both within Miami-Dade County government and throughout Miami-Dade County, the numbers of women employed by industry, serving in high-level or executive positions, serving in low-wage positions, serving as heads-of-household, living in poverty; how salaries compare for men and women employed in the same or similar positions; gender balance on County advisory boards; and any other metrics or information deemed relevant and reasonably accessible by the Office of the Commission Auditor.
  - b. Health and Safety: Infant mortality and birth rates in Miami-Dade County; as compared to men, the number of women and girls with health insurance, with health conditions such as hypertension, with life-threatening conditions such as heart disease; the number of women and girls falling victim to sexual exploitation and human trafficking; the number of reported instances of rape and sexual assault; the amount of money and the types of funding sources spent assisting domestic violence victims and trying to prevent instances of domestic violence; Miami-Dade County government resources directed specifically at women and girls; and any other metrics or information deemed relevant and reasonably accessible by the Office of the Commission Auditor.
  - c. Education: As compared to men, the number of women dropping out of high school each year; the number of women with less than a high school education; with some college, with college degrees, with masters-level, doctorate and professional degrees; and any other metrics or information deemed relevant and reasonably accessible by the Office of the Commission Auditor.
12. The Commission Auditor shall serve as a voting member of any competitive selection committee convened for the purpose of recommending an external auditor to the Mayor or the Mayor's designee. The Commission Auditor shall also be apprised by the Mayor or the Mayor's designee of the activities of the external auditor and may monitor the conduct of, and responses to, external financial statement audits, and the resolution of audit findings. The Commission Auditor shall also work toward the elimination of duplicative audit work through cooperation with state, federal and external auditors, and the Clerk of the Circuit and County Courts when the Clerk is performing as auditor under Article V, Section 16 of the Florida Constitution and general laws of the State of Florida.

(Ord. No. 03-2, § 7, 1-23-03; Ord. No. 14-67, § 1, 7-1-14; Ord. No. 15-87, § 2, 9-1-15)

Sec. 2-478. - Work program.

1. At the beginning of each fiscal year, the Commission Auditor shall submit a one-year work program to the Commission for approval.
2. The Commission may by majority vote of members present move to amend the approved annual work program to meet circumstances as they may arise. However, the Commission shall not direct the Commission Auditor to terminate an audit in progress except upon a two-thirds vote of members present.
3. The Commission Auditor shall respond to oral requests for assistance from individual members of the Commission if the response requires a relatively minor effort that can be accomplished without disruption to the approved work program.
4. If the Commission Auditor determines that there is serious concern regarding fraud, abuse or illegality, the Commission Auditor shall refer the matter to the Office of the Inspector General.
5. A final draft of each audit report shall be forwarded to the audited County agency, department or entity and the chief executive officer or department director for review and comment regarding the contents of the audit before it is released. The agency, department or entity shall respond in writing and specify agreement with the audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to issues identified in the report and a timetable to complete such activities. The response must be forwarded to the Commission Auditor within 30 days. The Commission Auditor shall consider the response and, at a minimum, include the response in the report. If no response is received, the Commission Auditor shall note that fact in the transmittal letter and release the audit report.

(Ord. No. 03-2, § 8, 1-23-03)

#### Sec. 2-479. - Annual Report.

The Commission Auditor shall submit an annual report to the Commission within 60 days after the close of the fiscal year. The annual report shall indicate audits completed, major findings, corrective actions taken by the Mayor or the Mayor's designee, and significant findings which have not been fully addressed by the Mayor or the Mayor's designee.

(Ord. No. 03-2, § 9, 1-23-03; Ord. No. 14-67, § 2, 7-1-14)

#### Sec. 2-480. - Relationship to internal auditor, Inspector General and Clerk of Courts.

The Office of the Commission Auditor is not intended to duplicate the work of the County's internal auditor, Inspector General or Clerk of the Circuit and County Courts, although audits or investigations may from time to time address issues arising from the same function or activity. The County's internal auditor and the Office of the Inspector General shall fully cooperate with the Commission Auditor.

(Ord. No. 03-2, § 10, 1-23-03)

#### Sec. 2-481. - Access to information.

The Commission Auditor shall have read-only access to any and all financial, data, and reporting systems of the County and access to all books, records, memoranda and other documents, including both those internally or externally created, of all departments, boards, agencies, and other entities of the County. To the extent such information is required by law to remain confidential and/or exempt from disclosure, such information shall also be maintained by the Commission Auditor as confidential and/or exempt. Access to such information shall be provided to the Commission Auditor within five (5) business days from the date of the Commission Auditor's request; provided, however, if it is not reasonably possible to comply with the Commission Auditor's request within five (5) business days, then access to the requested information shall be provided within the limited reasonable time necessary to retrieve the information. The information must be provided in the medium requested if the record is maintained in that medium. The Commission Auditor may make direct inquiries of any officer, agent, or employee of any department, board, agency or other County entity to clarify matters under his or her purview. It shall be a policy of this Board that such officer, agent or employee shall respond to such inquiries and shall not knowingly omit significant facts when presenting the requested information. The Commission Auditor may require the appearance of any officer, agent or employee of any department, board, agency or other entity for the purpose of examining that person under oath or affirmation. All contracts with outside contractors and subcontractors shall provide for access by the Commission Auditor to all financial and performance related records, property, and equipment purchased in whole or in part with governmental funds. The Commission Auditor shall have the power to summon any person to be examined under oath or affirmation. The Commission Auditor, or an assistant, may administer an oath or affirmation. The Commission Auditor may issue necessary process, including a subpoena or subpoena duces tecum, to compel attendance or the production of documents or other things. Prior to issuing a subpoena, the Commission Auditor shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. The Commission Auditor shall not interfere with any ongoing investigation of the State Attorney or the U.S. Attorney for the Southern District of Florida where the State Attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified the Commission Auditor in writing that the Commission Auditor's investigation is interfering with an ongoing criminal investigation.

(Ord. No. 03-2, § 11, 1-23-03; Ord. No. 08-08, § 2, 1-10-08; Ord. No. 10-46, § 1, 7-8-10)

Secs. 2-482—2-500. - Reserved.

# Appendix I

**MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**  
**Office of the Commission Auditor**  
**TABLE OF ORGANIZATION**

**Board of County Commissioners**

**ADMINISTRATIVE (3)**

Administrative Officer 3  
S. Donna Palmer, MPA  
Senior Executive Secretary  
Angie Martinez  
Administrative Assistant  
Jannesha Johnson

**Commission Auditor (1)**

VACANT  
Neil R. Singh, CPA  
(until 9/7/17)

**AUDIT (7)**

Audit Manager  
VACANT  
Neil R. Singh, CPA  
(until 9/7/17)  
  
Senior Auditors  
Michael Bayere, CPA  
Norma Roig, CPA  
  
Associate Auditors  
Luis Carrazana, CPA  
Sam Manii  
Bayardo Medrano  
Jacques Pierre-Louis

**RESEARCH (4)**

Director, Policy & Legislation  
(new position)  
Thomas Davis, Esq.  
  
Senior Research Analyst  
Phillip Edwards, Esq.  
  
Research Analysts (2)  
(transferred from Budget Division)  
VACANT

**BUDGET (4)**

Budget Manager  
VACANT  
  
Budget Coordinator  
Maria Abreu  
  
Senior Budget Analyst  
Carolyn Martin  
  
Budget Analyst 3  
Maydel Montes de Oca

**MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**  
**Office of the Commission Auditor**  
**BUDGET INFORMATION**

<b>FY 16-17</b>	<b>Job Description</b>
1	Commission Auditor
1	Commission Auditor Senior Executive Secretary
1	BCC Administrative Officer 3
1	BCC Administrative Assistant
1	BCC Director of Policy and Legislation
1	BCC Senior Research Analyst
2	BCC Research Analyst
1	BCC Audit Manager
2	BCC Senior Auditor
4	BCC Associate Auditor
1	BCC Budget Manager
1	BCC Budget Coordinator
1	BCC Senior Budget Analyst
1	BCC Budget Analyst 3
<b>19</b>	

<b>Description</b>	<b>Budget FY2016-17</b>
Salaries	\$ 1, 808,000
Fringes	572,000
Operating	54,000
Capital	11,000
<b>TOTAL</b>	<b>\$ 2,445,000</b>



# Appendix J

**Miami-Dade County**  
**Office of Management and Budget**

**Summary of Selected Powers and Responsibilities of the Mayor, the Board of County Commissioners and the Commission Auditor\***  
**Based on the Home Rule Amendment and Charter of Miami-Dade County** *(respective articles from the charter are referenced below)*

<b>Subject Area</b>	<b>Mayor</b>	<b>Board of County Commissioners</b>	<b>Office of the Commission Auditor</b>
<b>Appointment or Selection</b>	<p><b>Article 2:</b></p> <ul style="list-style-type: none"> <li>The Mayor shall be elected by the qualified electors of the county at large</li> <li>The Mayor must have resided within Miami-Dade County for at least three years</li> </ul> <p><b>Article 3:</b></p> <ul style="list-style-type: none"> <li>The Mayor shall not serve more than two consecutive 4-year terms</li> </ul>	<p><b>Article 1:</b></p> <ul style="list-style-type: none"> <li>Commissioners shall be elected by qualified electors of his or her district</li> <li>Commissioners must have resided in their districts for at least six months and within Miami-Dade County for three years</li> </ul> <p><b>Article 3:</b></p> <ul style="list-style-type: none"> <li>Elections for Commissioners will occur every two years on a staggered basis, with even numbered districts holding elections during one cycle and odd numbered districts two years later</li> <li>Beginning in 2012, no Commissioner shall serve more than two consecutive 4-year terms</li> </ul>	<p><b>Article 9:</b></p> <ul style="list-style-type: none"> <li>The Commission Auditor shall be a certified public accountant and be selected by and report directly to the County Commission</li> </ul>
<b>General Roles and Responsibilities</b>	<p><b>Article 2:</b></p> <ul style="list-style-type: none"> <li>Serve as head of the County</li> <li>Manage all administrative departments of County government</li> <li>Carry out policies adopted by the Commission</li> <li>Mayor or designee shall execute contracts and other instruments, and sign bonds and other evidences of indebtedness</li> <li>Serve as the head of the County for emergency management purposes</li> </ul>	<p><b>Article 1:</b></p> <ul style="list-style-type: none"> <li>Legislative and governing body of the County</li> <li>Carry on a central metropolitan government</li> <li>Provide and regulate metropolitan and municipal services and functions</li> <li>Establish and enforce land use, zoning, building and business regulations</li> <li>Levy and collect taxes and special assessments</li> </ul>	<p><b>Article 9:</b></p> <ul style="list-style-type: none"> <li>Provide the Commission with independent audit, management, revenue forecasting and fiscal analyses of commission policies and County services and contracts</li> </ul>

\*This document is a summary of selected powers and responsibilities of the Mayor, the Board of County Commissioners and the Commission Auditor. It is not a comprehensive listing of all powers and responsibilities.

Subject Area	Mayor	Board of County Commissioners	Office of the Commission Auditor
<b>General Roles and Responsibilities (continued)</b>	<p><b>Article 2 (continued):</b></p> <ul style="list-style-type: none"> <li>• Attend but not vote in Board meetings</li> <li>• Appoint and remove department heads (but see finance director appointment under Article 5)</li> <li>• Can veto legislation adopted by the Board within 10 days</li> <li>• Prepare and deliver a report on the state of county between November 1 and January 31</li> </ul> <p><b>Article 5:</b></p> <ul style="list-style-type: none"> <li>• Establish, by administrative order, the departments of finance, personnel, planning, law, and such other departments as necessary</li> <li>• The finance director shall be appointed by the Mayor and by the Clerk of the Circuit and County Courts</li> <li>• Issue and effectuate administrative orders, rules and regulations</li> </ul> <p><b>Article 9:</b></p> <ul style="list-style-type: none"> <li>• Act as tax collector, county surveyor, county purchasing agent, county supervisor of elections, and county sheriff</li> </ul>	<p><b>Article 1 (continued):</b></p> <ul style="list-style-type: none"> <li>• Establish, merge and abolish special purpose districts</li> <li>• Regulate franchises to operate utilities such as gas, light, power, telephone, sanitary and sewage collection and disposal</li> <li>• Promote the development of the County</li> <li>• Establish and enforce regulations pertaining to the sale of alcoholic beverages</li> <li>• Enter into contracts with other governmental agencies</li> <li>• Set minimum standards for the performance of any service or function</li> <li>• Investigate County affairs, finances, transactions of any department</li> <li>• Adopt ordinances and resolutions needed to exercise its powers</li> <li>• Power of eminent domain</li> <li>• Adopt rules of procedure; select chairperson and vice-chairperson; organize itself into committees</li> <li>• Change the boundaries of the commission districts from time to time</li> </ul> <p><b>Article 2:</b></p> <ul style="list-style-type: none"> <li>• Disapprove Mayor's appointment of department director by two thirds majority of those Commissioner then in office</li> <li>• Override a Mayoral veto by two thirds vote of the Commissioners present</li> </ul>	

Subject Area	Mayor	Board of County Commissioners	Office of the Commission Auditor
<b>General Roles and Responsibilities</b> (continued)		<p><b>Article 5:</b></p> <ul style="list-style-type: none"> <li>• Establish and maintain personnel and civil service, retirement and group insurance programs</li> <li>• Provide for an audit by an independent CPA each fiscal year</li> <li>• Appoint County Attorney</li> <li>• Establish advisory and quasi-judicial Boards</li> <li>• Awards contracts</li> </ul> <p><b>Article 9:</b></p> <ul style="list-style-type: none"> <li>• Propose amendments to Charter</li> <li>• Review the Charter at least once every 5 years</li> <li>• Provide by ordinance for specific functions of the Commission Auditor</li> </ul>	
<b>Budget Related Responsibilities</b>	<p><b>Citizens' Bill of Rights:</b></p> <ul style="list-style-type: none"> <li>• Show cost of each program and make public a budget summary setting forth cost of each program</li> <li>• Make public a quarterly report showing actual expenditures for the quarter against one quarter of the proposed expenditure as well as cumulative amounts for the year</li> </ul> <p><b>Article 2:</b></p> <ul style="list-style-type: none"> <li>• Has veto authority over legislation. If a revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed</li> <li>• Prepare and deliver a budget message in March</li> </ul>	<p><b>Article 5:</b></p> <ul style="list-style-type: none"> <li>• Adopt millage rates</li> <li>• Hold hearings on and adopt a budget on or before dates required by state law</li> </ul>	<p><b>Article 9:</b></p> <ul style="list-style-type: none"> <li>• Provide Commission with independent budgetary analysis</li> </ul>

Subject Area	Mayor	Board of County Commissioners	Office of the Commission Auditor
	<b>Article 5:</b> <ul style="list-style-type: none"> <li>Propose an operating and capital budget between June 1 and July 15 for the ensuing fiscal year</li> <li>Present proposed budget to the Board before adoption of tentative millage rates</li> </ul>		
<b>Procurement Related Responsibilities</b>	<b>Article 2:</b> <ul style="list-style-type: none"> <li>Mayor or designee shall execute contracts and other instruments</li> </ul>	<b>Article 5:</b> <ul style="list-style-type: none"> <li>Establish minimum amount above which formal sealed bids are required, by ordinance; approve such contracts</li> <li>Waive competitive bidding by two thirds vote of the Commissioners present</li> <li>If the Mayor informs the Board of a conflict of interest, the Chairperson of the Board and not the Mayor may solicit, evaluate and award or recommend award of contracts</li> </ul>	<b>Article 9:</b> <ul style="list-style-type: none"> <li>As it relates to contracts, provide Commission with independent audit, management, revenue forecasting and fiscal analyses</li> </ul>

# Appendix K

Miami, Florida, March 7, 1962

The Board of County Commissioners met in special session in its meeting room on the 10th floor of the Courthouse at 2:00 P. M., March 6, 1962, there being present, upon roll call, Chairman Alexander S. Gordon, Commissioners James H. Allen, Joseph A. Boyd, Jr., Charles F. Hall, Robert M. Haverfield, Ben C. McGahey, Harold B. Spaet, Milton E. Thompson, Walter Weiss and Winston W. Wynne (Commissioners Jack H. Beckwith, Arthur H. Patten, Jr., and Frank O. Pruitt were absent); Deputy Clerks W. F. Russell and E. A. Stilianou; County Attorney Darrey A. Davis and County Manager Irving G. McNayr.

The meeting was opened with an invocation by Commissioner Harold B. Spaet.

Chairman Alexander S. Gordon announced today's meeting was called at the request of the Charter Review Board to hear its recommendations with regard to proposed Charter amendments.

Commissioner Ben C. McGahey recognized Mr. Charles W. Mitchell, newly appointed member of the Charter Review Board, and he was invited to sit with the other members of the Board.

Mr. James I. Keller, Chairman of the Charter Review Board, presented the following report:

"METROPOLITAN CHARTER REVIEW BOARD  
1416 Courthouse  
Miami 32, Florida

R E P O R T # 1

Honorable Chairman and Members  
Board of County Commissioners  
Metropolitan Dade County

Gentlemen:

In approaching the task you gentlemen had requested us to carry out, our Review Board considered the first step to be to listen to the suggestions and complaints of our citizens. We accordingly arranged meetings in ten different areas of the county, held in the evening between 7:30 and 10:00 PM; specifically Miami Beach, Homestead, North Miami, Coral Gables, Hialeah, Miami Senior High School, South West High School, Key Biscayne, Carol City, and Cutler Ridge. Approximately 750 persons attended these meetings, of which 150 addressed the Review Board; a number of whom spoke on behalf of the groups they represented. In all, 183 different suggestions were made, a number of these being repeated many times. In addition, we have had nine additional meetings to hear other interested persons and groups and to discuss and consider the various suggestions presented to us.

From these hearings, we have received the impression that while there are many complaints as to the manner in which Metropolitan Government is being administered, there is not any great or widespread demand for revisions in the charter.

We have heard many prominent citizens whose opinions we respect, assert that various charter changes are necessary. We believe many of these suggestions deserve consideration and we intend to study them carefully. In complete frankness, we must say that many of the suggestions made to us were not documented in any way to show why proposers believed they would improve the Charter or the functioning of government under it. This puts the burden on our Review Board of seeking and weighing the facts relating to each proposal before we can reach a conclusion as to its merits."



"Among such questions are:

1. What rights and duties should be reserved exclusively to the municipalities?
2. If a conflict arises between the ordinances of a municipality and Metropolitan County Government, which should take precedence?
3. How can "minimum standards" be set up county-wide which will permit municipalities to require higher standards for themselves on a workable basis?
4. In considering the need for special taxing districts, what approach should be followed; more municipalities, larger municipalities or fewer municipalities?

All of these are extremely complex issues requiring careful, deliberate consideration of all the interests involved. The Metro Planning Advisory Committee has been studying, and we understand is about ready to present a report to you on some of these questions. Such a report should also be given consideration in reaching a decision. For such compelling reasons, we do not consider ourselves prepared to make any recommendation with respect to these questions at this time. In the months ahead, we do expect to reach conclusions about them and report to you as promptly as we are able.

We are inclined to share the view that Metropolitan Government would benefit from a reasonable period of time freed as much as possible from the necessity to defend itself, and within which administrative practices and procedures could be further developed or improved. Since it appears that this view will not be accepted by some of our civic leaders, your Review Board feels impelled to offer recommendations which it believes have strong support among our citizens and are worthy of consideration by all of the electorate.

The most consistent plea voiced by our citizens was for more direct representation on the Metro Commission. We heard many suggestions as to the proper number of commissioners which when boiled down seems to confirm that there is no 'magic' in any number. In the formative years of our Country, William Penn said: 'Governments like clocks, go from the motion men give them . . . Let men be good and the government cannot be bad; if it be ill, they will cure it. But if men be bad, let the government be ever so good, they will endeavor to warp and spoil it to their turn.' We believe that good men elected and supported by our people will make our Metropolitan Government good. Since there does exist substantial opinion, however, that a fewer number of commissioners will somehow produce more effective and efficient legislative and policy making, we suggest the desirability of submitting the following question:

'Shall the Metropolitan Charter be amended to provide that Dade County shall be governed by a commission of ten members; nine of whom shall be elected from county commission districts for staggered terms and one shall be elected from the county at large to serve as chairman of the commission?'

'Compensation for Commissioners to be increased from \$6,000 to \$10,000 per annum, and compensation for the chairman to be fixed at \$12,500?'

Among the suggestions seeking to limit the power of the County Manager, was one which seemed to us to have some merit and expressed by this question:

'Shall the Metropolitan Charter be amended to provide that the appointment by the County Manager of the heads of the major departments of County Government become effective only upon ratification by the County Commission?'



"Considerable opposition was expressed by citizens to the possibility of a commissioner holding or serving in an additional major political office. Perhaps this issue might be presented by the following question:

'Shall the Metropolitan Charter be amended to provide that elective or appointed county officials shall be prohibited from holding other elective county, municipal or state office?'

A collateral issue was presented to the Review Board arguing that the County was entitled to the full time performance of its employees and that such could not be rendered if an employee undertook to campaign for political office, while so employed. The decision of the voters might be determined from the following question:

'Shall the Metropolitan Charter be amended to provide that any appointed county official or employee shall forfeit his employment effective upon legal qualification as a candidate for any other office?'

We have also been urged to consider the manner in which voters may petition and vote upon proposed amendments to the charter. At this time we are agreed that it is proper to recommend this question:

'Shall the Metropolitan Charter be amended to provide that amendments to the Charter shall be submitted to the voters as separate items on the ballot which shall be voted upon separately?'

We find several points at which the Metropolitan Charter appears to be at variance with state law and needs to be conformed. These are found in:

Section 2.04 which should be amended to provide that the deadline for filing as a candidate for the County Commission shall conform to the state law on this subject, and in

Section 4.03(D) which should be amended to assure that the minimum amount for which competitive bidding is required coincides with the requirement of the state.

We have given considerable attention to criticism of the Metropolitan Court system. It seems likely that we may have developed this new court concept without adequate education and preparation of our citizenry to adjust to it.

We see little merit however, in compounding our problems by abandoning what is considered by many to be a big step forward in promoting traffic safety, to revert to a former method. We believe that most of the criticisms of the Metropolitan Court can be resolved by improved administrative practices and we have recommended these to your consideration. To our citizens, we plead for time for such administrative corrections to be worked out and to permit our further observation and recommendation before voting for any changes in the Charter itself.

We have given thought to the control of port facilities of the County, and considered the suggestions that a separate appointed port authority be established. We have found no serious or substantial criticism of the handling of port matters by the present commission. We do find that substantially all of a commissioner's normal work week is required to inform himself and act upon the problems connected with the operation of the county and its ports. We believe, therefore, that the recommendation that compensation of commissioners should be increased from \$6,000 to \$10,000 per annum is in order so that they each may feel able to devote adequate time to all of their duties and responsibilities without undue financial hardship."



"We doubt whether it is reasonable to expect that any better men would be appointed to a separate port authority than would be elected to the County Commission having power to appoint them. We believe that this suggestion requires further study and consideration before our Board would feel qualified to make a recommendation for change.

Respectfully submitted:

James I. Keller, Jr., Chairman

J. Abney Cox, Vice Chairman

Harold Rand, M. D., Secretary

J. H. Brock

George A. Frix

William A. Graham"

Chairman Alexander S. Gordon, on behalf of the Board, expressed its sincere appreciation for the Charter Review Board's hard work and devotion to the task. He said the foregoing is a very thoughtful and well considered report. Chairman Gordon urged that there be as much unanimity and concurrence by all concerned in respect to proposed amendments to be placed on the ballot. He noted there appears to be some concurrence between the Crandon Committee and the Charter Review Board with respect to several items, particularly with respect to the number of Commissioners, prohibitions against holding dual offices and county employees holding an appointive office at the time of election.

Chairman Gordon stated the Crandon Committee met with the Board at its briefing session on Monday asking the Board to adopt the proposed Charter amendments sponsored by his Committee and place them on the May Primary Ballot or approve their form of petition so they could circulate for signatures as required by the Charter. He said Mr. Crandon's Committee was promised this matter would be considered at today's meeting.

Mr. Mitchell Wolfson said the Committee believes Charter changes should be made now and not delayed beyond the May elections.

Chairman Gordon suggested action be deferred for a period of 24 to 48 hours in an effort to reach agreement on proposed amendments between the Charter Review Board and the Crandon Committee.

Commissioner James H. Allen said the Board has an obligation to consider the recommendations of the duly constituted group, the Charter Review Board, and this matter should first be resolved.

Chairman Gordon said he understood everyone would be agreeable to withhold action for at least 48 hours in an effort to reach agreement on the various Charter amendments.

Mr. Charles Crandon indicated his Committee would be willing to wait 48 hours if there is a possibility of reaching agreement.

Mr. J. Abney Cox, Member of the Charter Review Board, stated the County Attorney has indicated some correction is needed in the phraseology of the amendments and this may require more time than could be recommended to place them on the May ballot.

Commissioner Joseph A. Boyd, Jr. urged the two groups to get together and avoid the possibility of circulating petitions.

Commissioner Walter Weiss said we have received recommendations from the Charter Review Board as to certain items which they feel should go on the May ballot and they coincide to some degree with the recommendations of the Crandon Committee. He expressed the hope that the appearance on the ballot of proposed amendments from two different groups could be avoided.



Commissioner Harold B. Spaet said unfortunately the Board is again faced with deadline government and an attempt is being made to do something which he did not think would be possible. He said it will take the County Attorney considerable time to place the amendments in proper form and for the majority to agree upon them. He stated the Crandon Committee should be given approval with regard to their form of petition; however, the recommendations of the Charter Review Board should be carefully considered by the County Manager and County Attorney before approving them for a ballot.

Commissioner Ben C. McGahey noted basically the Charter Review Board favors submission of questions relative to number of commissioners (nine elected from county commission districts for staggered terms and a chairman to be elected from the county at large); to provide appointments by the County Manager of the heads of the major departments become effective only upon ratification by the County Commission; to provide that elective or appointed county officials shall be prohibited from holding other elective county, municipal or state office; and, to provide amendments to the Charter shall be submitted to the voters as separate items on the ballot and voted upon separately.

Mr. Charles Crandon urged the Commission to approve the Committee's form of petition and that efforts be made in the meanwhile to reach agreement on the proposed amendments submitted by the Charter Review Board.

Chairman Gordon stated he reviewed the list of amendments proposed by the Crandon Committee and in connection with the recommendation pertaining to the Metro Court had requested the County Attorney to draft an amendment incorporating Minimum Standard Requirements for all Metropolitan-Municipal Courts. He asked the Committee to consider the amendment prior to circulation of a petition. Mr. Crandon stated the Committee has studied the amendment and would be glad to incorporate in into the petition.

Commissioner James H. Allen said he would be interested in hearing Mr. McNayr's comments with regard to the proposed amendments.

County Manager Irving G. McNayr said he has had the pleasure of meeting those on the Charter Review Board and commended them for doing an outstanding job. He said the Crandon Committee has undertaken to propose certain amendments to the Charter and this is their right. However, he said the Charter Review Board is the legally constituted body of the Board and has made detailed studies and heard from citizens in all areas. He noted in his appearances before groups prior to the October 1961 election he heard no great demands for the changes which are uppermost in the minds of the Crandon Committee, but rather, opposition was expressed with regard to the reassessment and tax problems. He noted nothing was mentioned with regard to changing the Port Authority. Mr. McNayr said the only major complaint about the Metro Court seemed to be in connection with moving violations. He stated several suggestions were made as to the number of commissioners but they were not well thought out proposals. He said on no occasion did he hear the question raised as to whether the Chairman should be elected separately. He suggested the Board approve the Crandon Committee's form of petition, but continue to give careful study to the recommendations of the Charter Review Board. Mr. McNayr said he saw no merit in getting the two groups together as there are other groups which may wish to be granted the same privilege. He said he didn't believe it would be essential to have amendments placed on the ballot for the May Primaries.

Commissioner Joseph A. Boyd, Jr. questioned if both groups were successful in placing amendments on the ballot, which are in conflict, but are simultaneously adopted which would prevail. Mr. Davis stated both amendments would prevail.

County Attorney Darrey A. Davis said he wished to step out of his role as legal advisor to make a few observations. He noted the responsibility for drafting the amendments to be submitted by the Commission will rest with the County Attorney and that it is a heavy responsibility. He stated the Charter Review Board undertook to determine the complaints of the people on a "grass roots" level and that only 750 people saw fit to attend the meetings. In addition, there were a number of written and telephone suggestions. He said it seemed to him there was no other group in a position to ascertain better what the people want than the Charter Review Board. He stated whether or not anyone likes what is in the Charter, it is well-drafted, and this may be attested to by anyone invited to sit in on 800 law suits which have been brought. Mr. Davis said any amendments should have the highest type of draftsmanship possible and this cannot be accomplished overnight.



He urged before changes are made, that there be a well thought out plan which answers the questions, otherwise there may be trouble in the future. Mr. Davis said one of the main things in stability of government is an educational program and that one of the bright spots is such a program planned by the Charter Review Board to make the people aware of what is in the Charter. He expressed the belief a great deal of credence should be given to what the Charter Review Board has done before moving forward with Charter amendments. He noted the Crandon Committee believes changes should be made and they have a right to initiate Charter amendments. He said it is interesting to note in past history the only successful amendment was with regard to deletion of the reassessment provision from the Charter. Mr. Davis expressed the hope that the Crandon Committee would give careful consideration before proceeding with the petition.

Mr. George A. Frix, Member of the Charter Review Board, stated when the Board began its series of public hearings that it went into the neighborhoods and met with the people. He noted ten meetings, in convenient geographical locations, were held for the citizens. He said if nothing else was accomplished public relations were improved between Metro and the people. He agreed with Mr. Davis that an educational program should be continued.

Commissioner Ben C. McGahey said he believed the recommendations of both groups are constructive, but did not approve placing the questions on the May ballot at the same time many important political races are being considered. He said the amendments should have the complete attention of the citizenry of Dade County. If a special election should be necessary, Commissioner McGahey said he would favor calling one, so that all issues could be properly debated.

After further discussion, it was moved by Commissioner Harold B. Spaet that the Board adopt the proposed resolution approving as to form initiatory petition calling for special election to submit to the electors of Dade County proposals for amendments to the Home Rule Charter, in accordance with provisions of Section 8.07 of the Charter. This motion was seconded by Commissioner Charles F. Hall.

Commissioner Robert M. Haverfield said because of the similarity of certain items proposed by the Charter Review Board and the Crandon Committee it may be desirable to see if agreement could be reached on some amendments before approving the form of petition.

Commissioner Walter Weiss said with regard to approving the form of petition there is no particular ability of the Board to do otherwise; however, he said it is the Board's responsibility to make every effort to assure the amendments are placed in the best possible form. He urged efforts be continued in regard to proper phrasing of the questions in conformity with the expressed intent of the proposals and studies made by the Charter Review Board.

Commissioner Joseph A. Boyd, Jr. said it would be ridiculous to place two sets of proposals on the ballot with the possibility of their simultaneous adoption. He urged both groups to get together on as many items as possible.

Mr. Charles Crandon expressed admiration for the County Attorney, but said he believed the amendments could be placed in proper form for the May ballot. He also expressed disappointment that the County Manager did not suggest the two groups get together. Mr. Crandon said it would be a great mistake to come up with two separate sets of amendments. He noted there are controversial issues in the Charter which should not have been placed there in the beginning. He reminded the Constitution of the United States has been amended 22 times ten of which were within the first five years. He urged the Board to place the Committee's amendments on the ballot without the necessity for a petition.

Commissioner Winston W. Wynne stated the Board of County Commissioners set up a procedure for performing its responsibility to the citizens. He said it was recognized prior to the October 1961 election that there apparently was a group of people who wanted the Charter amended and subsequently the Charter Review Board was set up by the selection of distinguished citizens who exposed the Charter and themselves to the citizens of Dade County. Commissioner Wynne said he could visualize the possibility of a split developing although both groups have the interests of the County at heart. He said this is absolutely unnecessary, and if it should develop, would give adverse publicity to Dade County. He urged the two groups to get together and present a united front.



Mr. E. P. Bancroft commended both the Charter Review Board and Crandon Committee for their efforts. He noted both groups are close together on a number of recommendations. He urged that agreement be reached on as many of the proposals as possible. He said the amendments are too important to appear on the same ballot with a number of primary contests. He urged a special election be held to consider the Charter amendments.

After further discussion, it was moved by Commissioner Joseph A. Boyd, Jr. that action be deferred on the proposed resolution approving the form of petition submitted by the Crandon Committee and that a special meeting be set for Friday, March 9, 1962 at 2:00 P. M. for further consideration. This motion was seconded by Commissioner Robert M. Haverfield.

Subsequent to further discussion, Commissioners Hall and Spaet withdrew their motion to adopt the proposed resolution approving the form of petition.

It was noted both the Charter Review Board and Crandon Committee were in accord with having a further meeting to reach agreement on the proposed amendments.

Chairman Alexander S. Gordon set a special meeting for March 9, 1962 at 2:00 P. M. for the purpose of hearing from the Charter Review Board and other citizens interested in expressing themselves with regard to Charter amendments.

Mr. Joseph A. Wanick, Attorney for the City of Miami Beach, stated he was instructed by the City Council of Miami Beach to appear before the Board for the purpose or urging it to place the proposed Charter amendment on the May 29, 1962 Primary Ballot to restrict the jurisdiction of the Metro Court to the unincorporated areas and restore the traffic courts to the municipalities. The Board took no action on this request in view of the special meeting to be held on March 9, 1962 to further consider Charter amendments.

There being no further business to come before them, upon motion duly made, seconded and carried, the meeting was adjourned.

\_\_\_\_\_  
Chairman

ATTEST: E. B. LEATHERMAN, CLERK

By \_\_\_\_\_  
Deputy Clerk

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Miami, Florida, March 26, 1962

The Board of County Commissioners met in special session in its meeting room on the 10th floor of the Courthouse at 4:15 P. M., March 26, 1962, there being present, upon roll call, Chairman Alexander S. Gordon, Commissioners James H. Allen, Jack H. Beckwith, Joseph A. Boyd, Jr., Charles F. Hall, Robert M. Haverfield, Arthur H. Patten, Jr., Frank O. Pruitt, Harold B. Spaet, Milton E. Thompson, Walter Weiss and Winston W. Wynne (Commissioner Ben C. McGahey was absent); Clerk E. B. Leatherman; Deputy Clerks Edward D. Phelan and W. F. Russell; County Attorney Darrey A. Davis; County Manager Irving G. McNayr; and Assistant County Manager Hoke Welch.

Chairman Alexander S. Gordon stated today's special meeting was called at the request of the Charter Review Board. He then called upon Mr. James I. Keller, Chairman of the Charter Review Board, for his comments.

Mr. Keller stated since the meeting at which the Charter Review Board presented its report and recommendations there has been some doubt in the minds of those on the Board whether or not it is in the good graces of the County Commission. He said the Charter Review Board comes to the meeting today to determine whether or not it is serving and proceeding in the manner intended.

Chairman Gordon said he thought the Board was highly commendatory and expressed its deepest appreciation to the Charter Review Board at the meeting of March 9, 1962. He said if the statements need further amplification and repetition he would be happy to do so. Chairman Gordon assured Mr. Keller that the Board wants the Charter Review Board to continue serving in its present manner.

Mr. Keller said the Charter Review Board has been anxious to obtain the final figure of items likely to appear on the May 29, 1962 ballot as it may be difficult for voters to consider recommendations placed before them if the number of items is too great. He stated the Board is now informed it seems likely the petitions being circulated by the Crandon Committee will be insufficient to insure placing their proposed amendments on the May ballot and that perhaps further consideration should be given to the Charter Review Board's recommendations. Mr. Keller said after careful thought and consideration the Review Board adopted a motion to urge reconsideration of the report and especially items which were not approved for placement on the May ballot. He stated in the Review Board's judgment the first three items of the report relative to the number and salary of commissioners and appointments made by the County Manager would improve the Charter. Mr. Keller said, based on the work done and hearings held, it is believed the citizens want to express themselves with regard to the amendments which were not approved for placement on the May ballot. He urged, since the Review Board feels all of its recommendations are meritorious, that reconsideration be given at this time.

Chairman Gordon said it would be profitable to have an expression from the Members of the Commission. Further, that it occurred to him that unless something is done in this area there is the likelihood of being placed in an equivocal, if not embarrassing position. He said if the petitions are successful, by way of numbers, it will be necessary to call a special election. Further, if this is done it will cause substantial expense to the County and inconvenience to the public. Chairman Gordon stated the fact that the Commission was split by a 6-5 vote on the Charter Review Board recommendations is in no way a reflection on its work and recommendations. He said if the Board sees fit to reconsider the Charter Review Board's recommendations and place the three items on the ballot there still may be the possibility of placing the petition items on the ballot of a special election. Chairman Gordon said if both the Crandon Committee and the Charter Review Board would be content with placing the three items in question on the ballot and stop circulating petitions something would then be accomplished as it would avoid a special election with the resultant expense and inconvenience.



Commissioner Robert M. Haverfield said he could not speak for the Crandon Committee, but as a member, he would suggest that if it be the consensus of the Board that a special meeting be held tomorrow afternoon to reevaluate proposed Charter amendments to be placed on the May 29, 1962 Primary Ballot and that Mr. Crandon and his Committee be invited to attend. He said it would be desirable, in his opinion, to avoid a special election. He noted because of delayed action by the Board in an effort to reach accord with the Crandon Committee and Charter Review Board the Committee was hampered in its efforts to obtain the required number of signatures on their petitions.

Commissioner Winston W. Wynne questioned whether or not the Board would be in a position to stop or start the petition. Chairman Gordon said if the Crandon Committee stopped circulating the petition before the required number of signatures are acquired there would be no special election.

Commissioner James H. Allen said he did not favor inviting the Crandon Committee in good faith to come to a special meeting as he was opposed to placing Charter amendments on the May ballot because of the short time involved and the fact is they should be given further study.

Commissioner Arthur H. Patten, Jr. said he wished to express to Mr. Keller and the Charter Review Board that the Commission was not in disagreement with the proposed amendments, but that the magnitude of the changes with such far reaching effects should have serious consideration and not be lost in the shuffle of a series of heated campaigns on all sorts of issues. He said it was not a matter of disagreeing with the proposals, but rather that the timing was bad for placement on the ballot. Commissioner Patten said it would be helpful if a spokesman was present from the Crandon Committee to advise what they wish to do with regard to the proposed Charter amendments.

After further discussion, it was moved by Commissioner Arthur H. Patten, Jr. that today's special meeting stand in recess until March 27, 1962 at 2:00 P. M., and in the interim the Crandon Committee be invited to meet with the Board and Charter Review Board to discuss placing the proposed Charter amendments on the May 29, 1962 Primary Ballot. This motion was seconded by Commissioner Walter Weiss, and upon being put to a vote, passed by a vote of 12-0, Commissioner Ben C. McGahey was absent.

Upon motion duly made, seconded and carried, the meeting was recessed until March 27, 1962 at 2:00 P. M.

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Miami, Florida, March 27, 1962

Pursuant to recession, the Board of County Commissioners reconvened in special session in its meeting room on the 10th floor of the Courthouse at 2:00 P. M., March 27, 1962, there being present upon roll call, Chairman Alexander S. Gordon, Commissioners James H. Allen, Jack H. Beckwith, Joseph A. Boyd, Jr., Robert M. Haverfield, Ben C. McGahey, Arthur H. Patten, Jr., Frank O. Pruitt, Harold B. Spaet, Milton E. Thompson, Walter Weiss, and Winston W. Wynne (Commissioner Charles F. Hall arrived late); Clerk E. B. Leatherman; Deputy Clerks Edward D. Phelan and W. F. Russell; County Attorney Darrey A. Davis; County Manager Irving G. McNayr; and Assistant County Manager Hoke Welch.

Chairman Alexander S. Gordon stated today's session has been reconvened from the recessed meeting of March 26, 1962 and he then called upon Mr. James I. Keller, Chairman of the Charter Review Board, for his comments.

Mr. Keller discussed the activity of the Charter Review Board with regard to hearings, findings and ultimate recommendations which were incorporated in its Report #1 (copy of which is on file in the Clerk's office). He noted the Board approved five items which would correct conflicts between the Charter and the State Constitution which were considered minor. Further, after a meeting was held with the Crandon Committee to reconcile viewpoints on the three remaining recommendations, relative to number and salary of commissioners and Board approval of certain County Manager appointments, the Board rejected those proposals. Mr. Keller said after action was taken to place amendments on the May Ballot,



the Charter Review Board was concerned with the probability of a large number of items appearing on the ballot; however, after the qualification dates closed inquiry revealed there will not be as many items as originally anticipated. For this reason, together with the fact that it appears unlikely the Crandon amendments will appear on the May ballot, the Review Board has met and asks that the Board reconsider placing the three amendments on the ballot which were not previously approved. Mr. Keller stated it is the Review Board's belief that the suggested amendments will strengthen the Charter and give satisfaction to the citizens in that it will afford them an opportunity to vote on these questions.

Commissioner Arthur H. Patten, Jr. posed a question as to the possibility of both the Crandon and Charter Review Board amendments appearing on the ballot, which differ to some degree, and ultimate passage of both amendments. Mr. Keller stated if both proposals should be authorized for placement on the May Ballot, the Charter Review Board would prefer to withdraw its amendments.

Mr. Mitchell Wolfson, of the Crandon Committee, said they are in agreement with the Charter Review Board's recommendations on the three amendments under consideration although the Crandon Committee's proposals were slightly different. He added one of the most controversial subjects throughout Dade County is with regard to the present operation of the Metro Court system and urged that the citizens be provided an opportunity to vote on partial return of the Court system to the municipalities. He said if the Charter Review Board recommendations and the amendment pertaining to the Court system were placed on the May 29, 1962 Primary Ballot the Crandon Committee would be willing to withdraw its petition and avoid the possibility of a special election.

Commissioner Arthur H. Patten, Jr. stated the question was raised yesterday whether or not anyone has the prerogative to withdraw a petition once it has been signed by the citizens. He noted estimates have been received ranging from receipt of 15,000 to 30,000 signatures. Mr. Wolfson stated between 16,000 and 17,000 signatures have been obtained and it is felt certain after examination there will be sufficient rejections to disqualify the petition. After further discussion, County Attorney Darrey A. Davis stated the fact that a person signs a petition would not give him a proprietary right in the petition. Further, there is nothing the County Commission can do until the petitions are submitted to it and notification has been received from the Supervisor of Registration through the County Manager certifying the number of signatures is adequate.

Commissioner Winston W. Wynne noted the observation was made that it is the responsibility of the Board to call a special election if the number of signatures on the petition is adequate; however, he said if there is to be a special election, as a result of the manner in which the petitions are handled, it will be someone else's responsibility as to the cost. Mr. Wolfson said he didn't agree, as in efforts to reach an amicable agreement, the Committee was delayed in obtaining the required signatures which otherwise would have been possible inasmuch as the petitions were not circulated during the interim period.

Chairman Alexander S. Gordon noted Commissioners James H. Allen, Charles F. Hall, Arthur H. Patten, Jr., Harold B. Spaet, Milton E. Thompson, Jack H. Beckwith and Frank O. Pruitt were eligible to make a motion for reconsideration as all, with the exceptions of Commissioners Beckwith and Pruitt who were absent, were on the winning side at the time the proposals were considered.

Mr. R. B. Gautier, speaking as a private citizen and a member of the Miami-Dade Chamber of Commerce, voiced objections to proposed amendments which would permit election of commissioners on a district basis rather than the present manner of election. He said this would be a step backward and an opportunity would be afforded to vote for only one commissioner as compared with the present system whereby a citizen may vote for six or seven commissioners, depending on whether or not he lives within a municipality entitled to representation. He noted Mr. Pallott addressed the Board earlier and that his recommendation relative to an amendment permitting squaring off municipal boundaries merits consideration and was included as one of three items recommended by the Government Research Council. Mr. Gautier urged reconsideration of the question to permit changing the name of Dade County to Miami County in order to capitalize on the large amount of expenditures made in the area to publicize the name "Miami." He urged that the Charter not be changed relative to the Court system as this may be done by ordinance if so desired by the Board.



Mr. Charles Crandon cited his past association with development of the Charter for Dade County and stated contrary to statements made, he actively worked against the McLeod amendment. He said the vote of 105,000 to 97,000 in favor of the present Charter should not be discounted as there is a large segment who are opposed to Metropolitan government. He did not go along with statements made that people do not know what they are signing or doing. He noted during a period of two hours and 20 minutes he obtained 200 signatures on the petitions and that he could very shortly obtain as many as 50,000 signatures. He said this would not be the case if everyone was satisfied with Metro. Mr. Crandon acknowledged his Committee has been referred to as a self-appointed Committee, which is correct, in that it is composed of citizens who are interested in their government and want to keep that form of government and the Charter. Mr. Crandon said on his last visit before the Commission he advised placing amendments on the ballot would afford the Board an opportunity to gain the good will and confidence of the people. He urged the Board to give the citizens an opportunity to vote on the amendments before some less desirable proposal is placed before them with the possibility of losing the Charter. He said the people should have the right to decide and that it is not up to the Commission, Crandon Committee, Miami Herald or others to make this decision.

Mr. Dan Paul, in furtherance of Mr. Gautier's remarks, filed a proposed amendment with the Clerk which would provide for election of commissioners on a county-wide basis.

Mr. George Frix, Member of the Charter Review Board, discussed the activity of the Board with regard to hearings held to determine how the citizens feel about their government. He noted the hearings were held in ten geographically convenient areas of the County and the Review Board heard what the people had to say about the Charter and what they believed was needed to provide the right kind of government. He said among the many foolish and sage ideas which were presented, one question that arose quite often was the matter of commission districts. One of the complaints noted was that the citizens stated they had no one to come to regarding problems except the County Manager and it was impossible for him to talk to all of the people. Mr. Frix said the people want their own district representative. He drew an analogy in this regard to the same process of government on a State level whereby citizens contact the appropriate Representative relative to individual problems. Mr. Frix said he is not fearful of the decision the people will make at the polls. Further, that he still believes government in Metropolitan Dade County is of, for and by the people and urged they be afforded an opportunity to have a voice in the type of government they want.

Mr. William T. Kruglak, II, of the Government Research Council, said he attended the meeting several weeks ago and assumed a final decision was made with regard to placing the proposed amendments on the May 29, 1962 ballot. He said the decision should stand as reconsideration would only add confusion. Further, if the people are desirous of adding amendments they should speak through the petitions.

Mr. George Cooper appeared before the Board and stated the people want a voice in their government and not a ward system. He said this is a County and not a State government in rebuttal to the proposal for district representation. Mr. Cooper stated the Government Research Council is deeply interested in the Metropolitan Charter, and therefore, the self-appointed Committee is not the only group which has such an interest.

Mr. William Graham, Member of the Charter Review Board, supported earlier statements made by Messrs. Keller and Frix. In addition, he observed there are two groups of people who are interested in the Metropolitan form of government and there is evidence of honest disagreement about the method of electing the commissioners. He said the way to clear the air would be to let the people vote on this issue. In support of the district method of election, Mr. Graham said the costs become prohibitive for a candidate to campaign on a county-wide basis. With regard to commissioners' salaries, he said good men cannot be expected to continue serving the county on a full-time basis for \$6,000 a year.

Chairman Gordon said he thought the articulateness, sincerity and logic expressed by all persons thus far speaks well for the electorate, and as long as there is this much interest on the part of the leaders in this community in our form of government, there is not much danger of government becoming slipshod or corrupt.



Mrs. Hazel Davis discussed her previous activities with regard to elections pertaining to the Charter. She did not agree with the proposal for election on a district basis and said the proposal should be made available to the public in an alternative form. Mr. Fred Canel, Miami-Dade Chamber of Commerce, reechoed the sentiments expressed by Mrs. Davis.

County Manager Irving G. McNayr said both the Crandon Committee and Charter Review Board have worked in good faith with regard to their respective proposals. He pointed out if the proposals are placed on the ballot little over a month and half remain for consideration and discussion. He expressed doubt with regard to the urgency of placing the proposals on the May Ballot. He suggested the Charter Review Board, and other groups, give further study for a period of time to develop alternate suggestions or ideas as to the number of commissioners and whether or not they should be elected on a district basis or at large. He said the results of such study may indicate the final approach will be alternate proposals for each question with a possibility for the people to retain the present system. Mr. McNayr stated he toured the County considerably in connection with the October 17, 1961 election and that he did not hear a recommendation for nine county commissioners, but from time to time five or seven commissioners were suggested.

Mrs. Noma Lockwood expressed opposition to changing the name of Dade County to Miami County. She discussed the significance of various numbers and concluded that seven would be much better than 13.

Chairman Gordon presented the following message from the Dade County Association of Unincorporated Areas:

"Dade County Association of Unincorporated Areas supports in principle the proposals submitted by the Charter Review Board. Our Association has studied the proposed changes and feels that the people of Dade County should be given the right to vote on these amendments on May 29, 1962.

A. W. Brafford, Jr.  
President"

Commissioner Walter Weiss said he shares the Chairman's views that with the interest, thought and study given to our government by all those who have expressed themselves and those who have participated in conferences, the government is not in serious jeopardy. He said the Commission has a specific responsibility to provide some sort of guide line for action. He noted the Board was urged to take action in opposing directions which cannot be successfully accomplished. Commissioner Weiss said the Board, in finality, does not make the decision, but it is empowered to make a decision as to what will be placed before the people for an answer. He stated the Charter Review Board was established under the authority of the County Commission and they have brought their recommendations on eight items to be placed on the ballot for May 29, 1962. As to the other proposals, he acknowledged they may be controversial and the people may wish to express themselves in this regard. Commissioner Weiss said he has several ideas as to Charter amendments, but did not feel this is what should be voted upon today. He suggested first consideration be given to those items which have been recommended by the duly constituted Charter Review Board.

It was moved by Commissioner Walter Weiss that the Board accept the recommendations of the Charter Review Board for placement of eight Charter amendments on the May 29, 1962 Primary Ballot. The Chairman ruled the motion out of order as it would first be necessary to entertain a motion for reconsideration; further, that Commissioner Weiss was not eligible to make such a motion as he was not on the winning side.

It was moved by Commissioner Jack H. Beckwith that the Board reconsider its previous action with regard to the first three recommendations made by the Charter Review Board (number of commissioners, compensation and Board approval of certain County Manager appointments). This motion was seconded by Commissioner Joseph A. Boyd, Jr.



Commissioner Boyd stated prior to the election on the McLeod amendment the Board created the Charter Review Board and the citizens were lead to believe proposed amendments would subsequently be placed on the ballot for consideration. Further, that he felt morally bound to afford the people an opportunity to vote on the recommendations.

Commissioner Harold B. Spaet said it was his understanding the Crandon Committee would be willing to withdraw circulation of petitions provided the three amendments under consideration, together with the Metro Court amendment, are approved. He questioned if the Charter Review Board would be willing to submit the Metro Court amendment for approval. Mr. Keller replied, as previously reported, no great demand for Charter changes in connection with the Courts was evidenced during the hearings; however, dissatisfaction was expressed with regard to procedural matters. Mr. Keller said the Charter Review Board does not feel it is ready to make a recommendation with regard to the proposed Court amendment.

Commissioner Spaet questioned, in view of the fact that the Crandon petition may be continued in circulation, whether or not all the amendments recommended by the Charter Review Board should be placed on the May ballot. Mr. Keller said he personally felt the amendments should not be placed on the ballot until November 1962, but that this opinion is not shared by all Members of the Charter Review Board.

Commissioner Arthur H. Patten, Jr. questioned if the Crandon Committee recommendation relative to the Courts is not placed on the May ballot whether or not the petition would continue in circulation. Mr. Crandon said he was merely a spokesman for the Committee, but added approval of the Metro Court amendment was not made a condition and the Committee favors acceptance of the Charter Review Board recommendations.

Commissioner Patten questioned if placing the question on the ballot relative to the Metro Court System in an effort to determine the feeling of the people in this regard would meet with the approval of the proponents. Mr. Ursina spoke in support of the straw vote as suggested by Commissioner Patten.

The Board then voted on Commissioner Beckwith's motion to reconsider the Board's previous action with regard to the first three recommendations made by the Charter Review Board, and upon being put to a vote, passed by the following vote:

James H. Allen	Nay	Arthur H. Patten, Jr.	Aye
Jack H. Beckwith	Aye	Frank O. Pruitt	Nay
Joseph A. Boyd, Jr.	Aye	Harold B. Spaet	Nay
Charles F. Hall	Nay	Milton E. Thompson	Nay
Robert M. Haverfield	Aye	Walter Weiss	Aye
Ben C. McGahey	Aye	Winston W. Wynne	Nay
		Alexander S. Gordon	Aye

It was moved by Commissioner Joseph A. Boyd, Jr. that the Board adopt the proposed resolution calling a special election in Dade County, Florida, on Tuesday, May 29, 1962, for the purpose of submitting to the electors of Dade County certain proposed amendments to the Home Rule Charter recommended by Metropolitan Charter Review Board. This motion was seconded by Commissioner Robert M. Haverfield.

Chairman Alexander S. Gordon noted that three proposed amendments which are encompassed in the proposed resolution were previously turned down by the Board and if the motion should be defeated all the recommendations which were previously approved would likewise be defeated. He proposed considering the Charter amendments individually. Commissioner Haverfield stated all recommendations are included in the proposed resolution and that it would not be possible to separate them; however, if the resolution fails to be adopted those amendments which were previously approved could be reconsidered.

Commissioner Ben C. McGahey said he believes the timing is very poor for placing Charter amendments on the ballot; however, in view of the Charter Review Board's recommendation that the amendments be placed on the ballot, he thought the request should be honored.

Commissioner James H. Allen spoke in favor of the present method of electing commissioners on an at large, district and municipality basis.



The Board then voted on Commissioner Joseph A. Boyd's motion to adopt the foregoing proposed resolution, and upon being put to a vote, the vote was as follows:

James H. Allen	Nay	Arthur H. Patten, Jr.	Nay
Jack H. Beckwith	Aye	Frank O. Pruitt	Nay
Joseph A. Boyd, Jr.	Aye	Harold B. Spaet	Nay
Charles F. Hall	Nay	Milton E. Thompson	Nay
Robert M. Haverfield	Aye	Walter Weiss	Aye
Ben C. McGahey	Aye	Winston W. Wynne	Nay
		Alexander S. Gordon	Aye

The Chairman thereupon declared that the motion had failed to carry.

It was moved by Commissioner Robert M. Haverfield that the Board reconsider its previous action with regard to the five proposed Charter amendments which were previously approved for placement on the May 29, 1962 ballot. This motion was seconded by Commissioner Joseph A. Boyd, Jr. Commissioner Harold B. Spaet raised a point of order as to whether or not Commissioner Haverfield was eligible to make the motion. County Attorney Davis stated according to the Rules of Procedure Commissioner Haverfield was not eligible to make the motion inasmuch as he was on the losing side. The Chairman thereupon ruled Commissioner Haverfield's motion out of order.

It was moved by Commissioner Frank O. Pruitt that the Board reconsider its previous action with regard to the five proposed Charter amendments which were previously approved for placement on the May 29, 1962 ballot. This motion was seconded by Commissioner Arthur H. Patten, Jr., and upon being put to a vote, passed by a vote of 11-2, Commissioners Harold B. Spaet and Winston W. Wynne voting "Nay."

Commissioner Frank O. Pruitt presented a resolution to be entitled:

RESOLUTION CALLING SPECIAL ELECTION IN DADE COUNTY, FLORIDA, ON TUESDAY, MAY 29, 1962, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF DADE COUNTY CERTAIN PROPOSED AMENDMENTS TO THE HOME RULE CHARTER RECOMMENDED BY METROPOLITAN CHARTER REVIEW BOARD.

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #7445.

There being no further business to come before them, upon motion duly made, seconded and carried, the meeting was adjourned.

\_\_\_\_\_  
Chairman

ATTEST: E. B. LEATHERMAN, Clerk

By \_\_\_\_\_  
Deputy Clerk

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For the nomination of a Non-Partisan Candidate for County Commissioner,  
City of Miami, the whole number of votes cast was..... 22265 Twenty-two  
..... thousand two hundred sixty five .....of which number  
JAMES W. "JIMMY" HIGH.....received..... 10790 votes  
ARTHUR H. PATTEN, JR.....received..... 11475 votes

On the question, "Shall the Home Rule Charter be amended to provide that  
elective or appointed county officials shall be prohibited from holding  
other elective offices, with certain exceptions, and that any appointed  
county official who qualifies as a candidate for any elective office  
forfeits his county position?"

THE TOTAL NUMBER OF VOTES CAST WAS..... 55451  
THE NUMBER VOTING YES WAS..... 49168  
THE NUMBER VOTING NO WAS..... 6283

On the question, "Shall the Home Rule Charter be amended to provide that  
candidates for the office of County Commissioner shall qualify within the  
same periods of time required for other county offices?"

THE TOTAL NUMBER OF VOTES CAST WAS..... 57519  
THE NUMBER VOTING YES WAS..... 52245  
THE NUMBER VOTING NO WAS..... 5274

On the question, "Shall the Home Rule Charter be amended to conform to the  
General State Laws requiring competitive bidding when the transaction in-  
volves \$1,000 or more?"

THE TOTAL NUMBER OF VOTES CAST WAS..... 58204  
THE NUMBER VOTING YES WAS..... 53371  
THE NUMBER VOTING NO WAS..... 4833

..... *George T. Clark* .....County Judge  
..... *E. K. Ketchuman* .....Clerk of the Circuit Court  
..... *Milton L. Thompson* .....OF the Board of County Commissioners  
..... *Joseph A. Boyd* .....OF the Board of County Commissioners  
..... *Wm. V. Spivey* .....OF the Board of County Commissioners  
..... *Sam. M. Kirk* .....OF the Board of County Commissioners  
..... *James H. Coffey* .....OF the Board of County Commissioners  
..... *Robert F. Lee* .....OF the Board of County Commissioners  
..... *John A. Beal* .....OF the Board of County Commissioners



THE RESULTS OF A NON-PARTISAN SPECIAL ELECTION HELD IN DADE COUNTY, FLORIDA, ON THE 29TH DAY OF MAY 1962, UNDER PROVISIONS OF THE HOME RULE CHARTER.

A. Amend Section 1.05 of the Home Rule Charter to provide as follows:

"Section 1.05. FORFEITURE OF OFFICE.

A. Any member of the Board of County Commissioners who ceases to be a qualified voter of the County or removes himself from the County or the district from which he was elected, or who fails to attend meetings without good cause for a period of six months, shall immediately forfeit his office.

B. Any elected or appointed County official who holds any other elective office, whether federal, state or municipal, shall forfeit his County position, provided that the provisions of this subsection shall not apply to any officials presently holding such other office during the remainder of their present terms.

C. Any appointed official or employee of Dade County who qualifies as a candidate for election to any federal, state or municipal office shall immediately forfeit his County position.

THE TOTAL NUMBER OF VOTES CAST WAS.....	55451
THE NUMBER VOTING YES WAS.....	49168
THE NUMBER VOTING NO WAS.....	6283

C. Amend Section 2.04 of the Home Rule Charter to provide as follows:

"Section 2.04. QUALIFICATIONS AND FILING FEES OF COUNTY COMMISSIONERS.

All candidates for the office of County Commissioner shall qualify with the Clerk of the Circuit Court no earlier than the 63rd day, and no later than noon on the 49th day prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the County."

THE TOTAL NUMBER OF VOTES CAST WAS.....57519  
 THE NUMBER VOTING YES WAS.....52245  
 THE NUMBER VOTING NO WAS.....5274

D. Amend Section 4.03(D) of the Home Rule Charter to provide as follows:

"Section 4.03 FINANCIAL ADMINIS-  
 TRATION.

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 the expenditure of \$1,000 or more. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the 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."

THE TOTAL NUMBER OF VOTES CAST WAS.....58204  
 THE NUMBER VOTING YES WAS.....53371  
 THE NUMBER VOTING NO WAS.....4833



The Chairman thereupon declared that the vote resulted in a 6-6 tie, and in accordance with the Board's procedure this matter would be placed on the agenda for the meeting of July 17, 1962 at 9:00 A.M.

Chairman Gordon requested Mr. Thompson to meet with the County Manager to determine if an alternative proposal may be worked out in connection with the foregoing proposed ordinance which would be more acceptable to all concerned. Commissioner Haverfield requested Mrs. MacKenzie and other interested parties be notified of such a meeting so they could present their views.

It was moved by Commissioner Winston W. Wynne that Item 5 (a) be considered at this time. This motion was seconded by Commissioner Joseph A. Boyd, Jr., and upon being put to a vote, passed by a vote of 12-0, Commissioner James H. Allen was absent.

5 (a) Mr. James I. Keller, Chairman of the Charter Review Board, appeared before the Board and presented the following report with regard to the proposed Charter amendments which will appear on the ballot for the Special Charter Election to be held on August 21, 1962:

"METROPOLITAN CHARTER REVIEW BOARD  
1416 Courthouse  
Miami 32, Florida

July 3, 1962

To the Citizens of Metropolitan Dade County:

A major responsibility of the Charter Review Board of Metropolitan Dade County is to make recommendations to the Board of County Commissioners and our citizens on proposed amendments to the Home Rule Charter. Our Board has carefully reviewed the five proposed amendments to be voted on August 21. We are unanimously agreed that these changes will not be in the best interest of the citizens of Dade County, and we take this opportunity to report to the community our reasons for this decision.

A Charter change can be evaluated by only one criterion: Does the proposed amendment benefit the whole of Dade County and is it in the best interest of our citizens. As corollaries to this criterion we must consider whether the proposal will (1) make the elected and administrative officials of the county more directly responsible to the voters, and (2) provide the taxpayer with more service for each tax dollar collected.

We submit that none of the five proposals meets this standard. In fact, they chip away at the present clear lines of responsibility in our Charter for policy-making, administrative, and financial control.

In addition to stating here our general reasons for opposing these amendments, we intend to issue prior to the election more detailed analyses of each question.

Board of County Commissioners

The first amendment would change the composition of the Board of County Commissioners by providing for nine members, one to be elected from each of nine new districts to be determined by the Commission.

At the present time there are 13 commissioners -- 5 elected at-large, 5 elected from and by districts, and 3 from municipalities with more than 60,000 population (Hialeah, Miami, and Miami Beach).



The Charter Review Board during the past seven months held 10 public hearings throughout the county and has met with various civic organizations. Considerable concern was expressed with the present Charter provisions for selecting commissioners.

We determined, however, that there is no general agreement among the individuals or groups who appeared before us on either the number or method of selection of commissioners. We believe that if there is to be a change, the recommendation should be the result of an intensive study of representation in other metropolitan communities throughout the country, and that we should be able to tell our citizens specifically the ways in which the proposal will benefit them by providing better representation and more direct control of their elected representatives. The Charter Review Board has initiated such a study.

#### County Manager

Two questions deal with the authority of the County Manager. The first amendment would provide for approval of his appointments of major department heads by the Board of County Commissioners. The amendment on this subject can only compound confusion and destroy any hope of establishing responsibility for administrative action.

It seemingly provides for Commission approval of eight department heads and one division head but is unclear as to the method of appointment of all other department and division heads. The list of major department heads does not include the directors of three departments who are responsible for spending more than one-third of the general county budget. There is also mention of providing for such appointments by Civil Service Rules and Regulations which would deprive the County Manager of any choice in selection of his top aides.

Appointments under this system would be dependent upon obtaining a majority vote of the Commission. The County Manager would undoubtedly find it most difficult to obtain technically trained and experienced professional administrators since the ethics of such government administrators traditionally prevent them from soliciting such political support.

We have heard the argument that top federal employees are subject to Senate confirmation and that this amendment would provide a similar check and balance in our local government. We cannot agree with this since the President of the United States is an elected official who can be removed only by complicated impeachment procedure. The Board of County Commissioners may, by simple majority vote, immediately remove the County Manager at any time it feels his appointments are unwise.

The related proposal which would require affirmative decision by the Board of County Commissioners for reorganization of administrative agencies is, we feel, equally detrimental to the public interest. The practical effect of this amendment would be to encourage administrative employees to pressure County Commissioners to defeat recommendations of the Manager which would eliminate their jobs or reduce the prestige of their agencies. The County Manager has accounted for some \$500,000 in tax savings through administrative changes this past year.

This proposal makes no provision for public hearing on such matters. The Charter already provides an additional safeguard whereby the Board of County Commissioners may overrule the County Manager by ordinance requiring public hearing.



Port Authority Board

The proposal to create a citizen Port Authority Board of five members we believe is particularly dangerous to this community. The scope of the Port Authority's powers goes far beyond its present multi-million dollar airport operation. The Authority may operate seaports, toll roads, and other transportation facilities.

Creation of a civilian authority would remove this operation from continuing supervision and control of our elected officials and place it in the hands of five men who would have no direct responsibility to our voters. All powers of the Board of County Commissioners would be transferred to this Port Authority Board except that the Commission would continue to approve bond issues and the annual budget.

The Port Authority Board would be a self-perpetuating body since it would recommend its own replacements to the Board of County Commissioners which would have power to veto its nominees but could not name another person.

This change in our county government would not remove the Port Authority from politics. To the contrary, it would increase the opportunities for political pressure by placing this operation even further from the control of our voters and by making it virtually impossible to determine whether responsibility for a particular action belongs to the Board of County Commissioners, the Port Authority Board, or the administrative officers.

Metropolitan-Municipal Courts

We believe that the present provision for a Metropolitan Court to assure uniform justice throughout the county is a basic responsibility of the metropolitan form of government.

In studying the Metropolitan Court system, we concluded that there are some administrative changes to be made but these can be accomplished without Charter change.

The proposal to again establish traffic courts in the municipalities is so cumbersome and potentially costly that we do not see any way in which the public could benefit from it.

There are 16 cities with more than 2,500 population in Dade County. To create a traffic court in each, in addition to those needed to serve the unincorporated area where nearly half our people live, will certainly require additional monies which will have to be raised from traffic fines.

We cannot find in this amendment any benefit in terms of convenience or better traffic enforcement to us as citizens. Rather it provides the seeds for destruction of our efforts to establish throughout our area a system of just and uniform traffic enforcement.

These, then, are the reasons why your Metropolitan Charter Review Board believes that these proposals are not in the best interest of the citizens of Dade County.

Respectfully submitted,  
Metropolitan Charter Review Board  
James I. Keller, Jr., Chairman  
J. Abney Cox, Vice Chairman  
Harold Rand, M.D., Secretary  
J. H. Brock  
George A. Frix  
William A. Graham  
Charles W. Mitcehl  
Fred M. Walker"



Chairman Gordon expressed the Board's appreciation to Mr. Keller and the members of the Charter Review Board for their public service and for the presentation of their thoughts on the proposed Charter amendments. He noted a presentation is scheduled with regard to changes in mandatory court appearances, in connection with the Metropolitan Court, and questioned Chairman Keller's reaction to the proposed changes. Mr. Keller stated there has been considerable irritation expressed with regard to some mandatory court appearances and it was his understanding certain appearances would be removed under the proposal to be presented to the Board. He said this will be helpful and should result in greater public support of the Metropolitan Court.

4 (b) The Clerk reported pursuant to advertisement authorized at the meeting of June 19, 1962, a public hearing is scheduled for this session on the following proposed ordinance:

The Clerk read by title the following proposed ordinance:

ORDINANCE AMENDING SECTION 15-28 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, TO PROVIDE THAT WASTE FEES SHALL CONSTITUTE SPECIAL ASSESSMENT LIENS AGAINST ALL IMPROVED REAL PROPERTY FOR WHICH WASTE COLLECTION AND DISPOSAL SERVICES ARE PROVIDED, OR MADE AVAILABLE; PROVIDING PENALTIES FOR NON-PAYMENT OF WASTE FEES; PROVIDING METHOD OF ENFORCING SUCH LIENS; AND PROVIDING EFFECTIVE DATE

Mr. Melbourne Martin, on behalf of the Dade County Title Insurance Corporations, appeared before the Board in connection with the foregoing proposed ordinance. He noted there was no provision in the proposed ordinance for recordation of a lien or notice of a lien on property. Mr. Martin said those in the title field believe if there is to be a lien on land it should be easily determined from the public records. He urged machinery be set up whereby a register would be maintained in the office of the Clerk of the Circuit Court, whereby a list would be accessible by name and address in alphabetical order so liens may be checked by the abstract companies. Further, the amount and period of time involved should be recorded therein. Mr. Martin said he believed such a system would be simple and workable. He stated it was not his intention to give the impression legal descriptions are not favored; however, to simplify the procedure addresses would be acceptable and would assist the industry. He urged the Board to favorably consider his proposal. Mr. Martin said, although he did not hold himself to be a Constitutional lawyer, he did question the constitutionality of Section "B" of the proposed ordinance.

Mr. George Jahn, representing several abstracting and title insurance companies, said he believed the liens should be based on the method of recording in public records and urged the effective date be placed on a recordable instrument.

Mr. Fred Piccini, Attorney, appeared before the Board and stated he was concerned with the practical aspects of enforcing the proposed ordinance. He expressed the belief that the proposed ordinance, in substance, is illegal; and therefore, would not be upheld in court. Mr. Piccini said it should be made clear that a garbage fee is not a tax. He said the ordinance is an attempt to enforce collection of a fee as a tax, which is contrary to fact, and will not hold up in court. Mr. Piccini said he further believed that the proposed ordinance is in violation of the Constitutional protection afforded by the State of Florida in connection with insuring homesteads. He stated any one of the reasons cited would be strong enough to defeat the proposed ordinance in a court of law. Mr. Piccini said if the proposed ordinance is adopted he would be one of the first to challenge on behalf of each taxpayer, not only by declaratory decree, but for accumulated damages.



7 (bb) Commissioner Milton E. Thompson presented (10) resolutions approving plats. These resolutions were adopted by the Board and are set forth in the Record of Resolutions and assigned numbers as follow:

<u>No. of Resolution</u>	<u>Title</u>
7298 ✓	Orchard Villa School Tract Subdivision
7299 ✓	Home Milk Tract
7300 ✓	Lake Andrea Estates
7301 ✓	Replat of Lots 4 and 5, Block 2 and Tracts A & B, Cullywood Estates"
7302 ✓	Replat of a Portion of Coconut Creek
7303 ✓	Third Addition to Southern Estates
7304 ✓	Fourth Addition to Southern Estates
7305 ✓	A Repat of Block 34 and a Portion of Block 35, Heftler Homes Sunset Park Section Two
7306 ✓	Lincoln Downs
7307 ✓	Pickwick Lake Estates Section Two

County Attorney Darrey A. Davis stated that a resolution has been prepared which is not on the agenda pertaining to maintenance and repair of an access road to be constructed by the Village of Bal Harbour.

It was moved by Commissioner Walter Weiss that the proposed resolution pertaining to maintenance and repair of access road to be constructed by Bal Harbour be placed on the agenda as item 7 (ff). This motion was seconded by Commissioner Walter Weiss, and upon being put to a vote, passed by a vote of 12-0, Commissioner Robert M. Hayerfield absent.

7 (ff) Commissioner Walter Weiss presented a resolution to be entitled:

RESOLUTION ACCEPTING RESPONSIBILITY FOR MAINTENANCE AND REPAIR OF ACCESS ROAD TO BE CONSTRUCTED BY VILLAGE OF BAL HARBOUR, DESIGNATED AS "COLLINS AVENUE EXTENSION AND TURN AROUND"

✓ The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #7308.

Chairman Gordon recognized Councilmen Jack Cherry and Charles Whiteacre of the City of Hialeah. He noted that Hon. John Buckley was previously present but had left the Chambers.

8 (a) The Clerk read by title the following proposed ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 57-13 (CHAPTER 11 OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA) TO PROVIDE THAT NO JUDGE OF THE METROPOLITAN COURT SHALL BECOME A CANDIDATE FOR ANY ELECTIVE STATE, COUNTY, OR MUNICIPAL OFFICE.

It was moved by Commissioner Winston W. Wynne that the Board adopt the foregoing proposed ordinance on first reading and that the Clerk be authorized to advertise a public hearing to be held on this proposed ordinance February 20, 1962 at 9:00 A. M. This motion was seconded by Commissioner Frank O. Pruitt.

Commissioner Joseph A. Boyd, Jr. said he thought whatever merit there was in the proposed ordinance with regard to Metro Court Judges should also apply to all County employees. He said it is not well to select any limited group.



Commissioner Robert M. Haverfield said if the proposed ordinance passes on first reading a matter which the Board may wish to consider is that Canon 30 of the Ethics pertaining to judiciary permits any Judge in the State of Florida to offer himself for re-election or other posts. He said he did not know whether it is applicable in this particular instance.

Commissioner Wynne said the reason for this particular approach is to tie it in with the court itself. He said his reason for presenting this particular ordinance is purely one of attempting to step up the image of the Judges of the Metro Court.

After further discussion, the Board voted on Commissioner Wynne's motion to adopt the foregoing proposed ordinance on first reading and authorize the Clerk to advertise a public hearing to be held on this proposed ordinance February 20, 1962 at 9:00 A. M., and upon being put to a vote, the vote was as follows:

James H. Allen	Nay	Frank O. Pruitt	Aye
Jack H. Beckwith	Nay	Harold B. Spaet	Nay
Joseph A. Boyd, Jr.	Nay	Milton E. Thompson	Nay
Charles F. Hall	Nay	Walter Weiss	Nay
Robert M. Haverfield	Aye	Winston W. Wynne	Aye
Ben C. McGahey	Aye	Alexander S. Gordon	Aye
Arthur H. Patten, Jr.	Aye		

✓ The Chairman thereupon declared that this motion had failed to carry.

8 (b) The Clerk read by title the following proposed ordinance:

ORDINANCE AMENDING CHAPTER 11 OF CODE OF METROPOLITAN DADE COUNTY  
(ORDINANCE NO. 57-13, AS AMENDED) TO PLACE THE CLERK OF THE METROPOLITAN  
COURT UNDER THE ADMINISTRATIVE JURISDICTION OF THE COUNTY MANAGER

Chairman Gordon questioned if the proposed ordinance amending Ordinance 57-13 to place the Clerk of the Metro Court under administrative jurisdiction of the County Manager met with the latter's approval.

County Manager McNayr said the proposed ordinance did not meet with his approval for reasons set forth in his report to the Board. He stated the administration has gone into the whole matter of the Clerk's operation in the court and that it was found a good sound job is being done in that office. Mr. McNayr said he had gone into considerable detail with regard to the matter of unserved warrants and subpoenas and that he has a recommendation to avoid that sort of thing in the future. He said if a previous administrative order is carried through and licenses of drivers could be taken at the time of arrest, this would guarantee their appearances in court. Or, in lieu of taking of the drivers' licenses, require the violators to post bond. Mr. McNayr said he leaned toward the practice that is prevalent throughout most of the State of Florida whereby the licenses are taken at the time of arrests. He said there should be some option, however, as to whether the violator wished to post bond in lieu of having his license taken. Mr. McNayr said it is estimated there would be a total savings of \$200,000 when taking into consideration the number of people necessary to process and serve warrants. He said it is felt this procedure would strengthen the whole position of the court.

County Manager McNayr said another recommendation is that the Sr. Judge should be appointed by the County Commission for whatever term it desires to effect a closer liaison between the Commission and the Sr. Judge. He recommended a one-year term. He noted the present procedure calls for appointment of the Sr. Judge for a term of two years by his colleagues. Chairman Gordon noted such an ordinance was previously presented and defeated by the Board with regard to selection of the Sr. Judge. Mr. McNayr said it was still his recommendation that this method of appointment be followed; however, it is solely a matter within the prerogative of the Commission.

# Appendix L

**Miami-Dade County**  
**Office of Management and Budget**  
**Citizen Led Initiative and Referendum Procedures in Select Florida Counties**

*Information on citizen's initiative and referendum procedures are based on the jurisdictions' Charter. Shown below are Florida charter counties with a population greater than 500,000.*

County & Link to Charter	Population <sup>1</sup>	Signature Requirements	Petition Approval Process	Required Action After Petition Approval	Restrictions
Miami-Dade <a href="#">Charter</a>	2,700,794	<p><u>Charter</u>: 10% of registered voters</p> <p><u>Ordinances</u>: 4% of registered voters. No more than 25% of signatures from any one Commission District</p> <p>Each person circulating a copy of the petition shall attach a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.</p> <p><u>Time frame</u>: 120 days from approval of the form of the petition</p>	<p>The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action. Amendments to this Charter may be proposed by initiatory petitions of electors.</p> <p>Citizen shall submit proposed ballot language to the Clerk of the Circuit Court who shall without delay approve as to form a petition.</p> <p>Signed petitions shall be filed with the Board which shall within 30 days order a canvass of the signatures. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this Section, the Board shall notify that the petition is insufficient and has failed.</p>	<p>A public hearing shall be held on the proposal at the next BCC meeting subsequent to the date the Clerk approves the petition as to form. The Board may within 30 days after the date a sufficient petition is presented adopt or repeal an ordinance as submitted. If the Board does not adopt or repeal the ordinance then the proposal shall be placed on the ballot without further action from the Board. The election shall be held either in the next scheduled countywide election, or (for ordinances only) if the petition contains the valid signatures of at least 8% of registered voters, the first Tuesday after 120 days from certification of the petition. The result shall be determined by majority vote.</p> <p>An ordinance proposed by initiatory petition or the repeal of an ordinance by referendary petition shall be effective on the day after the election, except that:</p> <p>(1) Any reduction or elimination of existing revenue or any increase in expenditures not provided for by the current budget or by existing bond issues shall not take effect until the beginning of the next succeeding fiscal year; and</p> <p>(2) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the Board and the repeal of the ordinance by the voters, shall not be enforced against the county; and</p> <p>(3) Should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest number of votes shall prevail as to those provisions.</p>	<p>An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for one year.</p>

<sup>1</sup> [Finalized Salaries of Elected County Constitutional Officers - FY 2017-18](#); The Florida Legislature's Office of Economic and Demographic Research



County & Link to Charter	Population <sup>1</sup>	Signature Requirements	Petition Approval Process	Required Action After Petition Approval	Restrictions
Broward <a href="#">Charter</a>	1,854,513	<p><u>Charter/Ordinances</u>: 7% of the total number of registered voters. No more than 25% of the valid signatures required shall come from voters registered in any single County Commission District.</p> <p><u>Time frame</u>: 180 days from date which the County Administrator notifies the Petitioner that the petition is sufficient as to form</p>	<p>The power to propose amendments to any section of this Charter, or to propose the repeal, amendment or enactment of any County ordinance by initiative is reserved to the people of this County.</p> <p>Promptly after the petition form is filed, the County Administrator, or other individual designated by the County Commission, shall submit the petition and the affidavit to the County Attorney for review (<i>within 10 days</i>) to insure that the petition conforms with the petition form requirements as established in an ordinance adopted by the County Commission.</p> <p>No later than 30 days after the petition is filed, the County Administrator, or other individual designated by the County Commission, shall complete a Certificate of Sufficiency</p> <p>Upon the issuance of the Certificate by the County Administrator, or other individual as designated by the County Commission, it shall be the duty of the Supervisor of Elections to determine the validity of said petition no later than 30 days following receipt of the Certificate from the County Administrator</p>	<p>Should the Supervisor of Elections determine that the petition is valid, it shall be the duty of the County Commission to call a special referendum election in accordance with the petition to be held either:</p> <p>(1) At the next scheduled county-wide election which occurs at least 90 days after the Supervisor of Elections issues a determination as to the validity of the petition, or</p> <p>(2) If the petition contains the valid signatures of voters in the County in numbers at least equal to 10% of the registered voters in the County at the date of the last general election, the election shall take place at least 90 days and no later than 120 days after the date the Supervisor of Elections issues a determination as to the validity of the petition, preferably in an election already scheduled for other purposes, otherwise in a special election.</p>	<p>The initiative power shall not extend to the proposing of any part or all of the annual budget or capital program or fixing ordinance making or repealing any appropriation of money fixing the salaries of County officers or employees or authorizing or repealing the levy of taxes.</p>
Hillsborough <a href="#">Charter</a>	1,352,797	<p><u>Charter</u>: Each petition must be circulated in each Board District and must be signed by a number of electors in each of one-half of Districts 1 through 4 and of the county as a whole equal to 8% of the votes cast in each of such Districts and the county as whole in the last preceding election in which a president or presidential electors were chosen. The address of each signer, and date of each signature, must appear on the petition.</p> <p><u>Time frame</u>: A date certain must be designated to and certified by the Supervisor of Elections as the beginning date of any petition drive, and said drive shall terminate six months after that date.</p>	<p>The power to propose amendments to this Charter by initiative is vested in the people.</p> <p>The petition shall be filed with the Supervisor of Elections who shall, within a period of not more than 30 days, determine whether the petition contains the required valid signatures. The Supervisor shall be paid the sum specified by general law by the persons or committee seeking verification. If it is determined that the petition does not contain the required signatures, the Supervisor shall so certify to the Board of County Commissioners and the petition drive shall be at an end.</p>	<p>If it is determined that the petition has the required signatures, the Supervisor shall so certify to the Board of County Commissioners and place the amendment on the ballot. All other procedures shall be as provided by general law for constitutional amendments with the Supervisor of Elections performing the duties of the Secretary of State. Charter review and initiative amendments shall be voted on at the next regular general election. Amendments shall become effective upon approval by a majority vote of the electors voting. The Board of County Commissioners shall require by ordinance that for all County elections, a separate financial impact statement, not exceeding seventy-five words, including a two-year estimate of the increase or decrease in revenues or costs to the county resulting from approval of all proposed county Charter amendments be prepared by the county budget director and placed on the ballot immediately following the ballot question.</p>	<p>Each petition shall embrace but one subject and matter properly connected therewith.</p>



County & Link to Charter	Population <sup>1</sup>	Signature Requirements	Petition Approval Process	Required Action After Petition Approval	Restrictions
Orange <a href="#">Charter</a>	1,280,387	<p><u>Charter</u>: 10% of the county electors in a majority of the Commission Districts as of January 1 of the year in which the petition to amend or repeal the Charter is initiated.</p> <p><u>Ordinances</u>: 7% of the county electors in each commission district as of January 1 of the year in which petition seeking to enact, amend or repeal an ordinance is initiated.</p> <p><u>Time frame</u>: 180 days from the date of approval by the Supervisor of Elections</p>	<p>The power to propose amendment or repeal of this Charter, or to propose enactment, amendment or repeal of any county ordinance by initiative is reserved to the people of the county.</p> <p>The sponsor of an initiative petition shall, prior to obtaining any signatures, submit the text of the proposed petition to the Supervisor of Elections, with the form on which signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form may be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed</p> <p>If sufficient signatures are obtained, the sponsor shall submit signed and dated forms to the Supervisor of Elections who shall within 30 days verify the signatures thereon and submit a written report to the Board.</p>	<p><u>Charter</u>: Within 30 days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board, the Board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least 150 days after verification of sufficient signatures by the Supervisor of Elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year.</p> <p><u>Ordinances</u>. Within 30 days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board, the Board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the Board fails to adopt the proposed petition, it shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least 150 days after verification of sufficient signatures by the Supervisor of Elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the Board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year..</p>	<p>The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to administrative or judicial functions of county government, including but not limited to, county budget, debt obligations, capital improvement programs, salaries of county officers and employees and the levy and collection of taxes.</p> <p>The power to amend this charter by initiative, or to enact, amend or repeal an ordinance by initiative, shall not extend to the regulation of employer wages, benefits or hours of work, the encumbrance or allocation of tax revenues for any purpose not then authorized by law, or the encumbrance or allocation of tax revenues conditioned upon a prospective change in Florida law.</p> <p>Notwithstanding any other provision of this charter, the Board is prohibited from calling a referendum on the question of the adoption of any proposed charter amendment or ordinance by initiative which, in the determination of the Board, is wholly or partially violative of the limitations of this section or Florida law.</p> <p>Notwithstanding any other provision of this charter, the Board is prohibited from enacting any ordinance by initiative which, in the determination of the Board, is wholly or partially violative of the limitations of this section or Florida law.</p> <p>The Board shall not amend or repeal an ordinance adopted by initiative for a period of 1 year after the effective date of such ordinance</p>

County & Link to Charter	Population <sup>1</sup>	Signature Requirements	Petition Approval Process	Required Action After Petition Approval	Restrictions
Palm Beach <a href="#">Charter</a>	1,391,741	<p><u>Charter/Ordinances</u>: 7% of the number of voters qualified to vote in the last general election</p> <p><u>Time frame</u>: <i>No time limit specified</i></p>	The people of Palm Beach County shall have the right to initiate county ordinances by filing with the Board of County Commissioners a copy of the proposed ordinance and a petition containing the signatures and addresses of not less than 7% of the number of voters qualified to vote in the last general election. Within 45 days after the filing of the petition with the Board, the Supervisor of Elections shall verify the signatures on said petition.	<p>Within 45 days after the petition is verified by the Supervisor of Elections, the Board shall hold public hearings on the proposed ordinance, according to law, and vote on it.</p> <p>If the Board of County Commissioners fails to adopt the proposed ordinance, it shall then place the ordinance for a referendum on the ballot at the next general election occurring at least 30 days after the Board's vote for a referendum. If approved by a majority of those who voted, the ordinance shall become effective on the date specified in the ordinance; or if not specified in the ordinance, then it shall become effective January 1 following the election.</p>	None of the above provisions shall be available to the public for initiation, change, or modification of county budgetary provisions.
Pinellas <a href="#">Charter</a>	954,569	<p><u>Charter</u>: 8% of the number of registered electors of the county at the time of the last preceding general election. No more than 40% of those registered electors signing petitions shall reside in any 1 at-large county Commission District and no more than 30% of those registered electors signing petitions shall reside in any 1 single-member county Commission District.</p> <p><u>Time frame</u>: 240 days after the date of approval by the Supervisor of Elections</p>	<p>The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by ordinance.</p> <p>The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission pay all fees as required by general law. The Supervisor of Elections shall within 45 days verify the signatures thereon. Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.</p> <p>In the event sufficient signatures are not acquired during the 240 day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.</p>	Such petition shall be filed with the Clerk of the Circuit Court in his capacity as Clerk of the Board, together with an affidavit from the Supervisor of Elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified. Each charter amendment proposed by petition shall be placed on the ballot by resolution of the Board for the general election occurring in excess of 90 days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified. However, County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the exact language of the proposed amendment as submitted on the petition, shall be published by the Board once a week for four consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least 45 days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment. If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.	<p>Each such proposed amendment shall embrace but one subject and matter directly connected therewith.</p> <p>The power to amend, revise, or repeal this Charter by citizens' initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the levy or collection of taxes, or the rezoning of less than 5% of the total land area of the county.</p>

County & Link to Charter	Population <sup>1</sup>	Signature Requirements	Petition Approval Process	Required Action After Petition Approval	Restrictions
Polk <a href="#">Charter</a>	646,989	<p><u>Charter</u>: 7% of the qualified electors from each County Commission District</p> <p><u>Ordinances</u>: 6% of qualified electors in the last preceding general election; provided that the number shall contain at least 6% of the qualified electors in each Commission District.</p> <p><u>Time frame</u>: Not later than one year after initial receipt of the petition by the Supervisor of Elections</p>	<p>The electors of Polk County shall have the right to initiate county ordinances in order to establish new legislation that is not in conflict with the State Constitution, general law or this Charter, and to amend or repeal existing ordinances when such amendments or repeal are not in conflict with the State Constitution or general law. Amendments to this Charter, not inconsistent with the State Constitution or with general law, may be proposed by a petition.</p> <p>The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed and obtain a dated receipt therefor. The sponsor shall cause a notice of such submission to be published within 14 days thereof in a newspaper of general circulation in the County. The sponsor shall comply with all requirements of general law for political committees, and shall file quarterly reports with the Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of signatures procured. The time and form of such reports may be prescribed by ordinance. When a sufficient number of signatures is obtained, the sponsor shall thereupon submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees required by general law. The Supervisor of Elections shall, within 60 days after submission, verify the signatures thereon, or specify a reason for the invalidity of each rejected signature if the petition is rejected for insufficiency of the number of valid signatures. If the petition is rejected for insufficiency of the number of signatures, the sponsor shall have an additional 30 days within which to submit additional signatures for verification. The Supervisor of Elections shall, within 30 days verify the additional signatures. In the event sufficient signatures are still not acquired, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.</p>	<p><u>Charter</u>: The Board shall cause any Charter amendment proposed to be submitted to the electors for their approval. The question shall be placed on the ballot at the next general election occurring at least 60 days after the Charter amendment is proposed or validated. Notice of said referendum, together with the language of the proposed amendment, shall be published at least twice in a newspaper of general circulation in the county, at intervals of at least seven days, but not less than five nor more than thirty days prior to the referendum.</p> <p><u>Ordinances</u>: Within 60 days after the requisite number of names has been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board shall give notice and hold a public hearing on the proposed ordinance according to law and vote on it. If the Board fails to enact the proposed ordinance, it shall, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least 45 days after the adoption of such resolution.</p> <p>Passage of proposed ordinances or amendments shall require approval of at least 60% of electors voting.</p>	<p>Any ordinance or Charter amendment shall embrace but one subject and matter directly connected therewith.</p> <p>The Board of County Commissioners shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general election, without approval of a majority of the electors voting at a referendum called for that purpose.</p> <p>The power to enact, amend or repeal an ordinance or amend this Charter by initiative shall not include ordinances or provisions relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the assessment or collection of taxes, or the rezoning of land.</p>

County & Link to Charter	Population <sup>1</sup>	Signature Requirements	Petition Approval Process	Required Action After Petition Approval	Restrictions
Duval/City of Jacksonville <a href="#">Charter</a>	923,647	<p><u>Charter</u>: Amendment or non-binding straw ballot referendum may be proposed by ordinance or by a petition signed by qualified voters of Duval County equal in number to at least 5% of the total number of registered voters in the city at the time of the last preceding general consolidated government election; provided, the same or substantially same referendum to amend this charter may not be proposed more than one time in any 12 month period unless any petition subsequent to the first petition shall be signed by qualified voters of Duval County equal in number to at least 10% of the total number of registered voters in the city at the time of the last preceding general consolidated government election.</p> <p><u>Time frame</u>: No later than 180 days prior to the election date requested by the petitioners' committee.</p>	<p>Upon the receipt of 10% of the qualified voter signatures required, the Supervisor of Elections shall submit the proposed petition form to the City's Office of General Counsel for a determination of the legal sufficiency of its form and substance. The Supervisor shall simultaneously make a recommendation to the Office of General Counsel as to the sufficiency of the proposed petition's form. The Office of General Counsel shall preliminarily validate or invalidate the petition within 10 business days of receipt. If the Office of General Counsel determines that the form or substance of the petition is defective, it shall promptly send such determination to the petitioners' committee by registered mail. The determination shall specify the particulars wherein the petition is defective.</p> <p>Within 30 business days from the date of the receipt of the completed petition, the Supervisor of Elections shall validate or invalidate the petition. The Supervisor shall attach to the petition a certificate showing the result of such examination. If the Supervisor of Elections shall find and determine that the requirements have been met with respect to any petition, then the Supervisor of Elections shall validate the petition. If the Supervisor of Elections determines that the requirements have not been met, the Supervisor of Elections shall promptly send a copy of the certificate to the petitioners' committee by registered mail. The certificate shall specify the particulars wherein the petition is defective.</p>	<p>The petition may be amended and filed with the Supervisor of Elections following a certificate or determination of invalidation.</p> <p>The Office of General Counsel's or the Supervisor of Election's validation or invalidation may be challenged in court no sooner than 10 business days after a notice of contest has been filed with the Supervisor of Elections. The notice of contest shall contain the pertinent factual and/or legal basis for the contest.</p> <p>Unless otherwise scheduled by the Council, the referendum shall be held as a part of and at the same time as the next consolidated government, school board, state or federal election in which all qualified voters of Duval County are entitled to participate.</p> <p>At Petitioner's Committee's expense, notice of the referendum shall be published at least twice in a newspaper published in and having a general circulation in Duval County, and the first publication shall be made at least 30 days prior to the date of the referendum. Notice of a referendum shall set forth the date of the election and, where charter amendments are proposed, the exact language of the proposed charter amendment, the ballot title and ballot summary, and the financial impact statement</p>	No amendment of this charter reducing the salary of any elective officer shall become effective until after the expiration of the current term of the incumbent official elected to such office
Lee <a href="#">Charter</a>	680,539	<p><u>Charter</u>: 7% of the electors qualified to vote in the last preceding general election.</p> <p><u>Ordinances</u>: 5% of the electors qualified to vote in the last preceding general election. No more than 30% of the total number of signature required will be allowed in any single Board of County Commission District.</p> <p><u>Time frame</u>: 180 days from the date of approval by the Supervisor of Elections</p>	<p>The electors of Lee County shall have the right to initiate amendments to the charter as well as County ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition of qualified electors in the County.</p> <p>The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of the proposed ordinance to the Supervisor of Elections, with the form on which, signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance.</p>	<p>Within 45 days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board shall notice and hold according to general law a public hearing on the proposed ordinance and vote on it. If the Board fails to enact the proposed ordinance at the public hearing, it shall, at the public hearing, by resolution, call for a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least 90 days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the</p>	<p>The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to the County budget, debt obligations, capital improvement programs, salaries of County officers and employees, the levy and collection of taxes, and the rezoning of an individual parcel of land.</p> <p>The Board shall not amend or repeal an ordinance adopted by this initiative procedure for a period of one year after the effective date of such ordinance and thereafter may amend or repeal such ordinance only by an affirmative vote of at least a majority plus one of its membership.</p>

County & Link to Charter	Population <sup>1</sup>	Signature Requirements	Petition Approval Process	Required Action After Petition Approval	Restrictions
			The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate 180 days after that date. In the event sufficient signatures are not acquired during that 180 day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over into another identical or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within 45 days verify the signatures thereon.	question, the proposed ordinance shall be declared by resolution of the Board to be enacted and shall become effective on the date specified in the ordinance, or, if not so specified, on January 1 of the succeeding year.	
Brevard <a href="#">Charter</a>	568,919	At least equal to 5% of electors qualified to vote in the last preceding general election; provided that the number shall contain at least 5% of the qualified electors in each of at least three Commission election districts.  <u>Time frame:</u> Not later than 9 months after the initial receipt of the petition by the Supervisor of Elections.	The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a proposed ordinance or Charter amendment to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed and obtain a dated receipt therefor. The sponsor shall thereupon submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees required by general law. The Supervisor of Elections shall within 60 days verify the signatures thereon, or specify a reason for the invalidity of each rejected signature if the petition is rejected for insufficiency of the number of valid signatures. If the petition is rejected for insufficiency of the number of signatures, the sponsor shall have an additional 30 days within which to submit additional signatures for verification. The Supervisor of Elections shall, within 30 days verify the additional signatures. In the event sufficient signatures are still not acquired, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.	Within 60 days after the requisite number of names has been verified by the Supervisor of Elections and reported to the Board, the Board shall give notice and hold a public hearing on the proposed ordinance according to law and vote on it. If the Board fails to enact the proposed ordinance, it shall by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least 45 days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered voters voting on the question, the proposed ordinance shall be declared by resolution of the Board to be enacted and shall become effective on the date specified in the ordinance, or if not so specified, on January 1 of the succeeding year.	The electors of Brevard County shall have the right to initiate County ordinances in order to establish new legislation that is not in conflict with the State Constitution, general law or this Charter, and to amend or repeal existing ordinances when such amendments or repeal are not in conflict with the State Constitution or general law. The power to enact, amend or repeal an ordinance or amend this Charter by initiative shall not include ordinances or provisions relating to the existing County budget, existing debt obligations, existing capital improvement programs, salaries of non-elected County officers and employees, the collection of taxes, or the rezoning of less than 5% of the total land area of the County.  The Board shall not amend or repeal an ordinance adopted by initiative, without the approval of a majority of the electors voting at a referendum called for that purpose.



County & Link to Charter	Population <sup>1</sup>	Signature Requirements	Petition Approval Process	Required Action After Petition Approval	Restrictions
Volusia AMY <a href="#">Charter</a>  <i>*Note: Charter also includes provision regarding Charter repeal by initiative</i>	517,411	Amendments to this charter may be proposed by a petition signed by at least 5% of the electors from each council district of the county.  <u>Time frame:</u> <i>No time limit specified</i>	Any such petition shall be filed with the county manager and shall be executed and validated or invalidated by the Supervisor of Elections.	Any such amendment shall be subject to referendum and notice of said referendum, together with the exact language of the proposed amendment, shall be published twice in a newspaper of general circulation in the county at least 30 days prior to the referendum at the next general election. Passage of proposed amendments shall require approval of a majority of electors voting in said election.	

# Appendix M



# County Form of Government 2014 Survey Results

## SURVEY METHODOLOGY

The survey was mailed in October 2014 to 3,031 county governments. A follow-up survey was sent to those who had not responded to the first mailing. An online survey was available as well, with the URL included on the paper survey. The response rate was 25% with 750 counties responding. Not all counties answered every question. The number answering each question is identified beside the question.

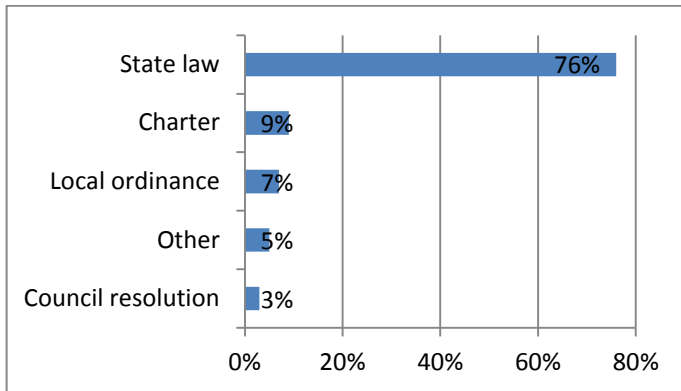
- The term **commission** refers to an elected body whose members may be called commissioners, council members, supervisors, board members, or a similar title.
- The **chief appointed official** of the local government is often referred to as county manager, county administrator, chief administrative officer, county coordinator, or a similar title.
- The **presiding officer** of the local government may have the title of presiding officer, judge, board chair, or the like.

1. Please indicate which of the following best describes your current legal form of government as defined by your charter, ordinance, or state law. (Please read all definitions first and check only one.) N = 685

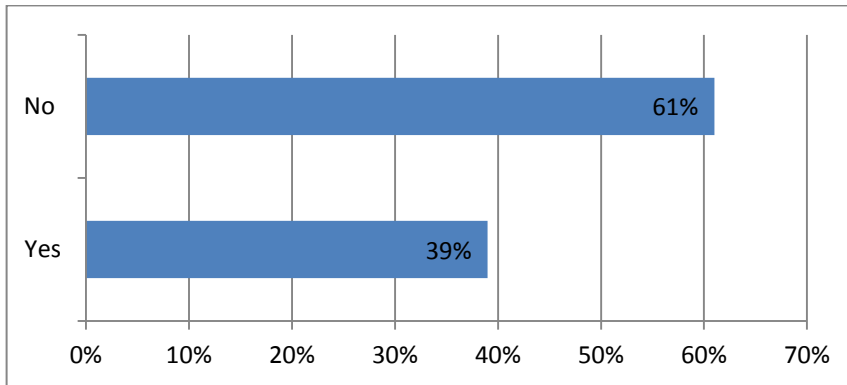
Form of government	% reporting	No. reporting
Each elected commissioner or board member may serve as director of one or more functional departments (e.g. Public Works Director or Director of Health and Human Services) in addition to his/her policymaking role. The presiding officer may be chosen from the board or elected directly (e.g., county judge). This is popularly known as the <b>commission</b> form of government.	26%	177
An elected board sets policy, adopts legislation, and approves the budget. The commission appoints an administrator to conduct the day-to-day county business, to prepare the budget, to oversee department heads, and to recommend policy to the board. This is popularly known as the <b>council-administrator</b> form.	37%	252
An elected board sets policy, adopts legislation, and approves the budget. The commission appoints a manager or administrator with broad executive authority to oversee and manage county departments, hire and fire most department directors, hire and fire county staff, prepare the budget, and recommend policy to the board. This is popularly known as the <b>council-manager</b> form.	27%	185
The elected board is responsible for making policy. The executive, elected at -large, implements county board policies, prepares the budget, and acts as county spokesperson. The executive often has veto power, which can be overridden. This form fully separates the legislative and executive powers and is popularly known as the <b>council-elected executive</b> form.	10%	71



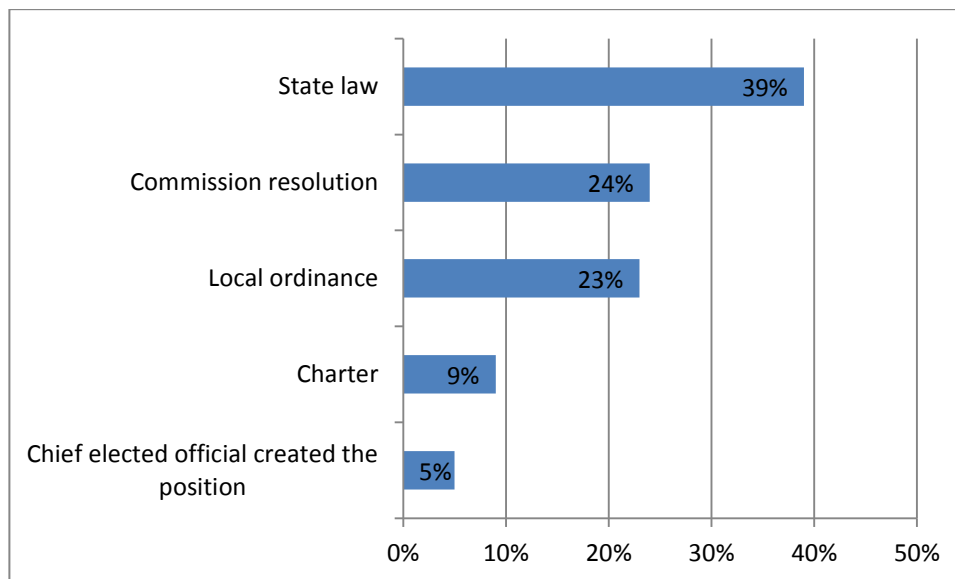
2. How is your county's *structure or form of government* established? (Check only one.) N = 717



3. Does your county have the position of *chief appointed official* (CAO)? N = 692



3A. If your county does have the position of *chief appointed official*, what action established the position? (This question refers only to the establishment of the position, not to the person or group that does the hiring.) N = 274



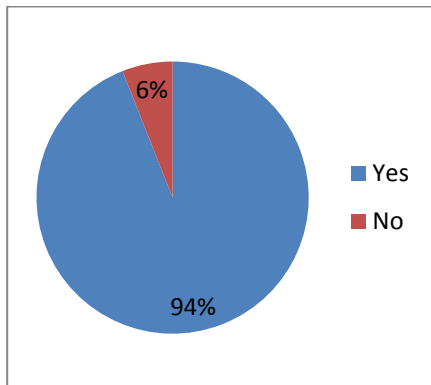
**3B. If your county does have the position of *chief appointed official*, who appoints the chief appointed official? (Check only one.) N = 321**

	% reporting	No. reporting
Presiding officer	1%	4
Commission	82%	262
Combination of presiding officer and commission	5%	16
Other	12%	39

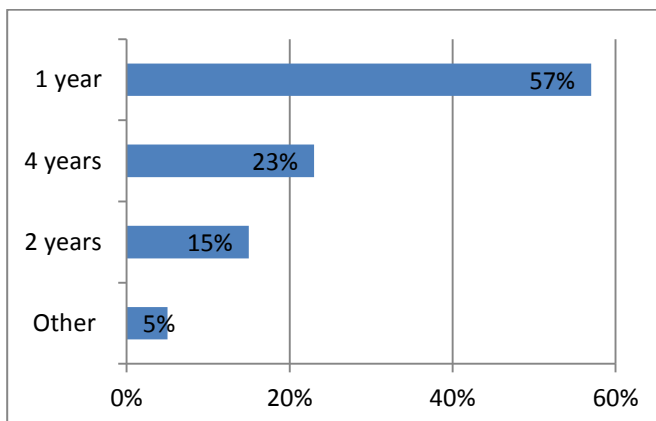
**4. How is your presiding officer selected? (Check only one.) N = 715**

	% reporting	No. reporting
Voters elect directly	21%	149
Commission selects from among its members	68%	484
The commission member receiving the most votes in the general election becomes the presiding officer	1%	4
Commission members rotate into the position of presiding officer	8%	54
Other	3%	24

**5. Is the presiding officer a member of commission? N = 710**



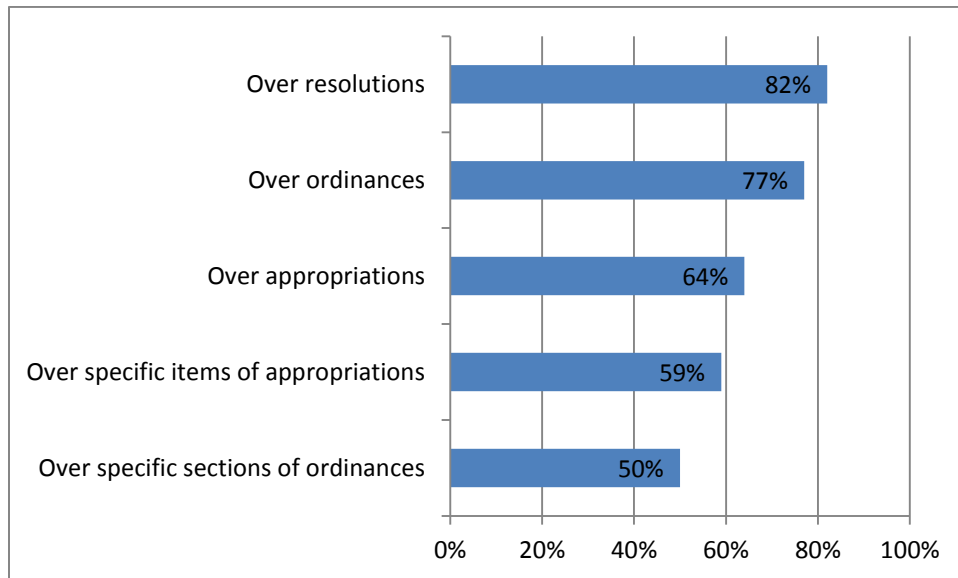
**6. How long is the presiding officer's term of office? (Important: If the presiding officer is a member of the commission, specify the term for the position of presiding officer, not of commission member.) (Check only one.) N = 709**



**7. Does the presiding officer have the authority to veto commission-passed measures? N = 707**

Only 4% checked “yes.”

**A. If yes, in what cases may the presiding officer exercise veto power? (Check all applicable.) N = 22**



**8. Since 2007, have any recall initiatives been filed against the presiding officer? N = 697**

- Only 10 counties reported a recall initiative filed against the presiding officer.

**A. If yes, were any successful?**

- Only 2 were successful.

**9. How many seats, vacant and filled, are on your commission? The average is 6; the median is 5.**

(Include the presiding officer if that position serves on the commission. If the presiding officer is a member of the commission, your answer to question 5 should be “yes.”)

**10. How many current commission members are (Total number of commission members should equal the total in question 9.)**

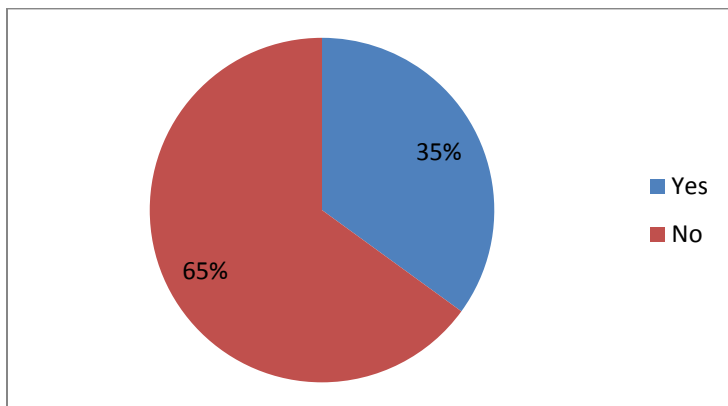
Commission members-male		Commission members-female	
Mean	Median	Mean	Median
5	4	1	1

11. How many current commission members are (*Total number of commission members should equal the total in question 9.*)

Commission members-Native American		Commission members-Hispanic		Commission members-Asian or Pacific Islander		Commission members-White		Commission members-Black	
Mean	Median	Mean	Median	Mean	Median	Mean	Median	Mean	Median
2	1	2	1	5	2	6	5	2	1

12. Does your county have a provision for initiative? N = 690

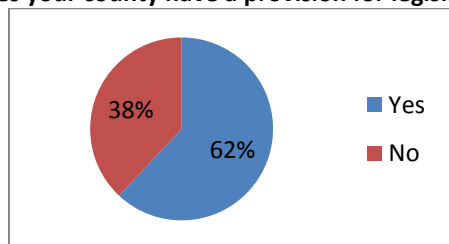
*Initiative allows citizens to place charter, ordinance, or home rule changes on the ballot by collecting a required number of signatures on a petition.*



12A. If yes, which of the following initiative processes does your municipality provide? (*Check all applicable.*) N = 231

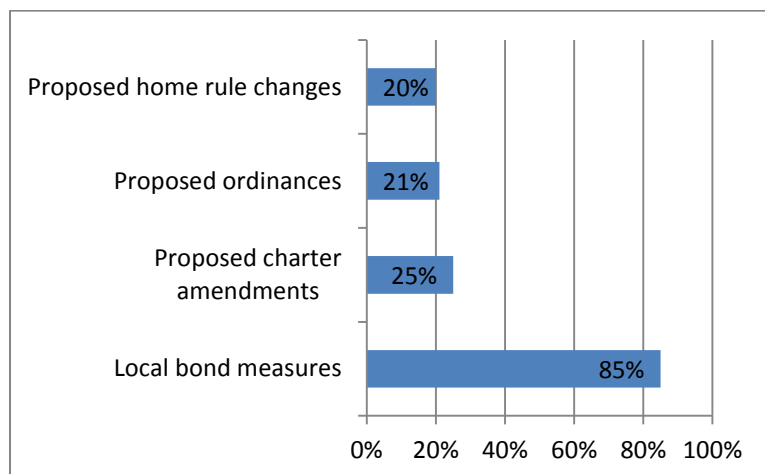
	% reporting	No. reporting
<b>Indirect:</b> Requires that <i>before</i> any charter, ordinance, or home rule change proposed by citizens through a petition process is placed on the ballot for vote, the council must consider it. Vote results are binding on the local government.	8%	60
<b>Direct:</b> Requires that any charter, ordinance, or home rule change proposed by the citizens through a petition process must be placed directly on the ballot for a vote. Vote results are binding on the local government.	18%	138
<b>Non-binding initiative:</b> Allows citizens to place on the ballot a question for voter approval or rejection. The voter response is non-binding on the local government.	4%	33

13. Does your county have a provision for legislative referendum?

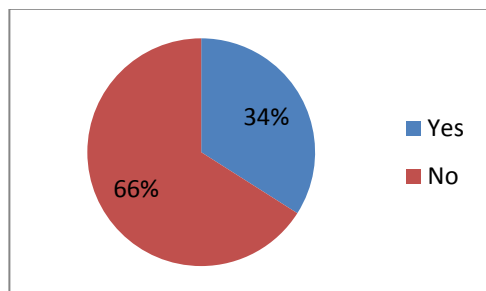


*Legislative referendum allows the council to place any question on the ballot for voter approval or rejection. The results may be binding or non-binding.*

**13A. If yes, which of the following items must be placed on the ballot for voter approval? (Check all applicable.)**  
**N = 346**

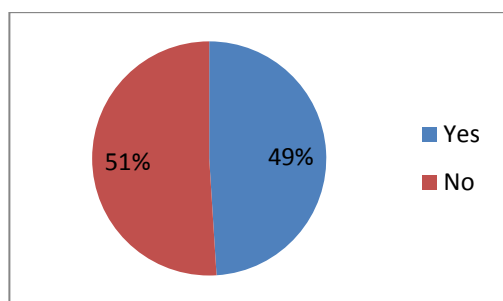


**14. Does your county have a provision for popular referendum? N = 676**



*Popular referendum allows citizens to collect signatures on a petition to place on the ballot any charter, ordinance, or home rule change that has been adopted by the local government before the change can take effect.*

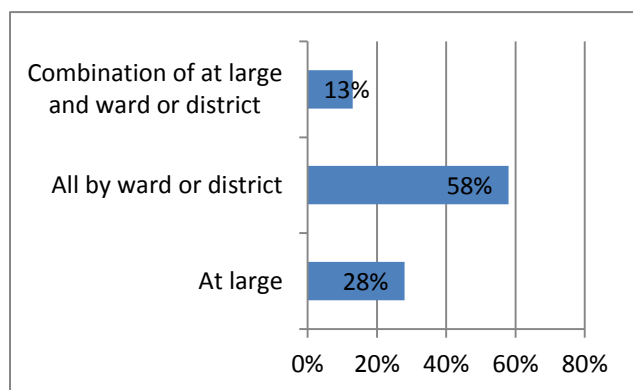
**15. Does your county have a provision for recall? N = 679**



*Recall allows citizens to collect signatures on a petition to place on the ballot a question of whether an elected official should be removed from office before the expiration of his/her term.*



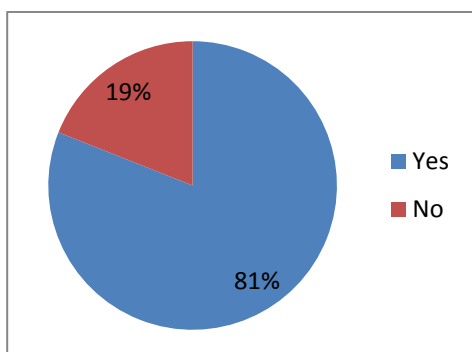
**16. How are the members of your commission elected? (Check only one.) N = 718**



**16A. If you selected a combination, indicate the number of commission members elected by each of the following methods:**

Number of commissioners elected at large		Number of commissioners elected by ward/district	
Mean	Median	Mean	Median
2	1	5	4

**17. Does the political party affiliation of commission candidates appear on the ballot in your local general elections?**



**18. Since 2007, have any recall initiatives been filed against council members? N = 704**

	% reporting	No. reporting
Yes	3%	23
No	97%	681

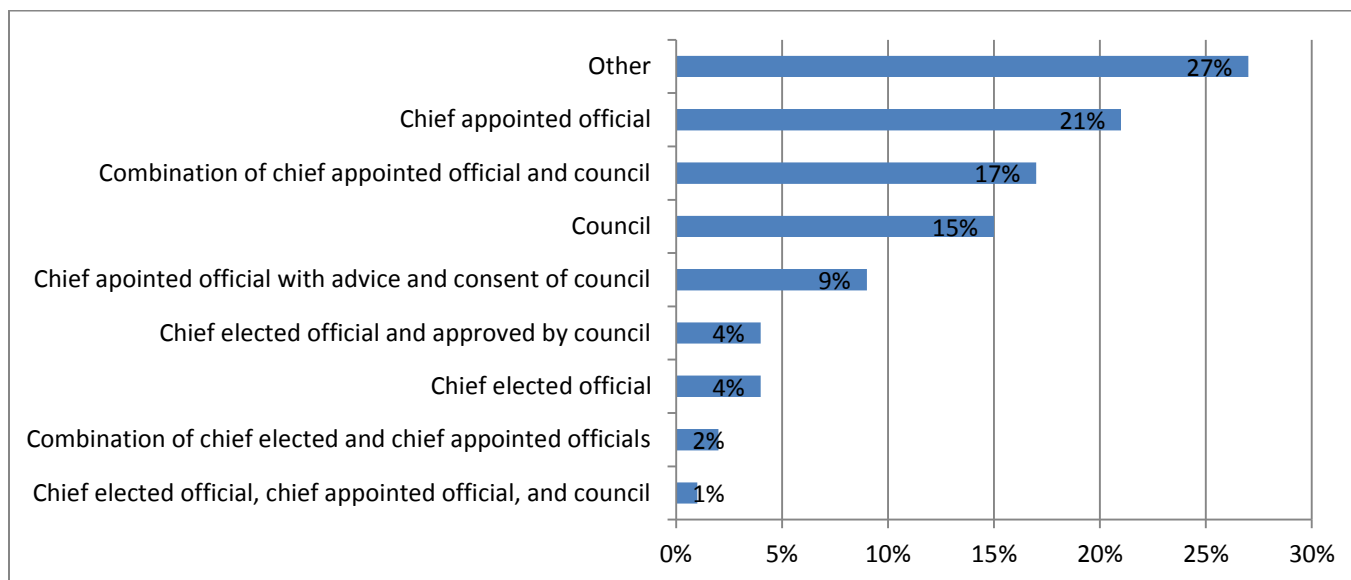
**18A. If yes, were any successful? N = 22**

	% reporting	No. reporting
Yes	27%	6
No	73%	16

**19. Which best describes your department head positions? (Check only one.) N = 723**

	% reporting	No. reporting
All are elected	15%	105
All are appointed	20%	142
Combination, some are elected and some appointed	66%	476

**20. If any of your department heads are appointed, who appoints them? (Check only one.) N = 501**



**21. Are the following department heads appointed or elected?**

Position	No. reporting	% Appointed	% Elected
a. Assessor	680	46%	54%
b. Prosecutor	678	8%	92%
c. Civil attorney	495	67%	33%
d. Sheriff	729	1%	99%
e. Recorder	630	20%	80%
f. School superintendent	558	77%	23%
g. Treasurer	685	19%	81%
h. Clerk of governing board	640	49%	51%
i. Clerk of court	671	27%	73%
j. Controller	418	77%	23%

**22. Is there a legal limit on the number of terms a commission member may serve? N = 718**

	% reporting	No. reporting
Yes	6%	41
No	94%	677

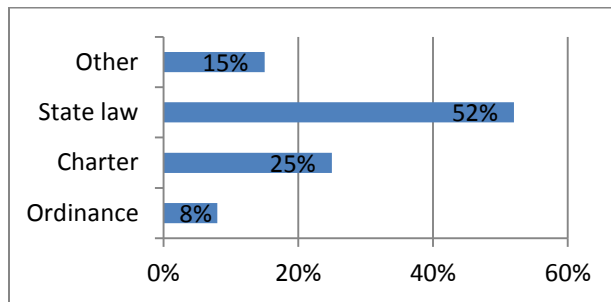
**22A. If yes, what is the maximum number of terms allowed by law?**

Maximum terms a commissioner may serve	
Mean	Median
3	2

**22B. When was the term limitation enacted? (year)**

- 1994, 1996, and 2002 were reported by the highest percent (11%) of respondents.

**22C. By what authority is the number of terms limited? (Check only one.) N = 52**



**23. How many incumbents ran for reelection to commission in the last general election?**

- Mean = 4
- Median = 2

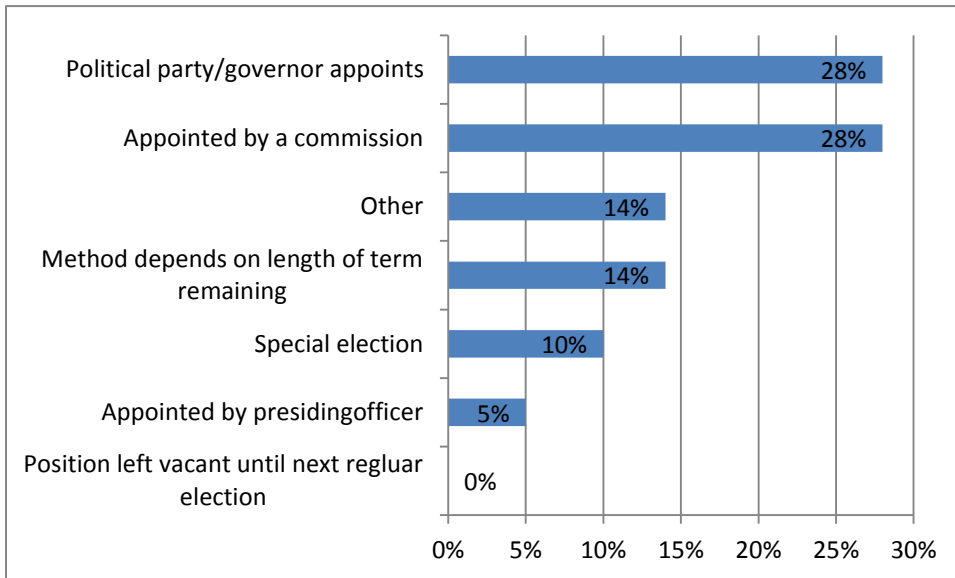
**23A. How many incumbents ran unopposed?**

- Mean = 4
- Median = 2

**23B. How many incumbents were reelected?**

- Mean = 3
- Median = 2

**24. How is a commission member's seat filled if it is vacated before the term has expired? (Check only one.) N = 718**



**25. When does your fiscal year begin? N = 753**

- January and July are reported by the highest percentages at 39% and 41%, respectively.





# Appendix N

REVISED EDITION

MODEL  
COUNTY  
CHARTER

National Civic League  
1889 York Street, Denver, CO 80206

1990

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## INTRODUCTION

Publication of the Revised Edition of the *Model County Charter* reaffirms the long held commitment of the National Civic League the increasing importance of county government in the American federal system. During the last half of the twentieth century, counties have experienced significant changes in both their role and structure, but they must continue the process of adjustment as they are required to cope with critical social, economic and environmental problems in urban, suburban and rural areas.

Considering the enormous diversity of counties, it may be considered presumptuous to present a "model" form which obviously will not fit all or even a majority of American counties. Repeated is an assertion made in the introduction to the 1956 edition of the *Model County Charter*:

No model charter or law can be drafted which should be adopted anywhere without change. The vast differences in the size, resources and problems of the 3,000-plus organized counties would in themselves make it impossible to prescribe a single basic law or charter equally applicable to all. When to these differences are added the differences in constitutional and legal provisions for county government and differences in political habits and traditions, it is clear that there can be no single neatly packaged answer to the whole problem of governmental organization and power for every county. ...The Model is offered, therefore, not as a panacea but as a resource, seeking to embody as much as possible of the best and most up-to-date thinking on the basic structure of county government ... goals for drafting home rule or special county charters ... for the preparation of optional county charter laws or for amendments of provisions of state constitutions and laws where those provisions prevent or impede the modernization of county government.

The revised *Model County Charter* continues to endorse a structure in which all the powers of the county are vested in the elected governing body which appoints as the county's chief executive a professional manager who is continuously responsible to and removable by the elected governing body.

As was indicated in the earlier edition, the *Model* must be modified to fit local circumstances. Some alternatives are provided in the model text, others suggested in the commentary, and a basic departure from the endorsed form is covered in an appendix dealing with an elected chief executive structure.

### *Prospects for Progress*

Critics of county government have subjected it to more political invective than any other level of government. It has been described as clumsy, antiquated, ramshackle, headless, crooked, and, of course, inefficient and expensive. It was called the "dark continent" of American politics and "the courthouse gang" was the label given to what some considered the "last ditch" stand of the old-fashioned political system.

While the name-calling was going on, leaders of the National Municipal League (now the National Civic League) were urging that the same approach they were proposing for the reform of municipal government was applicable to counties. As early as 1913 the council manager plan based upon the "short ballot" principle was seen as the way to simplify county government. Unfortunately, most people didn't read beyond the title page of the National Short Ballot Organization's little 1917 book, *The County: The Dark Continent of American Politics*. It was a plea for reconstruction of county government. It lauded California's 1911 County Home Rule Constitutional Amendment and the Los Angeles County Charter adopted in 1912.

At the same time Reformer Richard S. Childs, leader in both the Short Ballot Organization (which he and Woodrow Wilson had founded a few years earlier) and the National Municipal League, had launched the campaign for council-manager government in cities. He also was talking about the "prospect for progress" in county government and stated the essentials of county reform:

A satisfactory solution of the many problems can be worked out only by a steady process of evolution, under conditions that give scope for experiment, free from needless Constitutional restrictions. The counties must be free to advance individually and not be in perpetual lock step. Let the more progressive counties feel their way cautiously forward, to be followed by others when the value of a given step is clearly proved by experience.

The path of progress will surely be in the general direction of unification and simplification. Some of the elective officers must be transferred to the appointive list, and those, who remain elective must be built up in power, influence, and conspicuousness until they command the discriminating attention of the electorate. The ballot must not continue to be too long to remember, but must be shortened sufficiently to come within the complete oversight of the voters. Responsibility must be clearly located. The county must be given a definite head. The limbs and body must be joined together and put under the easy control of a brain. Not otherwise can the people of a county secure an organism that will be an effective and efficient servant.

### ***Principles of a Model***

By 1930 Mr. Childs and the other reformers in the National Municipal League, seeing the success of the *Model City Charter* in fostering adoption of the council manager plan by cities, were confident enough to prescribe the "Principles of a Model County Government":

- Provision of a wieldy but representative policy-determining body, elected by the people and responsible to them for the conduct of county government.
- Creation of a single responsible executive head chosen by the policy-determining body and accountable to it for the administration of county services and operations (i.e., a manager).
- Appointment of administrative officers by the chief executive, providing a short ballot and centralized administrative control.
- Concentration of activities in a few departments on the basis of function.
- Provision of a substantial degree of flexibility to permit adjustment to varying local situations.

Subject to state constitutional requirements, the proposed plan is suitable for embodiment either in a county government law of statewide application or in an individual county charter (see NATIONAL MUNICIPAL REVIEW, August 1930, p. 565, and September 1933, p. 456).

In 1930 the League published *A Model County Manager Law* based on these principles. This was almost an act of faith on the part of the reformers. There was little enthusiasm among incumbent county officeholders to undertake change, and very little civic support for doing so, due to lack of confidence in the capacity of counties to emerge from long-held practices. Also, many citizens considered the county an extraneous, unnecessary layer of government, and saw no reason to improve it. For local government services they looked to "city hall." Some residents of incorporated municipalities just didn't think they needed the county. "Give its state functions to the state and its local functions to the city," they said with a closed mind to the possibilities of a greater role for counties.

Moreover, state constitutions presented formidable obstacles to county reform. Often a uniform system of county government was prescribed in the constitution for counties large and small. The idea of a chief executive, appointed or elected, had very limited appeal. There was, however, some pioneering experience in a number of counties. By 1933, nine California counties had taken advantage of the county home rule amendment and had adopted charters. Most of these had appointed administrators. An appointed administrator for a non-charter county had been originated in North Carolina. Three Virginia counties already had managers following the lead of Virginia cities. The first two elected county chief executives were created when Nassau and Westchester counties in New York adopted charters in the mid-1930s.

### ***Regional Potential***

At the same time the National Municipal League issued its pioneering report on government in metropolitan areas in the United States. It made a strong statement on the potential of county government for meeting metropolitan problems:

Where county boundary lines coincide with those of the region, the county government, revamped and modernized, may serve as the foundation on which to build a regional organization. In other cases, in which the region covers two or more counties, the county may be preserved as a constituent part of a federated government, its historic role being modified in accordance with the demands of a new situation. (see National Municipal League, *The Government of Metropolitan Areas*, 1930, p.388).

During the New Deal era, World War II, and the years immediately following, relatively little happened on the county reorganization front, and (in general) little was done to reduce constitutional obstacles. Missouri, the state which originated the municipal home rule charter concept in the 19th century, adopted a new constitution in 1945 which extended the opportunity to adopt home rule charters to the state's largest counties. St. Louis County was quick to take advantage of this, approving its own charter in 1950. Montgomery County, Maryland had begun to operate under a charter in 1948.

Meanwhile, the logic of making counties responsible for area wide functions caught on, partly because hard-pressed cities wanted the suburban areas out in the county to share the burden of functions serving more than city residents. As the principle subdivisions of the state, counties long had the major responsibility for performing services which are provided statewide (e.g., judicial administration, elections, detention, and roads). But they became increasingly involved in operating parks, libraries, hospitals, airports, health and welfare, waste disposal- indeed every "municipal-type" service. Counties, notably Los

Angeles County, became wholesalers of services to municipalities.

### ***Form Follows Function***

Forward-looking county officials welcomed the new responsibilities, but some accepted this new role reluctantly. It became evident that the traditional rural forms were inadequate. The fundamental architectural principle of *form follows function* describes the evolution of county government in the last three decades and is a precept which can guide its future.

In the early 1950s, the National Association of County Officials (NACO) was a sleepy organization, an "old boy" network with only a part-time staff. Beginning in the late 1950s, it accepted the responsibility for providing leadership in building an agenda to strengthen the organizational, functional and financial base of county government. NACO was renamed the National Association of Counties WACO. In 1959 it held the first Urban County Congress and made a strong case for the important role of counties in providing urban services and their great potential for dealing with substate regional problems, particularly in metropolitan areas. Later NACO's New Counties U.S.A. Center gave special attention to county reorganization.

The 1955 report of the Commission on Intergovernmental Relations (the Kestnbaum Commission) pointed out that the evolution of intergovernmental relations in the United States had enhanced the importance of counties as a part of the decentralized element of the American federal system:

The intermediate position of the county between the state and municipal governments in some areas, and its position as the primary area of local government or administration in others, have steadily enlarged its importance in intergovernmental relations. It continues to serve in its traditional role as an agent of the state for law enforcement, judicial administration, the conduct of elections and other important functions. At the same time, county governments have gradually been acquiring functions and powers of a municipal character, some of them transferred from municipalities with inadequate area and resources. The result is that in most states the responsibilities of local government are increasingly being divided between municipalities and counties. This movement has been accelerated in recent years by the fact that the national government has found the county more convenient than the municipality as a base for a number of grant-aided programs.

The county seat is commonly the headquarters for officials administering certain federal programs, and the county government is often the only available local unit with which the national government may cooperate. In three fields where federal grants-in-aid directly affect large numbers of people, welfare, health, agriculture-the county is involved in varying degrees .... as counties assume more and more responsibility for carrying out programs for the state government, or for the national-state governments, the need for improved county government becomes more urgent.

Unquestionably, a major, if not the most important, item on the NACO agenda from the early 1960s on was to mobilize the political power of counties as a lobbying force in Washington. The expansion of county eligibility for federal grants of an urban character attested to NACO's effectiveness. In one five-year period counties' direct federal aid increased by over 800 percent. There is no question that this effort moved county governments into the major league of lobbyists alongside the cities. This direct aid which bypassed the states supported many enormously important programs but some have suggested that it let state government off the hook. Now, with federal aid diminishing will state responsibility be ready to fill fiscal gaps? County government has assumed a conspicuous place in intergovernmental relations. County officials are full partners in the Advisory Commission on Intergovernmental Relations.

### ***Flexibility and Adapatability***

NACO in 1959 at that first Urban County Congress not only emphasized the functional dynamics of counties but also the importance of new and stronger structures. Metropolitan Dade County, city-county consolidation in Baton Rouge, and Los Angeles County's Lakewood Plan were showcased along with attention to city-county and county-state cooperation. In the 1960s and 1970s counties achieved some important progress in state constitutional change, which opened up opportunities for greater organizational flexibility. Both Alaska and Hawaii came into the union with well conceived home rule provisions in their constitutions. New constitutions in Pennsylvania and Montana set in motion significant reviews of local government and the opportunity for counties to adopt charters with the same home rule status as municipalities. Amendments to the Arkansas and Tennessee constitutions mandated elected executives for all counties. Illinois, Iowa, Louisiana, South Dakota and Utah have new constitutional provisions which expand local discretion at the county level. Statutory provisions for alternative forms have been adopted in many states with a new emphasis upon flexibility in non-charter counties. With the great expansion of the functional importance of counties it was apparent that their form had to change.

Change was not as drastic or as rapid as some reformers might have wanted, but it came. Today there are almost 700 counties with appointed administrators. Their National Association of County

Administrators has close ties with the International City Management Association, which has brought a high level of professionalism to local government administration. By a recent count there are 375 elected county executives. To be sure the mandated executives in Arkansas, Tennessee and Kentucky account for well over half of these but there are over 100 in other charter and non-charter counties. Whether elected or appointed the executive is a well established feature of modern county government.

The policy-making side of county government has also experienced change. In some places, the county commission has been converted into a legislative body, turning administration over to the professional administrator. In others, under the one man-one vote judicial mandate, single-member district legislative bodies have replaced less representative systems.

The guidelines of the reformers, particularly those contained in the *Model County Charter*, provide a point of departure for those designing reorganization proposals for specific counties. Present day model-builders are by no means as doctrinaire as the reformers of 50 years ago. They know that there are no absolutes, that flexibility and adaptability are required. Fortunately, increasing numbers of incumbent officeholders are also demonstrating their recognition of the importance of flexibility and the need to adjust to change.

There has not been a rush to take advantage of the increasing legal availability of county home rule charters, but of the 85 home rule county charters adopted to date, 68 have been put in place since the 1959 Urban County Congress. Significantly, the overwhelming majority of the changes providing for professional administrators in non-charter counties have occurred in the last two decades.

What about consolidations? There has been an inclination to dismiss city-county consolidation as a futile approach to local government reorganization because so many attempts have failed. It is more appropriate to note, however, that since New Orleans and Orleans Parish in Louisiana were merged in 1805, there have been 27 successful consolidations. Of these, 15 have taken place since 1960 and all but one were adopted by referendum. The consolidations in Nashville/ Davidson County, Jacksonville/Duval County and Indianapolis/Marion County Unigov have been especially noteworthy, but it is important to note that some recent consolidations have been in smaller places (e.g., Anaconda/Deer Lodge County and Butte/Silver Bow County in Montana). While there has been a significant amount of functional consolidation within the framework of county government. There has been very little interest in consolidation among smaller counties, the question is being raised where drastic declines in population have occurred.

It is clear that demands upon counties will continue to increase. Pressures to preserve open space and provide environmentally sensitive services (e.g., waste disposal, water supply) increasingly must be addressed by counties because the problem can seldom be solved by individual municipalities. More municipalities are recognizing that solutions cannot be achieved if they act alone. Some say that this is because official pressures and the fact that the elimination of general revenue sharing means that every unit can no longer expect a check from Washington.

Counties and other local governments are due some support, fiscal and otherwise, from the federal government, but it is clear that such support will increasingly be targeted to deal with problems of particular severity, and that the days of "something for everybody" are over. It is essential that joint action be encouraged and counties must be equipped to play a central role in cooperative undertakings, some of which may be mandated as a condition to the limited federal assistance made available. County-municipal relationships vary greatly, but there is no doubt that both levels of local government will be involved in an increasing number of interlocal agreements, joint exercise-of-powers relationships, service contracts, and technical assistance.

County-state relationships have certainly improved but the record is uneven and again the state can and should provide support in various forms and should remove constraints which stifle innovation at the local level. Indeed, states should provide incentives for structural improvements in county government and functional consolidation and the use of the county as a vehicle for meeting substate regional problems.

The theme of this introduction is an assertion of the principle "form follows function." It is when the function of county government changes that its form adjusts to accommodate that change. In the closing decades of the twentieth century county government in the United States is experiencing more significant changes than at any time since counties were established on the North American continent in the seventeenth century.

"County government is the product of a thousand years of piecemeal growth. Its foundations were laid in medieval England, and the superstructure has slowly risen through the intervening centuries. Like some old sprawling castle, it bears the imprints of many a builder and its rambling arrangement betrays the utter absence of consistent

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plan." (Introduction to 1956 edition of the *Model County Charter*.) Where uniformity has been imposed on county government it has lost the vibrance which has sustained it over the centuries; the source of its durability has been adaptation to change.

The revised edition of the *Model County Charter* is designed to assist in the process by which county government continuously adapts its form and structure to meet new and changing demands.

## **THE MODEL CHARTER: A GUIDE**

It must be emphasized repeatedly that the *Model County Charter* is not a panacea, nor should any county adopt it without modifications necessary under state law, taking into account local traditions and practices. Counties vary greatly in size, in the number of functions they perform, and in their relationships with the state and other units of local government. These differences must be considered as a home rule charter is drafted for a particular county. The *Model* serves as a guide.

The *Model* applies to the county some 75 years of experience in local government and provides for:

1. A substantially integrated county government in place of the collection of loosely connected independent officers and agencies that comprise the typical county government today.
2. A representative policy-determining body (or council) of manageable proportions, elected by the voters and responsible to them for the general conduct of county affairs.
3. A single administrative head or manager (chief executive officer) chosen by the council and accountable to it for the effective administration of county services.
4. The choice of principal administrative officers by appointment by the chief executive, thereby achieving a short ballot, unified administrative control, and fixed responsibility for county administration.
5. A substantial degree of flexibility in the administrative structure to permit its adjustment to changing local needs and conditions.
6. Modern procedures for fiscal management.

## **Powers**

This *Model*, as all of the League's model charters, is designed to enable a local government to make full use of home rule powers as the constitution and laws of the state permit. In the first place, it assumes that a county has wide discretion with respect to the form and structure of its government, including the method of selection of the principal county officials. Secondly, the model "powers" provision claims all powers available to the county including the authority to provide municipal-type services. The difficult problem of adjusting home rule claims of the county and municipalities within it is recognized, and broad authority is given for joint exercise of powers and cooperative intergovernmental relationships.

## **The Council**

In a true sense the county council provided by the *Model* is the governing body with general control over county affairs. All powers of the county except as otherwise provided by law are assigned to the council. The name "county council" is used rather than "county board" or "county commission" to emphasize the policy-making role of the council. Board or commission carries the connotation of an essentially administrative rather than a legislative role. It should be noted, however, that the name given to the governing body will be determined by local preference and that many county boards and commissions are in fact legislative in character.

The importance of the representativeness of the council cannot be over-emphasized. This is a particularly sensitive issue when counties have urban, suburban and rural areas. The *Model* assumes that it is necessary to tailor provisions for the composition and method of electing the council to the needs of each county. There is no universally acceptable method. Therefore, model provisions for several alternatives are provided. In all cases the "equal protection" constitutional requirement (i.e., "one person-one vote") must be honored. When districts are used, special attention must be given to the redistricting process, including districting criteria. Guidance on this is provided in the elections article of the *Model*.

Two alternative methods are provided for the election of the county council chairman and stress is placed upon the leadership potential of this office. The chairman may be comparable to the non-executive mayor in council-manager cities, serving as chief legislator and leader of the policy-making team, as well as the ceremonial head of the county, and - very importantly - its intergovernmental representative.

## **Manager**

A fundamental feature of the *Model* is the provision for centering responsibility for the administration of county services in a single professional administrator, the county manager, subject to appointment, removal and general supervision by the council.

The council-manager form seems particularly appropriate for county government. Unlike cities, counties have not had the tradition of an elected chief executive, a mayor, based upon the "separation of powers" principle. The administration of county affairs has generally been by a number of separately elected

officials with the central core of county government, both legislative and administrative, in the county board or commission. The council-manager plan is a direct and logical evolution from government by commission. It preserves and strengthens the unity in policy making which the commission was supposed to provide, and achieves unity and responsibility in administration, which commission government did not provide. Thus the council-manager plan is not so drastic a break with the tradition of county government as an elected executive plan, because it continues to vest overall responsibility in a representative body rather than dividing it between an elected council and an elected chief executive. The members of the county council continue to be the responsible parties so far as the electorate is concerned, though they exercise their responsibility for administration through their appointed agent, the manager.

The really big break with tradition comes when a reorganized county government brings under council control (and administration by the appointed manager) functions previously performed by independently elected officers or substantially independent boards and commissions. Legal and political considerations may limit the extent to which this can be done. Indeed, most counties operating with appointed administrators represent some degree of compromise. Some separately elected officers are continued, but various arrangements are made particularly in the budget process to give a greater degree of centralized policy and management coordination. The manager may perform some services, particularly of a housekeeping nature, for independent officers and agencies. The existence of responsible professional management at the core of county operations tends inevitably to improve the tone of the entire county government.

One of the most important developments in county government has been the strengthening of professional management in counties which do not operate under their own charters. In some states this is accomplished by state enabling statutes providing optional forms of county government. In other places, non-charter counties adopt resolutions, ordinances or local laws which put in place effective systems providing for professional administrators. Provisions of the *Model*, particularly the article on the manager, can be used as a point of departure for those drafting such legal instruments. However, the *Model* will be supplemented by a separate publication designed specially to assist non-charter counties in strengthening the legal basis for professional management.

### ***Organization and Procedures***

The *Model* provides for the establishment of county departments, offices and agencies by the county council. It does not provide a model scheme of departmental organization because of the great variety in county functional responsibilities. Although some charters may appropriately provide for specific departments, care should be taken to avoid freezing into a charter any departmental scheme making adaptation to changing conditions difficult. The *Model* does provide for a legal officer with alternative methods of appointment included.

Previous model charters have included detailed provisions for personnel administration and planning. This *Model* recognizes that to an increasing extent, state statutes control both. The *Model* places with the council the responsibility for establishing a personnel system based on the merit principle and the organization and procedures for planning.

The *Model's* financial procedures, as in the previous edition, are relatively simple with clarification of procedures for the adoption of the budget, capital program, and appropriation and revenue ordinances.

Unlike earlier models, this edition does not include detailed election procedures, recognizing that state election laws apply to all counties whether or not they operate with local charters. The *Model* includes as an option a basic provision for using the initiative and referendum, if they are authorized by state law, and includes procedures for their use in an appendix.

### ***An Elected County Executive***

Although the *Model* provides for an appointed executive, it recognizes that some counties are operating effectively with elected chief executives. Therefore, an appendix supplies examples of key provisions in charters providing for an elected chief executive, including those which define the duties of professional administrators appointed by the elected executive.

Repeated as equally appropriate in 1989 is the concluding paragraph of the introduction to the 1956 *Model County Charter* by John E. Bebout:

It has already been observed that there is evidence of a mounting belief in the American County and a growing interest in preparing county governments to meet greater responsibilities. One of the most encouraging factors in the situation is the new faith that county officials themselves are displaying in the importance of their place in our governmental system. The National Association of County Officials [now the National Association of Counties] is taking an active part ... in the effort to strengthen and justify that faith. The *Model County Charter* is offered as a contribution to the same cause.



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May 1990

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## **Article I** **POWERS OF THE COUNTY**

### **Section 1.01. Powers of the County.**

The county shall have all powers possible for a county to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

### **Section 1.02. Construction.**

The powers of the county under this charter shall be construed liberally in favor of the county, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

### **Section 1.03. Intergovernmental Relations.**

The county may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any state civil division or agency, or the United States or any of its agencies.

## **COMMENTARY ON ARTICLE I**

### **§1.01. Powers of the County.**

The powers provision is based on the principle that the county should lay claim to all powers it may legally exercise under the state's constitution and laws. Restrictions maybe made: (1) by specific provisions in the appropriate parts of the charter; (2) by ordinance, since the section does not require that till the powers claimed be exercised; (3) by inaction - that is, failure to exercise powers; or (4) by decisions of state and federal courts.

The section simply assures that the county has accepted the total grant of authority available to it. It eliminates the possibility that the general powers provision of the charter would itself limit the maximum power by, for example, embracing less in its terms than the constitutional home rule grant or by inadvertent omission or ambiguity that could open the door to restrictive judicial interpretation. This is the most that the charter can do, for the extent of the powers available to the county will depend on the state's constitution, statutes and judicial decisions. For example, no reference is made in this section to contracting with private vendors for the provision of public services; unless prohibited by law, this is an accepted method for providing a service.

It cannot be overemphasized that the general powers provision of a charter must be tailored to the law of each state. The courts of some states do not give effect to a charter statement of powers expressed in general terms but require that the charter specifically enumerate all of the powers claimed. The words "as fully and completely as though they were specifically enumerated in this charter" at the end of §1.01 are designed to preclude such a view but will not in states requiring an enumeration. The *Model* section cannot be used in these states.

Those drafting charters are cautioned to make a careful study of the state's law on local government powers before using the *Model* provision. As to restrictive approaches by the courts to the interpretation of county powers provisions, the charter can do no more than include directions designed to reverse the court's approach such as those contained in §1.02.

Questions of restrictive court interpretation aside and assuming that a state's law does not require an enumeration, §1.01 is so drawn that it may be utilized effectively under any of the existing types of home rule grant as well as that of the National Municipal League's *Model State Constitution* (6th Edition) and regardless of whether the grant is contained in a constitution, optional charter law or other general enabling act. It must be recognized that as primary subdivisions of states, counties to a very large extent are mandated by state law to exercise specific powers and fulfill certain responsibilities.

### **§1.02 Construction.**

It is desirable to include this section as a declaration of intention even though there may be doubt as to how much effect the courts will give it. It is designed to avoid a restrictive interpretation of the general powers statement in §1.01 and application of the restrictive technique of judicial construction which relies upon the mention of specific powers as evidencing an intention to exclude other or broader powers (*expressio unius est exclusio alterius*).

### **§1.03. Intergovernmental Relations.**

This section provides a clear statement of the county's power to participate in intergovernmental

relationships - to receive assistance from the federal, state and other local governments, to be represented in regional agencies established under federal or state law or intergovernmental agreements, and to perform jointly with any other governmental jurisdiction any function it may perform alone.

The difficulties of drafting an intergovernmental relations provision are mimilar to those of drafting a general powers provision. The subject is generally governed by superior state statutes which cannot be altered by a charter provision. These state statutes are usually enacted on an *ad hoc* basis, each dealing with a particular project, program, or regional or metropolitan agency. Where more general authorizing statutes or constitutional provisions exist, there is scantjudicial interpretation of their effect. Because mpecific projects are so commonly authorized and governed by specific legislation, there has been very little litigation concerning the extent of a county's power to cooperate with other governments in the absence of such enabling legislation.

There is no need to examine in detail the reasons for the extensive utilization of specific legislation. Important political questions are often involved and state constitutional and statutory limitations on a local government's financial and borrowing powers must be considered. State legimlative control over local government powers, coupled with restrictive judicial doctrines, have generally necessitated specific state legislative approval when large sums are spent on joint federal-local government projects.

## **Article II COUNTY COUNCIL**

### **Section 2.01. General Powers and Duties.**

All powers of the county shall be vested in the county council, except its otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties atid obligations imposed on the county by law.

### **Section 2.02.     Composition, Eligibility,                           Election and Terms.**

#### **Alternative I: Election At Large**

(a) **Composition.** There shall be a county council of [odd-number] members elected by the voters of the county at large.

(b) **Eligibility.** Only registered voters of the county shall be eligible to hold the office of council member.

(e) **Election and Terms.** The regular election of council members shall be held on the - of in each odd- [even-] numbered year, in the manner provided by law. At the first election under this charter council members shall be elected; the \_ [one-half plus one] candidates receiving the greatest number of votes shall serve for terms of four years, and the \_ [remainder of the council] candidates receiving the next greatest number of votes shall serve for terms of two years. Commencing at the next regular election and at subsequent elections, all council members shall be elected for four-year terms. The terms of council members shall begin the\_\_\_\_ day of\_\_\_\_\_ after their election.

**NOTE: If staggered terms are not desired, use the following section:**

**[(c) Election and Terms.** The regular election of council members shall be held on the - day of - every - years beginning in \_ . The terms of council members shall be years beginning the - day of - after their election.f-

#### **Alternative II: Election At Large with District Residency Requirement**

(a) **Composition.** There shall be a county council of [odd-number] members; not more than one shall reside in each of the [odd-number] districts provided for in Article V1. All shall be nominated and elected by the voters of the county at large.

(b) **Eligibility.** Only registered voters of the county shall be eligible to hold the office of council member.

(c) **Election and Terms.** Tb e regular election of council members shall be held on the\_\_\_\_ of \_\_\_\_ in each odd- [even-] numbered year, in the manner provided by law. At the first election under this charter\_\_\_\_ council members shall be elected; the \_\_\_\_ candidates receiving the greatest number of votes shall serve for terms of four years, and the \_\_\_\_\_candidates receiving the next greatest number of votes shall serve for terms of two years. Thereafter, all council members shall be elected for four-year terms. The terms of council members shall begin the\_\_\_\_ day of\_\_\_\_\_ after their election.

**NOTE: If staggered terms are not desired, use the following section.**

**[(c) Election and Terms.** The regular election of council members shall be held on the - day of - every - years beginning in . The terms of council members shall be\_\_\_\_ years beginning the \_\_\_\_ day of \_\_\_\_\_after their election.]

### **Alternative III: Mixed At-Large and Single Member District System**

(a) **Composition.** There shall be a county council of [odd-number] members. \_\_\_\_\_ shall be nominated and elected by the voters of the county at large, and shall be nominated and elected by the voters of each of the \_\_\_\_\_ council districts, as provided in Article VI.

(b) **Eligibility.** Only registered voters of the county shall be eligible to hold the office of council member.

(c) **Election and Terms.** The terms of council members shall be \_\_\_\_\_ years beginning the \_\_\_\_\_ day of \_\_\_\_\_ after their election.

### **Alternative IV. Single-Member District System**

(a) **Composition.** There shall be a county council composed of [odd-number] members. One council member shall be nominated and elected by the voters in each of [odd-number] council districts, as provided in Article VI.

(b) **Eligibility.** Only registered voters of the county shall be eligible to hold the office of council member.

(c) **Election and Terms.** The regular election of council members shall be held on the \_\_\_\_\_ of \_\_\_\_\_ in each odd- [even-] numbered year, in the manner provided by law. At the first election under this charter - council members shall be elected; council members from odd-numbered districts shall serve for terms of two-years, and council members from even-numbered districts shall serve for terms of four years. Thereafter, all council members shall serve for terms of four years. The terms of council members shall begin the \_\_\_\_\_ day of \_\_\_\_\_ after their election.

**NOTE: If staggered terms are not desired, use the following section.**

[(c) **Election and Terms.** The regular election of council members shall be held on the \_\_\_\_\_ day of \_\_\_\_\_ every \_\_\_\_\_ years beginning in \_\_\_\_\_. The terms of council members shall be \_\_\_\_\_ years beginning the \_\_\_\_\_ day of \_\_\_\_\_ after their election]

### **Alternative V (Proportional Representation)**

(a) **Composition and Terms.** There shall be a county council of [odd-number] members elected by the registered voters of the county at large for a term of \_\_\_\_\_ years.

(b) **Eligibility.** Only registered voters of the county shall be eligible to hold the office of council member.

(c) **Election.** The regular election of council members shall be held on the \_\_\_\_\_ of \_\_\_\_\_ in each odd- [even] numbered years. The Council shall be elected by proportional representation by the method of the single transferable vote.

### **Section 2.03. Chairman of the Council.**

#### **Alternative I**

The county council shall elect from among its members officers of the county who shall have the titles of chairman and vice chairman of the council, each of whom shall serve at the pleasure of the council. The chairman shall preside at meetings of the council, represent the county in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the county message, and perform other duties specified by the council. The chairman shall be recognized as head of the county government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The vice chairman shall act as chairman during the absence or disability of the chairman.

#### **Alternative II**

**NOTE: If Alternative H is used, Section 2.02(a) should be modified to read as follows: "There shall be a county council composed of the chairman of the council and [even-number] councilmembers elected as provided in Section 2.02(c); the chairman shall be elected as provided in Section 2.03." Section 2.02(c) should be modified to provide for election of an even number of council members by whichever method is used.**

At each regular election a Chairman of the Council shall be elected for a term of \_\_\_\_\_ [the same term as other councilmembers] years. The chairman shall be a member of the county council and shall preside at meetings of the council, represent the county in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the county message, and perform other duties specified by the council. The chairman shall be recognized as head of the county government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The council shall elect from among its members a vice chairman who shall act as chairman during the absence or disability of the chairman and, if a vacancy occurs, shall become chairman for the remainder of the unexpired term.

### **Section 2.04. Compensation; Expenses.**

The county council may determine the annual salary of the council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

#### **Section 2.05. Prohibitions.**

(a) **Holding Other Office.** Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other county office or employment during the terms for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the county until one year after the expiration of the term for which the member was elected to the council. Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the county on the governing board of any regional or other intergovernmental agency.

(b) **Appointments and Removals.** Neither the county council nor any of its members shall in any manner control or demand the appointment or removal of any county administrative officer or employee whom the county manager or any subordinate of the county manager is empowered to appoint, but the council may express its views and fully and freely discuss with the county manager anything pertaining to appointment and removal of such officers and employees.

(c) **Interference with Administration.** Except for the purpose of inquiries and investigations under §2.09, the council or its members shall deal with county officers and employees who are subject to the direction and supervision of the county manager solely through the county manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

#### **Section 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.**

(a) **Vacancies.** The office of a council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

(b) **Forfeiture of Office.** A council member shall forfeit that office if the council member

- (1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this charter or by law,
- (2) violates any express prohibition of this charter,
- (3) is convicted of a crime involving moral turpitude, or
- (4) fails to attend three consecutive regular meetings of the council without being excused by the council.

(c) **Filling of Vacancies.** A vacancy in the county council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the council fails to do so within 30 days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not after than 120 days following the occurrence of the vacancy, and to be otherwise governed by law. Notwithstanding the requirement in §2.11, if at any time the membership of the council is reduced to less than \_\_, the remaining members may by majority action appoint additional members to raise the membership to \_\_.

#### **Section 2.07. Judge of Qualifications.**

The county council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. The council shall have the power to set additional standards of conduct for its members beyond those specified in the charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the county at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to judicial review.

#### **Section 2.08. County Clerk.**

The county council shall appoint an officer of the county who shall have the title of county clerk. The county clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or by the council or by state law.

#### **Section 2.09. Investigations.**

The county council may make investigations into the affairs of the county and the conduct of any county department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a misdemeanor punishable by a fine of not more than \$-, or by imprisonment for not more than -, or both.

#### **Section 2.10. Independent Audit.**

The county council shall provide for an independent annual audit of all county accounts and may provide

for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the county government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.

#### **Section 2.11. Procedure.**

**(a) Meetings.** The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the chairman or of –or more members and, whenever practicable, upon no less than twelve hours notice to each member. Except as allowed by state law, all meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, if the general subject matter for consideration is expressed in the motion calling for such session and final action on such motion is not taken by the council until the matter is placed on the agenda.

**(b) Rules and Journal.** The county council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

**(c) Voting.** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal.

members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in §2.06, shall be valid or binding unless adopted by the affirmative vote of \_ or more members of the council.

#### **Section 2.12. Action Requiring an Ordinance.**

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the county council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter, or abolish any county department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes;
- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the county;
- (8) Regulate land use and development; and
- (9) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be (lone either by ordinance or by resolution.

#### **Section 2.13. Ordinances in General.**

**(a) Form.** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The county of-hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the county code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

**(b) Procedure.** An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the county clerk shall distribute a copy to each council member and to the county manager, shall file a reasonable number of copies in the office of the county clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance. As soon as practicable after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.

**(c) Effective Date.** Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

**(d) "Publish" Defined.** As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the county: (1) The ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

#### **Section 2.14. Emergency Ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the county council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in §5.07(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to §5.07(b) shall automatically stand repealed as of the 6 1st (lay following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

#### **Section 2.15. Codes of Technical Regulations.**

The county council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be its prescribed for ordinances generally except that:

- (1) The requirements of §2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the county clerk pursuant to §2.16(a).

Copies of any adopted code of technical regulations shall be made available by the county clerk for distribution or for purchase at a reasonable price.

#### **Section 2.16. Authentication and Recording-, Codification; Printing.**

**(a) Authentication and Recording.** The county clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the county council.

**(b) Codification.** Within three years after adoption of this charter and at least every ten years thereafter, the county council shall provide for the preparation of a general codification of all county ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the state of \_\_\_\_\_, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the county code. Copies of the code shall be furnished to county officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

**(c) Printing of Ordinances and Resolutions.** The county council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first - County Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state of or the codes of technical regulations and other rules and regulations included in the code.

### **COMMENTARY ON ARTICLE II**

The *Model recommends* the county council-manager form in which the council, elected by, representative of, and responsible to the citizens of the county is the fundamental democratic element.

Recognizing that all of the powers that can be exercised by the county rest in the popularly elected county council, the charter must provide for a council which is truly representative of the county's citizens. Therefore, the *Model* presents several alternatives without expressing an absolute preference for any one. Each county's population pattern - economic level, racial, geographical, etc. - has implications for the method of electing the council to insure equitable representation. While all jurisdictions are governed by the Voting Rights Act, in some counties the problem of compliance with its provisions and avoidance of court challenges is a matter of particular concern. Just as there is no absolute model for providing competent and effective legislators, there is no absolute pattern which will assure equitable representation.

The Model does not list as charter agencies any citizen advisory boards and commissions. The council has the power to establish such agencies. As the body charged with making county policy, the council can



create all appropriate mechanisms, permanent or ad hoc, to assist in that process (e.g., planning board, recreation board, study committees). Likewise it can create agencies with quasi-legislative or quasi-judicial status (e.g., human rights commission, zoning appeals board).

The *Model* does provide that the chairman of the council shall be the presiding officer and a voting member of the council and shall perform certain specific duties which will enhance the chairman's role as policy leader.

#### **§2.01. General Powers and Duties.**

This section does not specifically enumerate the powers of the council. An enumeration of specific powers in this article will not enlarge the powers of the council and may operate to diminish them if utilized by the courts to support restrictive interpretations (see note to §1.02).

#### **§2.02. Composition, Eligibility, Election and Terms**

In all but a few states the county governing bodies are small. The most common size is three, the next most common number of members is five. The *Model* does not specify the exact number of council members. It considers three too small to provide adequate representation, but does recommend that the council be relatively small - an odd number ranging from five to nine members. Although in the largest counties a greater number of council members may be necessary to assure equitable representation, there is wide agreement that smaller councils are more effective instruments for the (development of programs and conduct of legislative business than large local governing bodies. In the United States there have been exceptional situations where a large council, broken into many committees handling specific subjects, has been able to discharge its responsibilities promptly and effectively. Large councils usually have been elected from relatively small districts with the frequent result that parochialism and "log-rolling" distract attention from the problems of the whole county. Some contend, however, that members of larger governing bodies more clearly perceive their role as legislators (i.e., policy makers) and are less inclined to become involved in management of operations than members of small governing bodies who may be inclined to perform in the historic role of county commissioners with administrative responsibilities.

In determining the size of and method of electing the council, consideration should be given to the diversity of population and geographical elements to be represented as well as to the size of the county and the municipal subdivisions within the county.

### **Alternative I: Nomination and Election At Large**

(a) The *Model* recognizes the value of the at-large principle in designing the composition of a council, while recognizing the necessity of providing for representation of geographical areas under certain circumstances. The at large system has allowed citizens to choose council members best qualified to represent the interests of the county as a whole. In larger counties, however, citizens may feel isolated from and unconnected with their government without some geographical basis of representation. This may be true particularly when a county has both urban and rural areas. In considering the appropriateness of using the at-large system, each county must assess its own situation. Counties with significant differences in or conflicts among ethnic, racial or economic groups may wish to consider whether one of the alternative systems may achieve more equitable representation of the county's population and avoid legal challenges under the Voting Rights Act without sacrificing council effectiveness.

(b) No special requirements on length of residence are included because in this era of highly mobile population and frequent disparity between place of work and place of residence, length of residence requirements lose what little validity they may once have had. The simple eligibility requirement is being a registered voter of the county.

(c) It is recommended that, where state election law allows it, elections should be scheduled in odd-numbered years to avoid confusion with state and national elections. The *Model* recommends four-year terms. If staggered terms are used, elections of council members would be held every two years. Model language for both staggered and non-staggered term provisions is included. There are two basic questions which must be raised when staggered terms are under consideration. First, is it desirable to maintain continuity and avoid radical swings in council composition? Second, should citizens be able to change the direction of their government at any election, not wait another two years to complete the change? The issue of whether staggered terms have a discriminatory effect continues to be litigated.

### **Alternative II: Nomination and Election At-Large with District Residence Requirement**

(a) A complaint frequently lodged against the all at-large council system is that a majority of the council may live in the same area of the county. This may give rise to questions concerning the equitable distribution of services with allegations that particular sections receive partial treatment. This objection can be met while still maintaining a council elected at large by establishing districts of equal population and requiring that one council member be resident in each district.

Although this alternative does build geographical representation into an at-large system, depending upon the local situation, it may be subject to the same objections under §2 and §5 of the Voting Rights Act as Alternative I.

(b) and (c): See comments under Alternative I.

### **Alternative III: Mixed At-Large and**

### Single-Member District System

(a) The mixed system for a council with members elected at large and members elected by and from districts has become increasingly popular in recent years. One reason for this is the approval it has received from the United States Department of Justice as a method of electing the county council which complies with the requirements of the Voting Rights Act in places where the at-large system has been challenged and where change to a single-member district system is opposed.

The mixed system combines the wide perspective of the at-large council members with the local concerns and accountability of district council members. It can allow in minorities who live in concentrated areas to influence or even determine the outcome of elections in their districts.

A problem can arise when at-large council members consider their position to be superior in importance to district members. It is essential that at-large and district council members have equal status with respect to offices and services, and that there be no difference in length of terms.

There is disagreement as to the correct ratio of at-large to district members. Opinion ranges from favoring a majority being elected at large to a majority being elected by and from districts. This is a matter of local preference. It should be noted, however, that for jurisdictions concerned about scrutiny by the U. S. Department of Justice or the courts under either §2 or §5 of the Voting Rights Act, a clear preference has been indicated for the formulation where a majority of the council is elected by and from districts.

(b) and (c): See comments under Alternative 1. Note that staggered terms are not recommended for the mixed system.

### Alternative IV. Single-Member District System

(a) The *Model* includes an alternative providing the single-member district system for electing the council. The growing recognition that membership on councils should represent all racial and ethnic groups more adequately has spurred increased use of the single-member district system. With racial minorities concentrated in particular sections of a city or county, it is easier to elect minority council members when single-member districts are used. In addition, single-member districts can open the way for greater diversity among candidates because the costs of running a district campaign are so much less than those of running at-large. Citizens feel closer to district elected council members, whom they can hold responsible for addressing their community concerns.

In places where the at-large method of electing the council has been ruled in violation of the Voting Rights Act, the single-member district system has regularly received approval from the courts and the Justice Department as a replacement system.

The single-member system does have its drawbacks. An inherent problem is the danger that parochial problems of district elected members will mean that inadequate attention is given to countywide concerns. The potential for the classic problem of "log-rolling" or vote swapping is ever-present.

Whenever districts are used, the drawing of district lines to provide "fair and equal" districts is of utmost importance. Article VI of the *Model* provides districting procedures and criteria designed to prevent gerrymandering and unequal districts, which are unconstitutional under the one person-one vote doctrine.

(b) and (c): See comments under Alternative I.

### Alternative V: Proportional Representation

The first edition of the *Model County Charter* and the first five editions of the *Model City Charter* recommended the Hare system of proportional representation (PR) as the preferred method of electing councils. It had been used in 22 American cities but by the early 1960s had been discarded in all but one of them. It was never used by an American county. Unquestionably, it can be shown that PR can provide the greatest equity in representing all sectors of the community. However, the complexity of PR and the long and expensive counting system confused the voters where it was used and prevented it from becoming a widespread reform measure.

PR is included as an alternative method for electing the council. There is a renewed interest in PR because of its potential usefulness as a means to assure representation of minority populations. Technological developments hold out the prospect for development of a computerized voting and counting system which eliminates some of the objections to PR. A complete explanation of the PR system of voting is available in the fifth edition of the *Model City Charter* (New York- National Municipal League, 1941).

When considering the PR Alternative, charter reviewers may also wish to investigate the so-called "semi-proportional" representation systems - the limited vote and cumulative vote -both of which are designed to assure minority representation.

#### §2.03. Chairman of the Council.

The office of council chairman assumes a different character from county to county depending upon local political, economic and social conditions. He or she is uniquely positioned to be the political and policy leader of the county. As the presiding officer of the council and ceremonial head of the county, the chairman of the council is the most conspicuous county official. Not being the executive responsible for the day-to-day county operations allows the chairman to focus attention on major policy issues, an important facilitative activity. The chairman can function in the same manner as the mayor in a council-manager plan city, and may even be given the title of *mayor*.

The chairman fills three facilitative roles that offer enormous leadership opportunities. First, the chairman can coordinate the activities of other officials by providing liaison between the manager and the council, fostering a sense of cohesion among councilmembers and educating the public about the needs and prospects of the county. Second, the chairman can provide policy guidance through setting goals for the

council and advocating the adoption of policies that address the county's problems. Third, the chairman is an ambassador who promotes the county and represents it in dealing with other governments as well as the public.

The specific responsibilities of the chairman listed in the *Model* enhance the chairman's leadership position. Presiding at council meetings is a traditional responsibility with great potential impact on setting the tone for county government and helping the council make decisions. Designation as intergovernmental representative reflects the increased importance of relationships with other local governments as well as the state and federal governments. Appointment of boards and commissions with council advice and consent creates the opportunity for purposeful balanced representation and can be used to forge coalitions and tap into networks of community activity. When the state of the county message includes the setting out of needs and goals for the county, it should reflect the thinking of the council and information provided by the staff as well as the chairman's own priorities. In presenting the state of the county message, the chairman can act as spokesperson, educator, team leader, goal setter, and policy advocate. It is important that the timing of the message be such that it will not be confused with the presentation of the budget by the manager.

The *Model* provides two alternative methods for electing the chairman.

Which one is used will depend on local preference and tradition. In most counties the chairman is chosen by and from the governing body. In some counties it is believed that the direct election method increases the potential for leadership by giving the chairman a county-wide popular support base. This is particularly important when all or most of the council members are elected from districts. A disadvantage of this method is the possibility that the chairman will be at variance with the council majority on some important issues. When the chairman is elected by and from the council, the possibility of conflict between the chairman and the council majority is avoided. Some counties follow practices which may diminish the prospect of effective leadership. For example, rotation of the office of chairman among members may preclude the emergence of a respected leader who will be able to acquire experience and increase his or her competence in the exercise of leadership skills. An awkward alternative is to automatically designate as chairman the council member who receives the largest number of votes. In councils elected from districts, council selection of the chairman may present the chairman with conflicting roles - district and countywide.

Whatever the method of election or the strength of the chairman's leadership role, the chairman is preeminently a legislator, a member and leader of the council - not an executive. However, the office does require some special staff support, which generally can be provided by the manager. This can often be arranged as part of a system whereby the chairman and the manager function as a team. An extensive independent staff could lead to the chairman's encroachment on the executive responsibilities of the manager.

There is no structural arrangement for government which will assure effective leadership. The person who occupies the chairman's office must understand the nature of the job - its possibilities, interdependencies and limitations - and have the personal inclination, energy, and talent to exercise necessary leadership. Without that, no amount of structural support will produce a leader. However, the method of selection and the statement of responsibilities provided in the charter should be designed to help assure the selection of a capable person with recognized leadership abilities who could make a significant contribution to the operation of the county.

#### **§2.04. Compensation; Expenses.**

In general, salaries of council members should not be substantial but sufficient to permit individuals with limited means to serve. It is assumed that council members will earn their major income from private employment. In determining the compensation of council members, it should be recognized that under this charter they are part-time officials and are not involved in day-to-day management as is the case when commissioners (or council members) under the commission plan actually direct the operation of departments. A salary too close to a full-time salary could encourage council members to think of their positions as managerial and thus detract from their role as legislators or policy-makers. It is important, however, that council members be compensated for expenses incurred in performing their duties (p.g., travel to the state capital to testify on behalf of the county).

The *Model* rejects the setting of the actual amount of compensation in the charter except for the salary of the first council after the charter goes into effect (see §9.05(f)). The delay in the effective date of any salary increases provides ample protection. In some counties, the delay is only to the beginning of the next fiscal year after the increase was voted.

Extra compensation should be provided for the chairman because, in addition to regular responsibilities as a council member, time is spent on Intergovernmental matters, special promotional and other responsibilities and at ceremonial occasions requiring the chairman's presence.

#### **§2.05. Prohibitions.**

(a) This provision prohibits council members from holding other elective office (e.g., as occurs in some states, serving in the state legislature and the council concurrently). Also prohibited is holding any other county office or employment during one's council term or for one year after leaving office. These provisions are designed to avoid conflict of interest situations. The charter is specific, however, that these prohibitions do not restrict any current or former officeholder from service on the boards of regional or other intergovernmental agencies. Such service is particularly valuable in accomplishing the objectives of intergovernmental cooperation.

(b) and (c) The prohibition against interference by council members in the appointment and removal of employees and the administration of county programs does not include the broad language of earlier models because it was considered too rigid and unrealistic. This provision, while expressing the general

policy of noninterference, does not exclude communication between council members and the manager on questions of appointment and removal. The manager may seek advice from the council regarding appointments.

Council members are strictly prohibited from giving orders to county officers or employees. However, the prohibition against interference with administration does not prevent council members from making inquiries of department heads or employees for the purpose of obtaining information needed by them in the discharge of their duties including response to constituent requests. In some counties, automated information systems make information on aspects of departmental operations readily available to council members on computer terminals.

#### **§2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.**

The events or conditions which create a vacancy are specified in this action, as are the grounds for forfeiture of office. Vacancies are to be filled temporarily by the council and then by the voters for the remainder of the term at the next regular election unless that election occurs within 60 days, in a period being necessary to allow time for candidates to file. Failure of the council to fill a vacancy within 30 days will result in the calling of a special election. This provision should assure that the council will act, but in the event of a deadlock, a special election will resolve it. Finally, the section provides for filling vacancies by council action even if the membership falls below the quorum otherwise required for council action by §2.11.

#### **§2.07. Judge of Qualifications.**

Making the council judge of the grounds for forfeiture as well as the qualifications of its members is new to this edition. There are procedural safeguards to protect a member charged with conduct constituting grounds for forfeiture. The provision authorizing the council to set additional standards for the conduct of its members is added to empower the council to impose on itself the highest possible ethical standards.

#### **§2.08. County Clerk.**

See §§2.15 to 2.16 for other duties assigned to the county clerk. In a number of states, certain statutory duties may be assigned to the county clerk in all counties, even those operating with their own charters. In some states, the county clerk is a constitutional or state statutory officer whose method of selection and duties may not be altered by a locally adopted charter. If the clerk is not a constitutional or state statutory officer and does perform extensive administrative duties, the office may be, in fact, a regular operating department, in which case appointment by the manager would be appropriate.

#### **§2.09. Investigations.**

The power to make investigations is given to council but not, as was done in some earlier models, to the manager. The manager has the power to appoint, remove and suspend officers but it is considered inappropriate for the manager to have the power to subpoena witnesses and compel production of evidence.

#### **§2.10. Independent Audit.**

The necessity for annual independent audits of the county's financial affairs has long been accepted. Since the value of such audits is directly related to the caliber of those who conduct them, it is provided that certified public accountants be retained. Selection of a professional accountant or firm does not lend itself to the usual requirement, however, of choosing the "lowest responsible bidder." While the council should not disregard cost, this is a case where the factors of competence, reliability and reputation are more significant. For an audit to be most beneficial, some of it must extend over the entire year, which necessitates designation of the auditor during the first month. If the state conducts periodic audits of the county's finances that meet council established requirements, the state audit may be an acceptable and moneysaving substitute for an audit by a private firm. While the major emphasis is on financial audits, the council also has a responsibility to institute management audits to evaluate the implementation of work programs.

#### **§2.11. Procedure.**

This section sets forth what are for the most part standardized and well accepted procedural rules to govern the official action of the council. The frequency of meetings can, of course, be suited to the needs of the particular county.

The section contains the usual protection that meetings must be public and that a journal of proceedings be kept as a public record. Most states have open meeting laws which specify the circumstances when closed or executive sessions may be held; such meetings are sometimes necessary for effective council functioning and may require attendance of the manager, attorney, or other officials or invited participants.

A majority vote is required for all council actions except actions to adjourn, to compel attendance of members in the absence of a quorum, and to appoint additional members if the membership falls below a majority of the total authorized membership as provided in §2.06(c).

#### **§2.12. Action Requiring an Ordinance.**

This section assures that the enumerated types of council action be taken only after compliance with all the procedural safeguards required for passage of an ordinance by the succeeding sections. The term "ordinance" is used in the *Model* to specify a procedural standard. In some states the same procedural safeguards may apply to the adoption of "resolutions" or "local laws." Those drafting charters should use the legal terminology appropriate in the particular state.

Other subjects requiring an ordinance are not mentioned here because the requirement is specifically stated elsewhere in the charter. These include adoption of codes of technical regulations (§2.15), appropriation and revenue ordinances (§5.06) supplemental and emergency appropriations and reduction of appropriations (§5.07), and creation of a charter commission or proposal of charter amendments (§9.03).

If the initiative is authorized by the charter or state law, the following should be added to the list of actions requiring an ordinance:

(10) adopt with or without amendment ordinances proposed under the initiative power.

Pursuant to subsection (b), acts other than those enumerated in this section or required by law or by specific provision in the charter to be by ordinance may be done at the council's option either by ordinance or by an action involving a less formal procedure. Motions relating to matters of council procedure may involve even less formality. A roll call vote on a procedural motion does not need to be recorded in the journal in the case of such motions (§2.11(c)).

#### **§2.13. Ordinances in General.**

This section embodies a midway approach between the detailed ordinance procedure contained in the earlier models and the extremely spare procedures in some recent charters.

By dispensing with the requirements of full reading of all ordinances and publication of their full text both before and after adoption, it eliminates features of earlier models that had been criticized as unnecessary and cumbersome. Distribution of a copy to each council member obviates the need for a full reading. Publication is simplified by permitting the printing of a brief summary together with notice of the times and places where copies are available for public inspection. Further simplification is effected by adding, as in §§2.14 and 2.15, special provisions for expeditious handling of emergency ordinances and for adoption by reference of standard codes of technical regulations.

The section retains the basic safeguards of a public hearing following notice by publication and a second publication with notice of adoption. It does not go so far as charters that dispense with publication or permit adoption at the same meeting at which a non-emergency ordinance is introduced. The protective features it retains are those deemed necessary for full and careful consideration. Sufficient leeway for emergency situations is provided by §2.14.

#### **§2.14. Emergency Ordinances.**

Although early models contained no provision for emergency ordinances, such a provision is common in existing charters and of undoubted usefulness. Speed is achieved by permitting introduction and adoption at the same meeting by an extraordinary majority and an immediate effective date.

#### **§2.15. Codes of Technical Regulations.**

This provision permits adoption of standard and often lengthy, detailed and technical regulations, such as building and sanitary codes, by an ordinance which simply incorporates and adopts the code by reference. Publication requirements are satisfied by publication of the adopting ordinance, which should indicate the nature of the code, and the council is not required to include all such technical codes in the general county code pursuant to §2.16. Burden and expense are minimized and at the same time the essential safeguards of the general ordinance procedure of §2.13 are preserved.

It provides an increasingly valuable method whereby counties may draw on the latest scientific and technological advances.

#### **§2.16. Authentication and Recording; Codification; Printing.**

Subsections (a) and (c) of this section state essential procedures for maintaining legally authenticated records of all ordinances and resolutions and for making them available to the public.

The merits of the general codification provided for in subsection (b) speak for themselves. The *Model* provides for inclusion of pertinent parts of the constitution and state statutes, thus envisioning a county code to which people may turn for all state and local legislation governing the county. This is in marked contrast to the situation still existing in many counties where much of this legislation and particularly state laws of limited application are nowhere collected and are often out of print, unavailable, or difficult to find.

### **Article III COUNTY MANAGER**

#### **Section 3.01. Appointment; Qualifications; Compensation.**

The county council by a majority vote of its total membership shall appoint a county manager for an indefinite term and fix the manager's compensation. The county manager shall be appointed solely on the basis of executive and administrative qualifications. The manager need not be a resident of the county or state at the time of appointment, but may reside outside the county while in office only with the approval of the council.

#### **Section 3.02. Removal.**

The county manager may be suspended by a resolution approved by the majority of the total membership of the county council which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the county manager. The county manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the county council by a majority vote of its total membership may adopt a final resolution of removal. The county manager shall continue to receive full salary until the effective date of a final resolution of removal.

#### **Section 3.03. Acting County Manager.**

By letter filed with the county clerk, the county manager shall designate a county officer or employee to exercise the powers and perform the duties of county manager during the manager's temporary absence or disability, the county council may revoke such designation at any time and appoint another officer of the county to serve until the county manager returns.

#### Section 3.04.

#### Powers and Duties of the County

##### Manager.

The county manager shall be the chief administrative officer of the county, responsible to the Council for the administration of all county affairs placed in the manager's charge by or under this charter. The county manager shall:

- (1) Appoint and, when necessary for the good of the service, suspend or remove all county employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The county manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the county, except as otherwise provided by this charter or by law;
- (3) Attend all county council meetings. The county manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this charter and acts of the county council, subject to enforcement by the county manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the county council;
- (6) Submit to the county council and make available to the public a complete report on the finances and administrative activities of the county as of the end of each fiscal year;
- (7) Make such other reports as the county council may require concerning the operations of county departments, offices and agencies subject to the county manager's direction and supervision;
- (8) Keep the county council fully advised as to the financial condition and future needs of the county;
- (9) Make recommendations to the county council concerning the affairs of the county;
- (10) Provide staff support services for the council members; and
- (11) Perform such other duties as are specified in this charter or may be required by the county council.

### COMMENTARY ON ARTICLE III

In the plan recommended in the *Model*, the county manager is continuously responsible to the county council, the elected representatives of the people. It is significant that 6 of the 12 items in the code of ethics for members of the local government management profession refer to the manager's relationships to the popularly elected officials:

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional management is essential to the achievement of this objective.

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with members of the government management profession.

Refrain from participation in the election of the members of the employing legislative body, and from all partisan political activities which would impair performance as a professional administrator.

Keep the community informed on county affairs; encourage communication between citizens and all county officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

(The other items in the code refer to the manager's personal and professional beliefs and conduct.)

As a professional administrator, the manager must be trained and experienced in the processes of the effective management of public service delivery, and utilizing this expertise execute efficiently the policies adopted by the elected county council. The manager however, because of breadth of knowledge and experience in the increasingly complex areas of local government operations has a duty and responsibility to assist the elected council in the policy-making process. Although in recent years the policy role of managers in counties and cities has been given greater recognition, those who first endorsed the council-manager plan as the form recommended by the National Municipal League's *Model City Charter* were well aware of the "double function" of the manager:



.In every form of administration, and especially in a democracy, both expert and lay elements are indispensable for the best results; the expert for his knowledge of the most effective means of attaining the results desired; the layman to keep the expert in touch with public opinion, to preserve him from falling into ruts, to prevent the trees from obscuring his view of the forest. They are not two antagonistic elements each seeking to enlarge its sphere of action at the expense of the other. They are not even independent powers in the government each working in a distinct field, performing its appropriate acts and having for these purposes any authority of its own. On the contrary, they are two parts of the same mechanism, or we may liken them to two elements in one chemical compound whose combined qualities give the character to the substance. In a sense, they take part jointly in every act performed. On everything that is done the expert should be consulted, and every act, however minute, technical or in the nature of routine, should be done with the approval, express or implied of the lay controlling body which must assume to the public the responsibility therefor. The lay body must never cast the blame upon the expert. If convinced he is unfit for his position it may remove him; for permanence does not mean incompetence in office. But a removal must only mean a search for a better man to hold permanently, that is by a tenure dependent only upon his professional work. The expert, on the other hand, must realize that he is not the ultimate authority; that everything which ought in his opinion to be done cannot be accomplished; that he has a double function, the conduct of current administration, and persuading the representatives of the public so far as he can that his plans are wise.'

'A. Lawrence Lowell, "Expeds in Municipal Government and the New Model City Charter" in *The New Municipal Program*, National Municipal League Series, A. Appleton and Company, NewYork, 1919, p. 37f.

### **§3.01. Appointment and Qualifications.**

Appointment of the manager by majority vote of the entire membership of the council, not simply a majority of a quorum, assures undisputed support for the appointee. Stating that appointment is 'for an indefinite term' is essential to avoid contracting for a specified term or an arrangement which would reduce the discretion of the council to remove a manager.

The phrase, "with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office hereinafter set forth," used in earlier editions, has been eliminated as superfluous because it is clearly implied in the general phrase, "on the basis of executive and administrative qualifications." This stresses the basic principle of the council-manager form that the manager is a qualified professional administrator.

The provision that the manager need not reside within the county when appointed and may, with approval of the council, live outside the county while in office, is desirable today because of the problem of housing availability and cost. This provision also enables two or more jurisdictions to employ a single manager.

Increasingly, appointment of the manager involves an employment agreement between the county or municipality and the manager. These agreements can cover all aspects of the manager's job, from salary to other forms of compensation, from duties to performance standards and evaluation, to severance procedures. An employment agreement provides mutual protection for the manager and the local government. It should be noted, however, that they are not tenure agreements and do not impede the council's power to remove the manager.

### **§3.02. Removal.**

This section is designed to provide an orderly removal procedure when a manager declines to submit his resignation at the request of the council. While this section is not designed to protect the manager's tenure, the provision for inclusion of a statement of reasons for removal in the preliminary resolution, presentation of it to the manager and the opportunity for the manager to be heard if he or she so requests assures that any unjust charges will come to light and be answered. The requirement of a vote of a majority of all the members prevents a minority acting as the majority in a quorum to pass a removal resolution.

The council may delay the effective date of the final removal resolution in order to provide for termination pay. In cases where there is an employment agreement between the county and the manager, the issue of termination pay is likely to be covered in that agreement.

### **§3.03. Acting County Manager.**

In order to remove any doubt as to the identity of the acting county manager, the manager is required to designate a county officer or employee to serve as acting county manager during the temporary absence or disability of the manager. The council is free, of course, to replace the acting county manager if it is dissatisfied with performance, and the acting manager is not entitled to the protection of the removal procedure afforded the manager by §3.02.

### **§3.04. Powers and Duties of the County Manager.**

Although this section equips the manager with the necessary legal authority to discharge administrative responsibilities, the manager's authority may be subject to limitation in some states by provisions of state constitutions or laws. The listing of the manager's powers and duties assumes that the manager will not only perform managerial duties in the county's operations but will also have a significant role in the development of policy. There are important policy implications in the manager's duties to prepare and submit the budget, to report on the county's finances, administrative activities, departmental operations and future needs, and to make recommendations on county affairs. The duty to provide staff support for the council member includes providing information on policy issues before the council.

In some charter counties, when the appointed executive is titled "county administrative officer" (CAO) or "county administrator," the legally prescribed powers and duties of the office may differ from those provided in this section (e.g., appointment of department heads may require council approval). Often, in fact, there is no essential difference in actual operations. This pattern is common in non-charter counties which have adopted structures providing for appointed professional administrators.

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## **Article IV DEPARTMENTS, OFFICES AND AGENCIES**

### **Section 4.01. General Provisions.**

(a) Creation of Departments. The county council may establish county departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) Direction by County Manager. All departments, offices and agencies under the direction and supervision of the county manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the county manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

### **Section 4.02. Personnel System.**

(a) Merit Principle. AN appointments and promotions of county officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

(b) Merit System. Consistent with all applicable federal and state laws the county council shall provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the county's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

### **Section 4.03. Legal Officer.**

#### **Alternative I**

There shall be a legal officer of the county appointed by the county manager as provided in §4.01(b). The legal officer shall serve as chief legal adviser to the county council, the manager and all county departments, offices and agencies, shall represent the county in all legal proceedings and shall perform any other duties prescribed by state law, by this charter or by ordinance.

#### **Alternative II**

There shall be a legal officer of the county appointed by the county manager subject to confirmation by the county council. The legal officer shall serve as chief legal adviser to the council, the manager and all county departments, offices and agencies, shall represent the county in all legal proceedings and shall perform any other duties prescribed by state law, by this charter or by ordinance.

#### **Alternative III**

There shall be a legal officer of the county appointed by the county council. The legal officer shall serve as chief legal adviser to the council, the county manager and all county departments, offices and agencies, shall represent the county in all legal proceedings and shall perform any other duties prescribed by state law, by this charter or by ordinance.

### **Section 4.04. Planning.**

Consistent with all applicable federal and state laws with respect to land use, development and environmental protection, the county council shall:

- (1) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as maybe specified by ordinance;
- (2) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan; and
- (3) Adopt development regulations, to be specified by ordinance, to implement the plan.

## **COMMENTARY ON ARTICLE IV**

### **§4.01. General Administration.**

This section authorizes the establishment of county departments, offices and agencies. It does not enumerate the specific operating departments or detail their internal organization but does provide that they be administered by an officer appointed by and subject to the direction and supervision of the manager, thus forbidding administration by a board or commission. The number of departments will vary in accordance with local needs as well as the distribution of functions among units of local government (e.g., in some

cases, municipal services are consolidated under the county; in other cases, cities or special districts will be responsible for services elsewhere performed by counties).

An administrative code adopted by the council is the appropriate place for the details of departmental organization and operating rules and regulations; this allows for change without necessitating a charter amendment. In addition, many aspects of the internal organization of specific departments should be governed by administrative order rather than by council action. This may be particularly appropriate in smaller counties where the manager may be required to discharge directly a wider range of operating responsibilities.

In a full service county, line or operating departments typically will include public works, parks and recreation, police, fire, health, library, water and other utilities. In large counties public works maybe subdivided into separate departments such as roads and streets, buildings and sanitation. The organizational arrangement for housing and urban renewal functions generally will be prescribed by state law.

The staff departments - finance, personnel, planning and law - likewise should be covered by the administrative code. To varying degrees their organization may also be dependent upon state law. For example, it may not be possible to provide for an integrated finance department which includes all aspects of finance administration, but rather it may be necessary to provide for an assessor and tax collector. Although earlier models provided for purchasing agent, it is now felt that the organization and procedures for municipal purchasing should be covered in the administrative code.

#### **§4.02. Personnel System.**

The personnel provisions are designed to provide a flexible system which will encourage the development of competent staff. The more detailed provisions of earlier models have been rejected.

Historically the National Municipal League models were used as guides for installing the merit system in local government when it was felt necessary to spell out detailed organization and procedure in the charter subject to change only by referendum to avoid distortion by patronage-minded local governing bodies. Beginning in 1927, League models rejected the independent civil service commission concept and called for the appointment of the personnel director by the manager and for a personnel board with largely advisory powers.

With personnel systems increasingly controlled by state law and subject to certain federal regulatory authority, the charter should not impose additional constraints as to details in personnel administration. It should, however, strongly state the commitment to the merit principle. The *Model* states that commitment and calls on the council to provide by ordinance for the organization and procedures of the personnel system. It lists subjects to be covered by personnel policies governing the administration of the merit system. It should be noted that some of these may be covered adequately by state law and that their inclusion in the local ordinance could be unnecessary, particularly in smaller jurisdictions.

#### **§4.03. Legal Officer.**

Every county must have either a full-time or part-time legal officer, depending on the size of the county and the volume of legal problems. This officer normally will head the county's law department. Both the title and the precise nature of the legal officer's duties will depend on state law, local practice and the organization of the court systems. The title may be county counselor, county counsel or county attorney. Because of wide variations in local practice and state law, three alternatives are provided for this section. Strong arguments can be made for Alternatives I and II. In support of Alternative I it can be pointed out that the legal officer, as a county department head, should have the same relationship to the manager as other department heads. The manager and his top staff members all are, in fact, advisors to the council. Implicit in the council's power to make investigations of the conduct of a county department is the power to engage special counsel (§2.09). This would be the appropriate procedure in the unusual circumstances in which the council requires independent legal assistance.

Alternative II which requires confirmation by the council is justified because the legal officer is the county's attorney and thus must provide legal advice to the council and represents the council in various legal proceedings. This means that the legal officer has a different relationship to the council than other department heads. Alternative III is included because in some states law requires appointment of the legal officer by the governing body.

#### **§4.04. Planning.**

Treatment of planning in this *Model* differs significantly from the earlier models where planning was the subject of a separate article. This edition covers planning in the article on departments, offices and agencies which places responsibility in the council for establishing detailed structure and procedures. In concept, planning, like personnel, is preeminently a staff function tied directly to the county's executive with adoption and implementation of plans and development policies the responsibility of the council.

In recent years federal and state laws on land use, development and environmental protection have imposed not only increased regulation but in some cases specific procedures on local governments. The model provision provides the needed flexibility for the county to establish workable structures and procedures for exercising the planning function within the context of constraints imposed by higher levels of government.

## **Article V FINANCIAL PROCEDURES**

### **Section 5.01. Fiscal Year.**

The fiscal year of the county shall begin on the first day of \_\_\_\_\_ and end on the last day of \_\_\_\_.

**Section 5.02. Submission of Budget and Budget Message.**

On or before the \_\_\_\_\_ day \_\_\_\_ of each year, the county manager shall submit to the county council a budget for the ensuing fiscal year and an accompanying message.

**Section 5.03. Budget Message.**

The county manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the county for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the county's debt position and include such other material as the county manager deems desirable.

**Section 5.04. Budget.**

The budget shall provide a complete financial plan of all county funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the county manager deems desirable or the county council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and
- (3) The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the county.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

**Section 5.05. County Council Action on Budget.**

(a) **Notice and hearing.** The county council shall publish in one or more newspapers of general circulation in the county the general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

(b) **Amendment Before Adoption.** After the public hearing, the county council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.

(c) **Adoption.** The county council shall adopt the budget on or before the - day of the - month of the fiscal year currently ending. If it fails to adopt the budget by this date, the budget proposed by the county manager shall go into effect.

**Section 5.06. Appropriation and Revenue Ordinances.**

To implement the adopted budget, the county council shall adopt, prior to the beginning of the ensuing fiscal year:

- (a) an appropriation ordinance making appropriations by department or major organizational unit and authorizing a single appropriation for each program or activity;
- (b) a tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and
- (c) any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

**Section 5.07. Amendments after Adoption.**

(a) **Supplemental Appropriations.** If during the fiscal year the county manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the county council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) **Emergency Appropriations.** To meet a public emergency affecting life, health, property or the public peace, the county council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of §2.14. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time

to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

**(c) Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the county manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the county council without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

**(d) Transfer of Appropriations.** At any time during the fiscal year the county council may by resolution transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units. The manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the council in writing in a timely manner.

**(e) Limitation; Effective Date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

#### **Section 5.08. Lapse of Appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent, that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

#### **Section 5.09. Administration of the Budget.**

The county council shall provide by ordinance the procedures for administering the budget.

#### **Section 5.10.     Overspending of Appropriations                     Prohibited.**

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the county manager or the manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the county for any amount so paid. Except where prohibited by law, however, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

#### **Section 5.11. Capital Program.**

**(a) Submission to County Council.** The county manager shall prepare and submit to the county council a five- [six-] year capital program no later than three months prior to the final date for submission of the budget.

**(b) Contents.** The capital program shall include: (1) A clear general summary of its contents; (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five [six] fiscal years next ensuing, with appropriate supporting information as to the necessity for each; (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure; (4) Method of financing upon which each capital expenditure is to be reliant; and (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

#### **Section 5.12.     County Council Action on                     Capital Program.**

**(a) Notice and Hearing.** The county council shall publish in one or more newspapers of general circulation in the county the general summary of the capital program and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public, and

(2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

**(b) Adoption.** The county council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the \_ day of the \_ month of the current fiscal year.

### **Section 5.13. Public Records.**

Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the county.

## **COMMENTARY ON ARTICLE V**

This article provides for the development of a comprehensive financial program, allowing maximum flexibility within the boundaries of sound fiscal practices.

The complete financial plan involves two major elements: 1) the current annual budget, and 2) the multi-year capital program which is coordinated with the annual budget.

### **§5.01. Fiscal Year.**

It is strongly recommended that the fiscal year be set so that fiscally sound jurisdictions will not have to borrow for short terms in anticipation of taxes except in emergency situations. It is recognized, however, that before changes in the fiscal year can be made consideration must be given to the fiscal patterns of the other taxing jurisdictions affecting the county. The dates when the state usually pays significant amounts of grants in aid to the county should be considered in developing an advantageous fiscal calendar.

### **§5.02. Submission of Budget and Budget Message.**

The specific submission date will depend upon the fiscal year but in any case it is suggested that it be at least 45 days prior to the beginning of the fiscal year.

### **§5.03. Budget Message.**

The budget message should clearly present the manager's program for the coming year translated into financial terms. Programs of the various county departments should be explained and the county's debt position summarized. From a careful reading of the budget message, members of the council citizens should be able to obtain a clear and concise picture of what the manager expects to accomplish in the coming year, the estimated cost, sources of revenue and changes in the county's debt.

### **§5.04. Budget.**

The budget, a complete financial plan for all funds and activities, includes both revenues and expenditures. Expenditures for current operations and capital outlays should be shown separately with the source of financing indicated.

A detailed classification of revenues, expenditures and specific funds is not set forth in the *Model* because classifications will be developed by ordinance or administrative order if they are not established by state agencies concerned with local finance as part of a uniform accounting system. Proposed current expenditures are to be presented in terms of the programs of the respective offices, departments and agencies, the fundamental feature of program or performance budgeting.

### **§5.05. Council Action on Budget.**

The only restrictions placed on the council with respect to action on the budget are those governing the adoption procedure, the requirement that certain mandatory expenditures may not be decreased or deleted, and the requirement that total authorized expenditures may not exceed the total of estimated income.

No specific date as the deadline for adoption of the budget has been included. Setting a deadline for adoption does not preclude the earlier completion of action on the budget with ample time for public hearings and council consideration of the budget, if it is submitted early enough by the manager.

The *Model* includes one of several possibilities for dealing with failure of the council to adopt the budget by the prescribed deadline. It provides for the budget as submitted by the manager to be deemed adopted. Among other possibilities in such a situation are: (1) for the amounts appropriated for operations in the current fiscal year to be deemed adopted; (2) for the manager's budget to be deemed adopted but permitting amendments by the council during the first month of the new fiscal year, (3) to authorize the council to make temporary appropriations for a period not exceeding one month, during which time it would presumably complete adoption of the budget for the remainder of the fiscal year; or (4) to provide that the budget of the preceding fiscal year should be applicable automatically for the first month of the ensuing year, with the presumption that action will be completed during that time.

### **§5.06. Appropriations and Revenue Ordinances.**

Earlier models in the adoption subsection provided: "Adoption of the budget shall constitute appropriations of amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed." It took note that some states required that appropriations and the tax levy be by ordinance. Alternative language to cover that requirement was included. This edition specifically calls for appropriation ordinances and revenue ordinances and that appropriations be by department or major organizational unit within each fund. The appropriations for each department or unit would not be broken down in the same detail as the budget. There would be a property tax levy ordinance and other revenue ordinances authorizing revenues from non-property taxes.

### **§5.07. Amendments After Adoption.**

Supplemental appropriations, which can be the bane of any good budget procedure, are restricted to situations in which the manager certifies to council the availability of money in excess of the total revenues estimated in the budget. Another possibility for use of such "windfall" sums is to require their use in the



succeeding year's budget as a revenue which would have the effect of reducing the tax levy. Supplemental appropriations may be made only by ordinance and all the provisions regarding publication, notice of hearing, etc., applicable to other ordinances must be followed. Emergency appropriations may be budgeted in accordance with the procedure for emergency ordinances.

Provision is made for reduction of appropriations when the manager believes available revenues will not cover appropriations and a deficit is likely. The primary responsibility is clearly the manager's, with the duty to inform council and then implement any ordinances or resolutions council may enact.

With appropriations being made by departments and major organizational units and not by objects, the manager has freedom to make transfers from unencumbered balances within departments of units, and must notify the council of transfers. When an unencumbered balance exists in one department or unit, all or part of it may be transferred to the appropriation of another department or unit by council resolution.

#### **§5.08.Lapse of Appropriations**

This provision simply requires that amounts not needed or not used for whatever reason in the current year must be returned for reappropriation in the following year. The important exception is that an appropriation for a capital expenditure shall not lapse until the project is completed and paid for, or the project has been terminated for some other reason or three years have passed without any positive action on the project. Without such a requirement, accounts of the county would be cluttered with balances to which the appropriation in each succeeding year would be added. Such a practice would increase the problem of administrative control by encouraging the building of surpluses within departments.

#### **§5.09. Administration of the Budget.**

The council will by ordinance establish the procedures and controls for implementation of the budget. Proposed work programs and requested allotments should be submitted to the manager by department heads following adoption of the budget. The manager should review the programs and allot portions of the total appropriation based upon the work expected to be performed during a particular period of time, usually three months. As chief administrator, the manager must have the authority to revise the allotments at any time during the year and for any reason.

#### **§5.10. Overspending of Appropriations Prohibited.**

Before any order may be placed or any payment may be made from an appropriation, it must be ascertained that an unencumbered balance of adequate amount is available. This provision prevents making expenditures or incurring obligations above the total appropriated amount. Since it often is necessary to make contracts extending into the future beyond the period of annual appropriations, council is granted the power to do so. All such transactions become matters of public record and expenditures required because of them must be included in the capital program and in the annual budget.

#### **§5.11. Capital Program.**

Provisions for the five-year or six-year capital program are designed to compel long-range planning of capital improvements and a meaningful relationship between capital and current operating expenditures, and to provide adequate time for systematic consideration of capital projects by the council.

The requirement that the capital program be submitted three months prior to the final date for submission of the budget gives the council an opportunity to review the proposed projects, their cost, and methods of finance before the annual budget is submitted. Actual capital expenditures are carried each year as the capital outlay section of the current budget. These expenditures may be in the form of direct capital outlays from current revenues or debt service payments.

An innovation introduced as a part of the League's model financial procedures in 1964 - and continued in this *Model* - is the requirement that the capital program include estimated operating and maintenance costs of proposed capital facilities. This forces more realistic projections of expenditures because sometimes the operating cost of a facility will exceed the amortized annual capital charge. It also sounds a warning that maintenance should not be neglected.

#### **§5.12. Council Action on Capital Program.**

The capital program's adoption, which must be preceded by required publication, notice and hearing, means a positive commitment by the council to undertake a scheduled five-year or six-year capital improvement program. The methods of financing the improvements will be detailed. Major improvements will be financed by bond issues authorized by either a bond ordinance or by a popular referendum. Most projects requiring bond issues will extend over a period of more than one year. Other projects, to be financed from current income, also may extend over more than one year and will normally involve construction contracts with adequate safeguards for both parties. Still other capital projects may be completed within a single fiscal period as part of the work program of the department of public works. In all cases, actual disbursements for capital items during a single fiscal year, whether in the form of debt service or direct outlays, are carried as the capital outlay section of the budget for that year.

The requirement that the capital program each year be submitted well in advance of the budget enables the council to consider the proposed improvements, the methods for financing them and the recommended priorities in sufficient time to make decisions on capital items which will be subsequently reflected in the budget. The fact that most capital improvement decisions must be made well in advance of actual disbursements means that the bulk of the capital items in a particular budget will be the result of decisions made several years earlier. Changes, often of a relatively minor nature, may be made each year.

Because all states regulate borrowing for capital improvements by general legislation, no article on this subject is included.

#### **§5.13. Public Records.**

In addition to compliance with the formal legal requirement that copies of the budget document and capital program be made available, many counties prepare popular summaries which are given wide distribution and which provide citizens with essential general information.

## **Article VI** **COUNTY ELECTIONS**

### **Section 6.01. County Elections.**

(a) Regular Elections. The regular county election shall be held at the time established by state law.

(b) Registered Voter defined. All citizens legally registered under the constitution and laws of the state of \_\_\_\_\_ to vote in the \_\_\_\_\_ county shall be registered voters of the county within the meaning of this charter.

(c) Conduct of Elections. The provisions of the general election laws of the state of - shall apply to elections held under this charter. All elections provided for by the charter shall be conducted by the election authorities established by law. For the conduct of county elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the county council shall **adopt ordinances** consistent with law and this charter, and the election authorities may adopt further regulations consistent **with law and this charter and** the ordinances of the council. Such ordinances and regulations pertaining to elections shall be publicized in the manner of county ordinances generally.

### **Section 6.02. Council Districts; Adjustment of Districts. (for use with alternatives II, HI and IV of §2.01)**

(a) **Number of Districts.** There shall be \_\_\_\_\_ county council districts.

(b) **Districing Commission; Composition; Appointment; Terms; Vacancies; Compensation.**

(1) There shall be a districing commission consisting of five members. No more than two commission members may belong to the same political party. The county council shall appoint four members. These four members shall, with the affirmative vote of at least three, choose the fifth member who shall be chairman.

(2) No member of the commission shall be employed by the county or any political subdivision of the county, or hold any other elected or appointed position in the county or any political subdivision of the county.

(3) The county council shall appoint the commission no later than one year and five months before the first general election of the county council after each federal decennial census. The commission's term shall end upon adoption of a districing plan, as set forth in §6.02(c).

(4) In the event of a vacancy on the Commission by death, resignation or otherwise, the county council shall appoint a new member enrolled in the same political party from which his or her predecessor was selected, to serve the balance of the term remaining.

(5) No member of the districing commission shall be removed from office by the county council except for cause and upon notice and hearing.

(6) The members of the commission shall serve without compensation except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other county charges.

(7) The commission may hire or contract for necessary staff assistance and may require agencies of county government to provide technical assistance. The commission shall have a budget as provided by the county council.

(c) **Powers and Duties of the Commission; Hearings, Submissions and Approval of Plan.**

(1) Following each decennial census, the commission shall consult the county council and shall prepare a plan for dividing the county into districts for the election of council members. In preparing the plan, the commission shall be guided by the criteria set forth in §6.02(d). The report on the plan shall include a map and description of districts recommended.

(2) The commission shall hold one or more public hearings not less than one month before it submits the plan to the county council. The commission shall make its plan available to the public for inspection and comment not less than one month before its public hearing.

(3) The commission shall submit its plan to the county council not less than one year before the first general election of the county council after each decennial census.

(4) The plan shall be deemed adopted by the county council unless disapproved within three weeks by the vote of the majority of all members of the county council. If the county council fails to adopt the plan, it shall return the plan to the commission with its objections, and with the objections of individual members of the council.

(5) Upon rejection of its plan, the commission shall prepare a revised plan and shall submit such revised plan to the county council no later than nine months before the first general election of the county council after the decennial census. Such revised plan shall be deemed adopted by the county council unless disapproved within two weeks by the vote of two-thirds of all of the members of the county council and unless, by a vote of two-thirds of all of its members, the county council votes to file a petition in the \_\_\_\_\_ Court, \_\_\_\_\_ County, for a determination that the plan fails to meet the requirements of this charter. The county council shall file its petition no later than ten days after its

disapproval of the plan. Upon a final determination upon appeal, if any, that the plan meets the requirements of this charter, the plan shall be deemed adopted by the county council and the commission shall deliver the plan to the county clerk. The plan delivered to the county clerk shall include a map and description of the districts.

(6) If in any year population figures are not available at least one year and five months before the first general election following the decennial census, the county council may by ordinance shorten the time periods provided for districting commission action in subsections (2), (3), (4) and (5) of this section.

**(d) Districting Plan; Criteria.** In preparation of its plan for dividing the county into districts for the election of council members, the commission shall apply the following criteria which, to the extent practicable, shall be applied and given priority in the order in which they are herein set forth.

(1) Districts shall be equal in population except where deviations from equality result from the application of the provisions hereinafter set forth, but no such deviation may exceed five percent of the average population for all county council districts according to the figures available from the most recent census.

(2) Districts shall consist of contiguous territory; but land areas separated by waterways shall not be included in the same district unless said waterways are traversed by highway bridges, tunnels or regularly scheduled ferry services both termini of which are within the district, except that, population permitting, islands not connected to the mainland or to other islands by bridge, tunnel or regular ferry services shall be included in the same district as the nearest land area within the county and, where such subdivisions exist, within the same ward or equivalent subdivision as described in subsection (5), below.

(3) No city block shall be divided in the formation of districts. (4) A municipality within a county shall be divided among as few districts as possible.

(5) In the establishment of districts within counties whose territory is divided into wards or equivalent subdivisions whose boundaries have remained substantially unaltered for at least fifteen years, the number of such wards or equivalent subdivisions whose territory is divided among more than one district shall be as small as possible.

(6) Consistent with the foregoing provisions, the aggregate length of all district boundaries shall be as short as possible.

**(e) Effect of Enactment.** The new county council districts and boundaries as of the date of enactment shall supersede previous council districts and boundaries for all purposes of the next regular county election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all council members elected at that regular county election take office.

### **[Section 6.03. Initiative and Referendum**

The powers of initiative and referendum are hereby reserved to the electors of the county. The provisions of the election law of the state of \_\_\_\_\_ as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this charter.]

**NOTE: Section 6.03 is in brackets because not all states provide for the initiative and referendum and it is possible that not all counties within the states that do provide for it will choose to include the option in their charters.**

## **COMMENTARY ON ARTICLE VI**

In previous League models, detailed provisions on the nomination and election process were included. This edition recognizes that the election laws of each state apply to counties whether or not they operate with a local charter. Areas of local discretion are few. Among those discretionary areas may be the provision of nonpartisan elections and the timing of elections. Operating within the limitations imposed by state law, the county may by ordinance adopt regulations deemed desirable.

### **§6.01. County Elections.**

Although in most states local elections are regulated entirely or to a very substantial extent by state statutes, certain variations may be provided by local charter; for example, home rule charters may provide for nonpartisan local elections. When possible, it is particularly desirable to separate local from state and national elections. Therefore, local elections are frequently scheduled in the fall of odd-numbered years or in the spring of the year -both as a result of state election laws and of city and county charters. It is recommended that such timing be specified in the charter if it permissible under the state election laws.

### **§6.02. Council Districts; Adjustment of Districts.**

With three of the five alternatives provided for the election of the county council involving districts, the provision for drawing and redrawing district lines assumes particular importance.

This section is a substantial departure from that of previous models because of the need to comply with such legal mandates as *Baker v. Carr*, *Avery v. Midland County, Texas*, and the Voting Rights Act and its amendments. Rather than a two-part process with an advisory commission recommending a plan, followed by city council passage of a plan (which might or might not resemble that of the advisory commission), the *Model* provides for a more direct process –redistricting by an independent commission. The lead time for redistricting has been expanded to provide sufficient time to resolve some of the increasing number of local government redistricting suits as well as to provide for sufficient time to comply with the requirements of

§5 of the Voting Rights Act where that is applicable. In addition, the *Model* provides for ordered, specific criteria for redistricting based on population.

The *Model* provides for a bi-partisan commission. The fact that the four council appointees (or at least three of the four) must be able to agree on the choice of chairman should facilitate the commission being able to work together.

To avoid the conflict of interest created when council members must consider new districts whose lines may materially affect their political futures, the council can neither approve nor veto the result. The council may, however, prevent implementation of the plan if it finds the plan in violation of the charter and files with the courts for such a determination.

The criteria mandated in this section are designed to preclude gerrymandering either to protect or punish incumbents or to prevent particular voting groups from gaining power. The criteria are unquestionably the most important part of the section. It has been suggested that with the proper ordered criteria, the redistricting process is less open to manipulation and flagrant gerrymandering will be almost impossible without a clear violation of the mandated criteria. The criteria concerning waterways and islands should be included in charters where appropriate. The exact terminology for election administration subdivisions (e.g., "wards or equivalent subdivisions) should be adjusted to conform to state law.

There are counties which prefer to have redistricting done by the county council either because of a belief that the redistricting process essentially involves a series of political decisions and that attempts to separate the process from the politics is futile and foolish or because redistricting in the past has been satisfactorily accomplished by the council and that there is no need for change. Where a county opts for redistricting by the council, the following provisions should be substituted in §6.02:

**(b) Council to Redistrict.** Following each decennial census, the county council shall, by ordinance, adjust the boundaries of the county council districts using the criteria set forth in §6.02(e).

**(c) Procedures.**

(1) The county council shall hold one or more public hearings prior to bringing any proposed plan to a vote. Proposed plans must be available to the public for inspection and comment not less than one month before the first public hearing on said plan. The plan shall include a map and description of the districts recommended.

(2) The county council shall approve a districting plan no later than 10 months (300 days) prior to the first regular county election following the decennial census.

**(d) Failure to Enact Ordinance.** If the county council fails to enact a redistricting plan within the required time, the county attorney shall, the following business day, inform the Court, \_ County, and ask that a special master be appointed to do the redistricting. The special master shall, within 60 days, provide the Court with a plan drawn in accordance with the criteria set forth in §6.02(e). That plan shall have the force of law unless the court finds it does not comply with said criteria. The court shall cause an approved plan to go into effect no later than 210 days prior to the first regular county election after the decennial census. The county shall be liable for all reasonable costs incurred by the special master in preparing the plan for the court.

Subsections 6.02(d) and (e) of the *Model* should be relettered (e) and (f) and the words "county council" should be substituted for "commission."

§6.02(d) of the substitute language (*Failure to Enact Ordinance*), is particularly important because it is designed to be an incentive for the council to get redistricting completed on time. Failure to redistrict will not result in just another election with the same old districts as was provided in the previous edition. Even the most divided of councils would probably prefer to get down to the business of compromise than have a special master redistrict for them - and few would want to explain the additional cost of paying someone else to draw up a plan that probably would not be anymore satisfactory than their own compromise.

## Article VII GENERAL PROVISIONS

### Section 7.01. Conflicts of Interest; Board of Ethics.

**(a) Conflicts of Inter-est.** The use of public office for private gain is prohibited. The county council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official, the use of confidential information; and appearances by county officials before other county agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

**(b) Board of Ethics.** The county council shall, by ordinance, establish an independent board of ethics to administer and enforce the conflict of interest and financial disclosure ordinances. No member of the board may hold elective or appointive office under the county or any other government or hold any political party office. Insofar as possible under state law, the county council shall authorize the board to issue binding

advisory opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The county council shall appropriate sufficient funds to the board of ethics to enable it to perform the duties assigned to it.

## **Section 7.02. Prohibitions.**

### **(a) Activities Prohibited.**

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any county position or appointive county administrative office because of race, gender, age, handicap, religion, country of origin or political affiliation.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any county position or appointive county administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any county election from any county employee.

(5) No county employee shall knowingly or willfully make, solicit or receive any contribution to the campaign funds of any political party or committee to be used in a county election or to campaign funds to be used in support of or opposition to any candidate for election to county office or county ballot issue. Further, no county employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for county office. This section shall not be construed to limit any person's right to exercise rights as a citizen to express opinions or to cast a vote nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.

**(b) Penalties.** Any person convicted of a violation of this section shall be ineligible for a period of five years following such conviction to hold any county office or position and, if an officer or employee of the county, shall immediately forfeit his or her office or position. The county council shall establish by ordinance such further penalties as it may deem appropriate.

## **COMMENTARY ON ARTICLE VII**

### **§7.01. Conflicts of Interest, Board of Ethics.**

Many states have state conflict of interest and financial disclosure laws which include local officials as well as state officials. Counties in these states may wish to modify this section accordingly by either eliminating duplication with state law or providing for local filing of state forms to provide local access to the information.

The language of this section differs drastically from the treatment of this subject in earlier models. Instead of providing what was essentially statutory language, this section mandates council passage of ordinances covering certain basic subjects and which provide for a specific mechanism to administer and enforce the law. This will permit amendment as may be required without a referendum which would be necessary if the charter covered the subject in detail.

This provision is intended to show that the charter is serious about the need for dealing with ethics problems but at the same time leaves it to the county council to adopt the formulation most appropriate for the specific situation. It does make provision for a Board of Ethics but leaves details on the board's composition and procedure to the council.

### **§7.02. Prohibitions.**

The activities prohibited by this section are antithetical to the maintenance of a sound, permanent county public service. The prohibition against discrimination states basic county policy which applies to all personnel relationships. Prohibiting fraud or attempted fraud and bribery in connection with appointments and promotions by charter provision stresses the importance of maintaining the integrity of the public service. Prohibitions against political solicitation and participation in political campaigns afford protection for the employee as well as the integrity of the system.

State law of general application may be sufficiently comprehensive to cover the activities prohibited by this section. If so, it is not necessary for the charter to contain these provisions except to give confirmation of public acceptance of these policies.

## **Article VIII CHARTER AMENDMENT**

### **Section 8.01. Proposal of Amendment.**

Amendments to this charter may be framed and proposed:

- (a) In the manner provided by law, or
- (b) By ordinance of the county council containing the full text of the proposed amendment and effective upon adoption, or (c) By report of a charter commission created by ordinance; or
- (d) By the voters of the county.

When any five qualified voters initiate proceedings to amend the charter by filing with the county clerk an affidavit stating they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed charter amendment. Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee. The petitions shall contain or have attached thereto throughout their circulation the full text of the proposed charter amendment and must be signed by registered voters of the county in the number of at least twenty percent of the total number of registered voters at the last regular county election. The petitioners committee may withdraw the petition at any time before the fifteenth day immediately preceding the day scheduled for the county vote on the amendment.

#### **Section 8.02 Election.**

Upon delivery to the county election authorities of the report of a charter commission or delivery by the county clerk of an adopted ordinance proposing an amendment pursuant to §8.01(b) or a petition finally determined sufficient proposing an amendment pursuant to §8.01(d), the election authorities shall submit the proposed amendment to the voters of the county at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the county at least 30 days prior to the date of the election. If the amendment is proposed by petition, the amendment may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for the election by filing with the county clerk a request for withdrawal signed by at least four members of the petitioners' committee. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or report, or the final determination of sufficiency of the petition proposing the amendment. If no regular election is to be held within that period, the county council shall provide for a special election on the proposed amendment; otherwise, the holding of a special election shall be as specified in the state election law.

#### **Section 8.03. Adoption of Amendment.**

If a majority of the registered voters of the county voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.

### **COMMENTARY ON ARTICLE VIII**

All Charters require modification from time to time. In states where the constitution or statutes prohibit counties from adopting their own methods of charter revision, this article could not be used.

This article lists four methods for proposing charter amendments. The first references any methods which are provided by state law and the second is by the council itself. The third is by a charter commission which in many states may be created by the council. In some states the charter commission method is provided by the constitution, in others by statute. Often this includes a procedure whereby the formation of a charter commission may be initiated by petition or by ordinance. The final method is by a voter initiated petition. It is important that the number of signatures required be substantial. It should be relatively difficult to amend the charter and charter amendments should not be used to harass officials.

### **Article IX TRANSITION/SEPARABILITY PROVISIONS**

#### **Section 9.01. Officers and Employees.**

**(a) Rights and Privileges Preserved.** Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are county officers or employees at the time of its adoption.

**(b) Continuance of Office or Employment.** Except as specifically provided by this charter, if at the time this charter takes full effect a county administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.

**(c) Personnel System.** An employee holding a county position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in §4.02.

#### **Section 9.02. Departments, Offices and Agencies.**

**(a) Transfer of Powers.** If a county department, office or agency is abolished by this charter, the powers



and duties given it by law shall

be transferred to the county department, office or agency designated in this charter or, if the charter makes no provision, designated by the county council.

**(b) Property and Records.** All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the county council in accordance with this charter.

### **Section 9.03. Pending Matters.**

All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the county department, office or agency appropriate under this charter.

### **Section 9.04. Laws in Force.**

**(a) In General.** All county ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and laws of the state of \_ permit, all laws relating to or affecting this county or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

**(b) Specific Provisions.** Without limitation of the general operation of subsection (a) or of the number or nature of the provisions to which it applies:

- (1) The following laws and parts of laws generally affecting counties or county agencies, officers or employees are inapplicable to the county of - or its agencies, officers or employees: [enumeration]
- (2) The following public local laws relating to the county of - are superseded: [enumeration] (3) The following ordinances, resolutions, orders and regulations of \_ [former county governing body] are repealed: [enumeration]

### **Section 9.05. Schedule.**

**(a) First Election.** At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of members of the county council may be conducted in accordance with the provisions of this charter. The first election shall be held on the of . The -[county officials to be designated] shall prepare and adopt temporary regulations applicable only to the first election and designed to insure its proper conduct and to prevent fraud and provide for recount of ballots in cases of doubt or fraud.

**(b) Time of Taking full Effect.** The charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected county council provided in §9.05(c).

**(c) First Council Meeting.** On the \_ of \_ following the first election of county council members under this charter, the newly elected members of the council shall meet at - [time] at [place]:

- (1) For the purpose of electing the [chairman and] vice chairman, appointing or considering the appointment of a county manager or acting county manager, and choosing, if it so desires, one of its members to act as temporary clerk pending appointment of a county clerk pursuant to §2.08; and Note: Omit bracketed words if Section 2.03, Alternative 11 is used.

- (2) For the purpose of adopting ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective county government during that transition.

**(d) Temporary Ordinances.** In adopting ordinances as provided in §9.05(c), the county council shall follow the procedures prescribed in Article 11, except that at its first meeting or any meeting held within 60 days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective county government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify [, and the referendum power shall not extend to any such ordinance]. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, renewed or otherwise continued except by adoption in the manner prescribed in Article 11 for ordinances of the kind concerned.

**(e) Initial Expenses.** The initial expenses of the county council, including the expense of recruiting a county manager, shall be paid by the county on vouchers signed by the council chairman.

**(f) Initial Salary of Council Chairman and Council members.** The chairman of the council shall receive an annual salary in the amount of \$\_ and each other council member in the amount of \$-, until such amount is changed by the council in accordance with the provisions of this charter.

**Section 9.06. Separability.**

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

**COMMENTARY ON ARTICLE IX**

Many charters are weak in the provisions designed to facilitate transition from an old to a new basis of government. More than almost any other part of the charter, the article containing transitional provisions needs to be tailored to existing law and organization. The *Model* makes no claim to being complete in this regard but is designed to call attention to matters that must be considered and provide a basic pattern for a transition article. Extreme care in the preparation of this article will pay off in many ways, including disarming of arguments against a new charter based upon fears of its immediate effects upon personnel and the processes of the government. It may also save the county from costly litigation and administrative confusion.

The bracketed clause in §9.05(d) should be included only if the referendum is provided.

**§9.06. Separability.**

A separability clause is a necessary precaution and should be included in every charter.

## APPENDIX

### AN ELECTED COUNTY EXECUTIVE

Although since 1915 the League's model charters have embodied the council-manager plan (appointed executive plan), it has always recognized that some cities and counties, if properly organized, can strengthen their operations with a strong elected executive form. In fact the first edition (1900) of the *Model City Charter* endorsed the elected chief executive. However, because this was such a drastic departure from prevailing practice the recommendation gained relatively little acceptance. Municipal government at the time was extremely fragmented by a number of separately elected department heads often providing fiefdoms for powerful politicians. Some departments were headed by separate commissions designed to insulate departments (e.g., public works) from political patronage and scandal. The early *Model* specifically eliminated all popularly elected officials except the mayor and council and made no provision for council approval of mayoral appointments. The mayor was to be a truly strong executive.

County government has continued to be characterized by a structure which includes a number of separately elected administrative officers, some of whom are mandated by state constitutional provisions; others are provided for by statutes applicable statewide. This situation has made it difficult to establish a county chief executive with authority over the full range of county operations. In a substantial number of counties, however (mostly large urban and suburban counties), elected chief executive systems are in place. Where they have performed well, the elected executives have been able to emerge as effective governmental leaders, overcoming by political strength competition from other specialized officers elected county-wide. In some cases, charters have been able to change these officers from elective to appointive positions making them responsible to elected executive.

The elected county executive can be viewed as somewhat comparable to a state governor. The authority of governors has expanded as the state ballot has been shortened and separately elected statewide administrative officials have been replaced by department heads appointed by the governor. Shortening the ballot at the county level is important to the achievement of a truly effective elected county executive.

When an elected executive system is used, the executive must have sufficient authority to operate as a genuinely responsible executive. The executive's authority should not be diluted by assigning any executive operations to independently elected department heads or to boards and commissions, nor should it be nullified by the requirement that major appointments be subject to the "advice and consent" of the council. Advice and consent can interfere with an executive's attempts to recruit department heads and other personnel from outside the county on the basis of professional competence because of provincialism and political pressures put on the council by local residents. An argument can be made for council advice and consent in the appointment of certain boards and commissions, such as the board of ethics, where it is important that both the executive and legislative arms of the government be committed to the successful work of the body.

A full text providing for an elected chief executive is not provided here because the basic council-manager (appointed executive) charter can be adapted readily for this purpose. To a considerable extent, this can be done simply by changing the word "county manager" to "county executive," except in Article III which must be substantially altered to provide for election rather than appointment. Also, the provision for the powers of the council and the chairman of the council in the basic *Model* 0§2.01 and 2.03) should be modified. Language similar to that used in the *Model State Constitution* for the governor is presented as a tentative text of the basic provision for the elected executive:

**(a) Executive Power.** The executive power of the county shall be vested in a county executive.

**(b) Election of the County Executive.** The county executive shall be elected for a term of four years by a direct vote of the people at the regular county election. The first such election shall be in -, 19 . The county executive's terms shall begin on the - da~-of \_ after his or her election and shall continue until his or her successor has been elected and has taken office.

**(c) County Executives messages to the Council.** The county executive shall, at the beginning of each calendar year, and may at other times give the council information as to the affbLirs of the county and recommend measures he or she considers necessary and desirable.

One basic difference between the County Council-Manager and Elected Executive plans is the "veto" power. This power has no place in a Council-Manager government because it distorts the basic principle of the form - that the council is assigned all powers of the county. The significant difference in the elected executive form is that the elected executive has an assigned role in the legislative process, and must make a decision on each ordinance - sign it, veto it or let it become law without signature. The veto should be included in the legislative article of an elected executive charter and listed among the executive's powers in the executive article.

The veto provisions of two county charters provide illustrations:

### **Prince George's County, Maryland**

#### **EXECUTIVE VETO.** Upon the enactment of any bill by the

Council, with the exception of such measures made expressly exempt from the executive veto by this Charter, it shall be presented to the County Executive within five days for his approval or disapproval. Within ten days after such presentation, he shall return any such bill to the Council with his approval endorsed thereon or with a statement, in writing, of his reasons for not approving the same. Upon approval by the County Executive, any such bill shall become law. Upon veto by the County Executive, his veto message shall be entered in the Journal of the Council, and, not later than at its next legislative session-day, the Council may reconsider the bill. If, upon reconsideration, two-thirds of the members of the full Council vote in the affirmative, the bill shall become law. Whenever the County Executive shall fail to return any such bill within ten days after the date of its presentation to him, the Clerk of the Council shall forthwith record the fact of such failure in the Journal, and such bill shall thereupon become law. In case of budget and appropriation bills, the County Executive may disapprove or reduce individual items in such bills, except where precluded by State law. Each item or items not disapproved or reduced in a budget and appropriation bill shall be subject to the same procedure as any other bill vetoed by the County Executive.

### **King County, Washington**

**EXECUTIVE VETO.** Except as otherwise provided in this charter, the county executive shall have the right to veto any ordinance or any object of expense of an appropriation ordinance. Every ordinance shall be presented to the county executive within five days after its adoption or enactment by the county council. Within ten days after its presentation, the county executive shall either sign the ordinance and return it to the county council, veto the ordinance and return it to the county council with a written and signed statement of the reasons for his veto, or sign and partially veto an appropriation ordinance and return it to the county council with a written and signed statement of the reasons for his partial veto. If an ordinance is not returned by the county executive within ten days after its presentation, it shall be deemed enacted without his signature. Within thirty days after an ordinance has been vetoed and returned or partially vetoed and returned, the county council may override the veto or partial veto by enacting the ordinance by a minimum of six affirmative votes.

Another important consideration in drafting an elected executive charter is the extent to which the charter should make provision for professional managerial assistance for the county executive, in the form of an aide having the same basic professional qualifications as a county manager. Various names and duties have been assigned -county administrator, chief administrative officer, administrative assistant, executive officer, or deputy county executive. Although there is growing experience with such arrangements, there clearly is no "model" formulation and apparently no feasible way to discourage the tendency to appoint persons qualified politically rather than professionally. The managerial assistant to the county executive, no matter what the title, should not be assigned charter powers independent of those of the county executive, but should be able to perform any administrative duties of the executive if instructed by the executive to do so. The working relationship of the administrator and the county executive may well be compared to that of the executive officer of a naval vessel and his commanding officer. The county executive should be solely responsible for the appointment and removal of the administrator without any requirement of approval by the Council.

The basic *Model* has stressed the desirability of keeping charter provisions as simple as possible, leaving details for inclusion in the administrative code. In line with this, an elected county executive charter should limit treatment of the executive's managerial aide to a very brief provision. The following contains the essentials of an adequate provision:

There shall be county administrator [or other title] who shall be appointed by and may be removed by the county executive. Appointment shall be on the basis of executive and administrative qualifications. The administrator shall be the principal managerial aide to the county executive and shall perform such duties as may be assigned to him or her by the county executive.

Three illustrations of the administrative officer provision follow:

### **King County, Washington**

**COUNTY ADMINISTRATIVE OFFICER.** The county executive shall appoint the county administrative officer, who, under the general supervision of the county executive, shall assist him, shall supervise the administrative offices and shall perform such other duties as are delegated to him by the county executive.

### **Montgomery County, Maryland**

**CHIEF ADMINISTRATIVE OFFICER** The County Executive shall appoint a Chief Administrative Officer subject to confirmation by the Council. The Chief Administrative Officer shall be a professionally qualified administrator who shall serve at the pleasure of the County Executive, with compensation determined by the County Executive subject to the approval of the County Council.

**DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER.** The Chief Administrative Officer shall, subject to the direction of the County Executive, supervise all departments, offices, and agencies of the

Executive Branch, advise the County Executive on all administrative matters and perform such other duties as maybe assigned by the County Executive, or by this Charter.

#### **Prince George's County, Maryland**

**CHIEF ADMINISTRATIVE OFFICER.** The County Executive shall appoint a Chief Administrative Officer. He shall be appointed on the basis of his qualifications as a professional administrator and shall serve at the discretion of the County Executive. The Chief Administrative Officer shall perform such administrative duties and exercise such general supervision over the agencies of the executive branch as the County Executive may direct.

#### **INITIATIVE AND REFERENDUM**

In states where the initiative and referendum procedures are not provided by state law but maybe provided in local charters, the model provisions maybe adopted. It is also possible that a county may choose to provide for the initiative and not the referendum. In that case the model provisions should be modified accordingly.

### **Article INITIATIVE AND REFERENDUM**

#### **Section -.01. General Authority.**

**(a) Initiative.** The registered voters of the county shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a county election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of county officers or employees.

**(b) Referendum.** The registered voters of the county shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a county election, but such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes, or salaries of county officers or employees.

#### **Section \_\_.02. Commencement of Proceeding; Petitioners' Committee; Affidavit.**

Any five registered voters may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee.

#### **Section -.03. Petitions.**

**(a) Number of Signatures.** Initiative and Referendum petitions must be signed by registered voters of the county equal in number to at least 15 per cent of the total number of registered voters registered to vote at the last regular election.

**(b) Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

**(c) Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

**(d) Time for Filing Referendum Petitions.** Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance sought to be reconsidered.

#### **Section .04. Procedure after Filing.**

**(a) Certificate of Clerk; Amendment.** Within twenty days after the petition is filed, the county clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of §\_03, and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to

the petitioners committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the clerk shall promptly present his or her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

**(b) Council Review.** If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

**(c) Court Review; New Petition.** A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### **Section -.05.      Referendum Petitions; Suspension of Effect of Ordinance.**

When a referendum petition is filed with the county clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The Council repeals the ordinance, or
- (4) Thirty days have elapsed after a vote of the county on the ordinance.

#### **Section      06. Action on Petitions.**

**(a) Action by Council.** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the county.

**(b) Submission to Voters.** The vote of the county on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final Council vote thereon. If no regular county election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

**(c) Withdrawal of Petitions.** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the county by filing with the county clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

#### **Section      07. Results of Election.**

**(a) Initiative.** If a majority of the register voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

**(b) Referendum.** If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Where the Article on Initiative and Referendum is used, the following language shall be used in §2.12.:

- (10) Adopt with or without amendment ordinances proposed under the initiative power.

Where the Article on Initiative and Referendum is used the following language shall be used for the Charter Amendment Article:



## **ARTICLE VIII CHARTER AMENDMENT**

### **Section 8.01. Proposal of Amendment.**

Amendments to this charter may be framed and proposed:

- (a) In the manner provided by law, or
- (b) By ordinance of the Council containing the full text of the proposed amendment and effective upon adoption, or
- (c) By report of a charter commission created by ordinance, or
- (d) By the voters of the county. Proposal of an amendment by the voters of the county shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article \_ for initiative petitions until such time as a final determination as to the sufficiency of the petition is made, except that there shall be no limitation as to subject matter and that the petition must be signed by registered voters of the county equal in number to at least 20 per cent of the total number of those registered to vote at the last regular county election. The petitioners' committee may withdraw the petition at any time before the fifteenth day immediately preceding the day scheduled for the county vote on the amendment.

### **Section 8.02. Election.**

Upon delivery to the county election authorities of the report of a charter commission or delivery by the county clerk of an adopted ordinance or a petition finally determined sufficient, proposing an amendment pursuant to §8.01(d), the election authorities shall submit the proposed amendment to the voters of the county at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the county at least 30 days prior to the date of the election. The election shall be held not less than 60 and not more than 120 days after the adoption of the ordinance or report or the final determination of sufficiency of the petition proposing the amendment. If no regular election is to be held within that period, the Council shall provide for a special election on the proposed amendment; otherwise, the holding of a special election shall be as specified in state law.

### **Section 8.03. Adoption of Amendment.**

If a majority of the registered voters of the county voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.

## **COMMENTARY ON INITIATIVE AND REFERENDUM**

### **§.01. General Authority.**

Since the initiative and referendum are more valuable in their availability than in their use, this model provision sets up an exacting procedure. Unlike other provisions, this article must be completely self-executing. Detail cannot be filled in by the council because it is the possible inadequacies of council against which these devices guard.

Neither the initiative nor the referendum should be applicable to the budget, capital program, any ordinance relating to the appropriation of money or the levy of taxes, or, of course, to salaries of county officers or employees, for this would interfere with responsible officials striving to achieve a properly balanced long-range fiscal program.

### **§.02. Commencement of Proceedings: Petioners' Committee; Affidavit.**

Requiring a petitioners' committee places clear responsibility for the undertaking of initiative or referendum proceedings.

### **§.03. Petitions**

The number of signatures required for initiative and referendum petitions is 15 per cent of the total number registered to vote at the last regular county election. This is a more exacting requirement than "10 percent of the total number of persons who voted in the county for the office of governor in the last gubernatorial election" as in earlier model provisions.

Limiting the period for filing a referendum petition to 30 days after passage assures that the effective date of an ordinance will not be delayed unless the referendum effort is of serious proportions.

#### **§.04. Procedures After Filing**

The mandatory language prevents the county clerk from delaying certification of the sufficiency or insufficiency of petitions beyond the twenty days specified.

#### **§.05. Referendum Petitions; Suspension of Effect of Ordinance.**

The fact that filing a referendum petition with the county clerk suspends the effective date of an ordinance will spur the clerk and the council into prompt action on the question of sufficiency. When an ordinance is subjected to a referendum vote and the council's action is sustained, termination of the suspension must be delayed until sufficient time has passed for official determination of the election results. This will vary with local practice. The 30 days indicated in §-.05, paragraph (4), is arbitrary. If there is a definite provision for the official reporting of election results, the lifting of the suspension should probably coincide with the reporting.

#### **§-.06. Action on Petitions.**

The initiative and referendum make mandatory council consideration of the proposed "initiative ordinance" and reconsideration of the "referred ordinance.\* The words, "adopt a proposed initiative ordinance without any change in substance,\* are designed to permit correction of technical imperfections.

Provisions for submitting a proposed or referred ordinance to the voters permit considerable latitude as to the election date to encourage holding the vote at a regular election if possible.

One of the most important reasons for requiring a petitioners' committee is to provide a mechanism for withdrawing an initiative or referendum petition if those originating the proceedings change their minds or feel that action of the council satisfies the need which prompted the petition.

#### **§.07. Results of Election.**

Initiative ordinances approved by the electorate become effective, just as is the case with an ordinance passed by council, in 30 days or at whatever later date is specified.

# Appendix O

## **Powers and Responsibilities of the Board of County Commissioners**

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### ***Miami-Dade County Home Rule Charter, Section 1.01(A)***

The Board of County Commissioners shall be the legislative and the governing body of the county. The County shall have the power to carry on a central metropolitan government. The Board's powers shall include but shall not be restricted to the powers to:

1. Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking.
2. Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems.
3. License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the county.
4. Provide central records, training, and communications for fire and police protection; provide traffic control and central crime investigation; provide fire stations, jails, and related facilities; and subject to Section 1.01A(18) provide a uniform system for fire and police protection.
5. Prepare and enforce comprehensive plans for the development of the county; provided, however, any decision to include any additional land within the Urban Development Boundary of the County's Comprehensive Development Master Plan shall require a two-thirds vote of the Board of County Commissioners then in office.
6. Provide hospitals and uniform health and welfare programs.
7. Provide parks, preserves, playgrounds, recreation areas, libraries, museums, and other recreational and cultural facilities and programs.
8. Establish housing, slum clearance, urban renewal, conservation, flood and beach erosion control, air pollution control, and drainage programs and cooperate with governmental agencies and private enterprises in the development and operation of these programs.
9. Provide and regulate or permit municipalities to provide and regulate waste and sewage collection and disposal and water supply and conservation programs.

10. Levy and collect taxes and special assessments, borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner, and subject to such limitations, as may be provided by law.
11. By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board; provided, however, that: (1) when an existing or proposed special purpose district is located entirely within the boundaries of a municipality, the Board of County Commissioners may, by ordinance, provide that upon assumption by a municipality of any and all liabilities of an existing special purpose district or upon the creation of a proposed special purpose district, the governing body of such municipality be the governing body of the special purpose district rather than the Board of County Commissioners; and (2) the governing board of the Children's Trust shall not be the Board of County Commissioners, but shall have membership as provided in state law for children's service councils serving home rule charter counties. The Children's Trust shall have the authority to fund improvements to children's health, development and safety; promote parental and community responsibility for children; levy an annual ad valorem tax not to exceed one-half (1/2) mill to supplement current county expenditures for children services and require voter renewal in 2008.
12. Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.
13. Adopt and enforce uniform building and related technical codes and regulations for both the incorporated and unincorporated areas of the county; provide for examinations for contractors and all parties engaged in the building trades and for the issuance of certificates of competency and their revocation after hearing. Such certificates shall be recognized and required for the issuance of a license in all municipalities in the county. No municipality shall be entitled to require examinations or any additional certificate of competency or impose any other conditions for the issuance of a municipal license except the payment of the customary fee. The municipality may issue building permits and conduct the necessary inspections in accordance with the uniform codes and charge fees therefor.
14. Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems,

water supply, treatment, and service systems, and public transportation systems, provided, however, that:

- a. Franchises under this subsection may only be granted by a two-thirds vote of the members of the Board present and approved by a majority vote of those qualified electors voting at either a special or general election.
  - b. The county shall not operate a light, power, or telephone utility to serve any territory in the county which is being supplied with similar service except by a majority vote of those qualified electors voting in an election held not less than six months after the Board has passed an ordinance to that effect by a two-thirds vote of the members of the Board present. Such ordinance shall contain information on cost, method of financing, agency to regulate rates, agency to operate, location, and other information necessary to inform the general public of the feasibility and practicability of the proposed operation.
15. Use public funds for the purposes of promoting the development of the county, including advertising of the area's advantages.
16. Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas and approve municipal regulations on hours of sale of alcoholic beverages.
17. Enter into contracts with other governmental units within or outside the boundaries of the county for joint performance or performance by one unit in behalf of the other of any authorized function.
18. Set reasonable minimum standards for all governmental units in the county for the performance of any service or function. The standards shall not be discriminatory as between similar areas. If a governmental unit fails to comply with such standards, and does not correct such failure after reasonable notice by the Board, then the Board may take over and perform, regulate, or grant franchises to operate any such service. The Board may also take over and operate, or grant franchises to operate any municipal service if:
  - a. In an election called by the Board of County Commissioners within the municipality a majority of those voting vote in favor of turning the service over to the county; or
  - b. The governing body of the municipality requests the county to take over the service by a two-thirds vote of its members, or by referendum.



19. By ordinance, abolish or consolidate the office of constables, or any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction, or to abolish or impair the jurisdiction of the Circuit Court or to abolish any other Court, provided by the Constitution or by general law, or the judges or clerks thereof.
  20. Make investigations of county affairs, inquire into the conduct, accounts, records, and transactions of any department or office of the county, and for these purposes require reports from all county officers and employees, subpoena witnesses, administer oaths, and require the production of records.
  21. Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.
  22. Adopt such ordinances and resolutions as may be required in the exercise of its powers, and prescribe fines and penalties for the violation of ordinances.
  23. Perform any other acts consistent with law which are required by this Charter or which are in the common interest of the people of the county.
  24. Supersede, nullify, or amend any special law applying to this county, or any general law applying only to this county, or any general law where specifically authorized by the Constitution.
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***Miami-Dade County Home Rule Charter, Section 1.01(C)***

The Board shall have the power of eminent domain and the right to condemn property for public purposes.

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***Miami-Dade County Home Rule Charter, Section 1.02(A)***

The Board shall adopt its own rules of procedure and shall decide which actions of the Board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the Board which provides for raising revenue, appropriating funds, or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

***Miami-Dade County Home Rule Charter, Section 1.03(B)***

The Board may by ordinance adopted by two-thirds vote of the members of the Board change the boundaries of the districts from time to time. The boundaries shall be fixed on the basis of the character, population, and geography of the districts.

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***Miami-Dade County Home Rule Charter, Section 1.07***

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 90 days thereafter to fill the vacancy.

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***Miami-Dade County Home Rule Charter, Section 1.08***

The Commission shall select the chairperson and vice-chairperson of the Commission. ... The Commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the Commission 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.

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***Miami-Dade County Home Rule Charter, Section 3.06(A)***

The Board may adopt by ordinance any additional regulations governing elections not inconsistent with this Charter.

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***Miami-Dade County Home Rule Charter, Section 5.03(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.

***Miami-Dade County Home Rule Charter, Section 5.03(D)***

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.

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***Miami-Dade County Home Rule Charter, Section 5.03(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.

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***Miami-Dade County Home Rule Charter, Section 5.05(A)***

The Board of County Commissioners shall establish and maintain personnel and civil service, retirement, and group insurance programs.

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***Miami-Dade County Home Rule Charter, Section 5.05(F)***

The Board of County Commissioners shall provide and place into effect a practical group insurance plan for all county employees.

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***Miami-Dade County Home Rule Charter, Section 5.06***

There shall be a County Attorney appointed by the Board of County Commissioners, subject to veto by the Mayor unless overridden by a two-thirds majority of those Commissioners then in office who shall serve at the will of the Board and who shall head the department of law. ... The Board may employ special counsel for specific needs.

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***Miami-Dade County Home Rule Charter, Section 5.06***

- A. The Board of County Commissioners shall by ordinance create a Planning Advisory Board, a Zoning Appeals Board, and such other boards as it may deem necessary, prescribing in each case the number, manner of appointment, length of term, and advisory

or quasi-judicial duties of members of such boards, who shall serve without compensation but who may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the Board of County Commissioners.

- B. The Board of County Commissioners may by ordinance provide for the expansion of the City of Miami Water and Sewer Board to an agency county-wide in scope and authority, with the power to acquire, construct and operate water and sewer systems within the incorporated and the unincorporated areas of Dade County, which agency shall be known as the Miami-Dade Water and Sewer Authority.
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***Miami-Dade County Home Rule Charter, Section 5.09***

- A. No Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by any subordinate of the Mayor, or take part in the appointment or removal of officers and employees in the administrative services of the County, nor shall any subordinate of the Mayor accede to such direction or request.
- B. Except where otherwise prohibited by Ordinance, Commissioners shall be permitted to communicate and make inquiries of the administrative services for the purpose of transmitting constituent inquiries or assisting Commissioners in the exercise of their powers as set forth in Section 1.01A. Except as provided elsewhere in this Charter, Commissioners shall not be permitted to give orders, either publicly or privately, to any subordinate of the Mayor.

No County employee or official, other than the County 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.

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***Miami-Dade County Home Rule Charter, Section 6.01***

Notwithstanding any provision of the Charter, the Board of County Commissioners shall have the authority to abolish a municipality by ordinance where such municipality has twenty or fewer electors at the time of adoption of the ordinance abolishing the municipality.

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***Miami-Dade County Home Rule Charter, Section 6.04(B)***

The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and

after a public hearing, may by ordinance effect boundary changes, with an affirmative vote of the members of the Board of County Commissioners. In making such decision, the Board shall consider whether commercial areas are included in the boundaries of the proposed area to be annexed for the mere benefit of increasing the tax base of the annexing municipality. Changes that involve the annexation or separation of an area of which more than 250 residents are electors shall also require an affirmative vote of a majority of those electors voting.

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***Miami-Dade County Home Rule Charter, Section 6.05(A)***

The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries.

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***Miami-Dade County Home Rule Charter, Section 8.01(4)***

The Board may within 30 days after the date a sufficient petition is presented adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition.

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***Miami-Dade County Home Rule Charter, Section 9.01(B)***

In the event that other elective officers are abolished by the Board, the Board shall provide that any person duly elected to such office shall if he so desires remain in the same or similar position and receive the same salary for the remainder of the term for which he was elected, and shall provide for the continuation of all duties and functions of these offices required under the Constitution and general laws.

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***Miami-Dade County Home Rule Charter, Section 9.07***

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. ... Amendments to this Charter may be proposed by the Board of County Commissioners at any time.

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*Miami-Dade County Home Rule Charter, Section 9.08*

At least once in every 5-year period the Board shall review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter. The proposed revision shall then be presented to the Board for review, modification and approval. If the Board approves such proposed revision, either with or without modification, it shall present such proposed revision to the electorate in accordance with the provisions of [Section 9.07](#)(C) and (D).

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*Miami-Dade County Home Rule Charter, Section 9.10*

The Commission Auditor, 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, 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.

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*Fla. Stat. § 125.01 – Powers and Duties*

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

- (a) Adopt its own rules of procedure, select its officers, and set the time and place of its official meetings.
- (b) Provide for the prosecution and defense of legal causes in behalf of the county or state and retain counsel and set their compensation.
- (c) Provide and maintain county buildings.
- (d) Provide fire protection, including the enforcement of the Florida Fire Prevention Code, as provided in ss. 633.206 and 633.208, and adopt and enforce local technical amendments to the Florida Fire Prevention Code as provided in those sections and pursuant to s. 633.202.
- (e) Provide hospitals, ambulance service, and health and welfare programs.



- (f) Provide parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities and programs.
- (g) Prepare and enforce comprehensive plans for the development of the county.
- (h) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.
- (i) Adopt, by reference or in full, and enforce housing and related technical codes and regulations.
- (j) Establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage and cooperate with governmental agencies and private enterprises in the development and operation of such programs.
- (k)
  - 1. Provide and regulate waste and sewage collection and disposal, water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, and conservation programs.
  - 2. The governing body of a county may require that any person within the county demonstrate the existence of some arrangement or contract by which such person will dispose of solid waste in a manner consistent with county ordinance or state or federal law. For any person who will produce special wastes or biomedical waste, as the same may be defined by state or federal law or county ordinance, the county may require satisfactory proof of a contract or similar arrangement by which such special or biomedical wastes will be collected by a qualified and duly licensed collector and disposed of in accordance with the laws of Florida or the Federal Government.
- (l) Provide and operate air, water, rail, and bus terminals; port facilities; and public transportation systems.
- (m) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking. Revenues derived from the operation of toll roads, bridges, tunnels, and related facilities may, after provision has been made for the payment of operation and maintenance expenses of such toll facilities and any debt service on indebtedness incurred with respect thereto, be utilized for the payment of costs related to any other transportation facilities within the

county, including the purchase of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of such transportation facilities; and the payment of indebtedness incurred with respect to such transportation facilities.

- (n) License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1) shall on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine.
- (o) Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the county pursuant to general law.
- (p) Enter into agreements with other governmental agencies within or outside the boundaries of the county for joint performance, or performance by one unit in behalf of the other, of any of either agency's authorized functions.
- (q) Establish, and subsequently merge or abolish those created hereunder, municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which may be provided fire protection; law enforcement; beach erosion control; recreation service and facilities; water; alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems; streets; sidewalks; street lighting; garbage and trash collection and disposal; waste and sewage collection and disposal; drainage; transportation; indigent health care services; mental health care services; and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only. Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, the boundaries of a municipal service taxing or benefit unit may include all or part of the boundaries of a municipality. If ad valorem taxes are levied to provide essential facilities and municipal services within the unit, the millage levied on any parcel of property for municipal purposes by all municipal service taxing units and the municipality may not exceed 10 mills. This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

- (r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit.
- (s) Make investigations of county affairs; inquire into accounts, records, and transactions of any county department, office, or officer; and, for these purposes, require reports from any county officer or employee and the production of official records.
- (t) Adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law.
- (u) Create civil service systems and boards.
- (v) Require every county official to submit to it annually, at such time as it may specify, a copy of the official's operating budget for the succeeding fiscal year.
- (w) Perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.
- (x) Employ an independent certified public accounting firm to audit any funds, accounts, and financial records of the county and its agencies and governmental subdivisions. Entities that are funded wholly or in part by the county, at the discretion of the county, may be required by the county to conduct a performance audit paid for by the county. An entity shall not be considered as funded by the county by virtue of the fact that such entity utilizes the county to collect taxes, assessments, fees, or other revenue. If an independent special district receives county funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the county to undergo a performance audit. Not fewer than five copies of each complete audit report, with accompanying documents, shall be filed with the clerk of the circuit court and maintained there for public inspection. The clerk shall thereupon forward one complete copy of the audit report with accompanying documents to the Auditor General.

- (y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021, associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.
  - (z) Approve or disapprove the issuance of industrial development bonds authorized by law for entities within its geographic jurisdiction.
  - (aa) Use ad valorem tax revenues to purchase any or all interests in land for the protection of natural floodplains, marshes, or estuaries; for use as wilderness or wildlife management areas; for restoration of altered ecosystems; or for preservation of significant archaeological or historic sites.
  - (bb) Enforce the Florida Building Code, as provided in s. 553.80, and adopt and enforce local technical amendments to the Florida Building Code, pursuant to s. 553.73(4)(b) and (c).
  - (cc) Prohibit a business entity, other than a county tourism promotion agency, from using names as specified in s. 125.0104(9)(e) when representing itself to the public as an entity representing tourism interests of the county levying the local option tourist development tax under s. 125.0104.
- (2) The board of county commissioners shall be the governing body of any municipal service taxing or benefit unit created pursuant to paragraph (1)(q).
- (3) (a) The enumeration of powers herein may not be deemed exclusive or restrictive, but is deemed to incorporate all implied powers necessary or incident to carrying out such powers enumerated, including, specifically, authority to employ personnel, expend funds, enter into contractual obligations, and purchase or lease and sell or exchange real or personal property. The authority to employ personnel includes, but is not limited to, the authority to determine benefits available to different types of personnel. Such benefits may include, but are not limited to, insurance coverage and paid leave. The provisions of chapter 121 govern the participation of county employees in the Florida Retirement System.

(b) The provisions of this section shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.

(4) The legislative and governing body of a county shall not have the power to regulate the taking or possession of saltwater fish, as defined in s. 379.101, with respect to the method of taking, size, number, season, or species. However, this subsection does not prohibit a county from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that county, nor does it prohibit the imposition of excise taxes by county ordinance.

(5) (a) To an extent not inconsistent with general or special law, the governing body of a county shall have the power to establish, and subsequently merge or abolish those created hereunder, special districts to include both incorporated and unincorporated areas subject to the approval of the governing body of the incorporated area affected, within which may be provided municipal services and facilities from funds derived from service charges, special assessments, or taxes within such district only. Such ordinance may be subsequently amended by the same procedure as the original enactment.

(b) The governing body of such special district shall be composed of county commissioners and may include elected officials of the governing body of an incorporated area included in the boundaries of the special district, with the basis of apportionment being set forth in the ordinance creating the special district.

(c) It is declared to be the intent of the Legislature that this subsection is the authorization for the levy by a special district of any millage designated in the ordinance creating such a special district or amendment thereto and approved by vote of the electors under the authority of the first sentence of s. 9(b), Art. VII of the State Constitution. It is the further intent of the Legislature that a special district created under this subsection include both unincorporated and incorporated areas of a county and that such special district may not be used to provide services in the unincorporated area only.

(6) (a) The governing body of a municipality or municipalities by resolution, or the citizens of a municipality or county by petition of 10 percent of the qualified electors of such unit, may identify a service or program rendered specially for the benefit of the property or residents in unincorporated areas and financed from countywide revenues and petition the board of county commissioners to develop an appropriate mechanism to finance such activity for the ensuing fiscal year, which may be by taxes, special assessments, or service charges levied or imposed solely upon residents or property in the unincorporated area, by the establishment of a municipal service taxing or benefit unit pursuant to paragraph (1)(q), or by remitting the

identified cost of service paid from revenues required to be expended on a countywide basis to the municipality or municipalities, within 6 months of the adoption of the county budget, in the proportion that the amount of county ad valorem taxes collected within such municipality or municipalities bears to the total amount of countywide ad valorem taxes collected by the county, or by any other method prescribed by state law.

(b) The board of county commissioners shall, within 90 days, file a response to such petition, which response shall either reflect action to develop appropriate mechanisms or shall reject such petition and state findings of fact demonstrating that the service does not specially benefit the property or residents of the unincorporated areas.

(7) No county revenues, except those derived specifically from or on behalf of a municipal service taxing unit, special district, unincorporated area, service area, or program area, shall be used to fund any service or project provided by the county when no real and substantial benefit accrues to the property or residents within a municipality or municipalities.

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## **Powers and Responsibilities of the County Mayor**

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### ***Miami-Dade County Home Rule Charter, Section 2.02***

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. 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.
  - 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.
  - 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.
  - 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.
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***Miami-Dade County Home Rule Charter, Section 5.01***

There shall be departments of finance, personnel, planning, 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.

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***Miami-Dade County Home Rule Charter, Section 5.02***

The Mayor shall have the power to issue and place into effect administrative orders, rules, and regulations. The organization and operating procedure of administrative departments shall be set forth in regulations, which the Mayor shall develop, place into effect by administrative orders, and submit to the Board.

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***Miami-Dade County Home Rule Charter, Section 5.03(A)-(B)***

- 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 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.
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***Miami-Dade County Home Rule Charter, Section 5.05(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.

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***Miami-Dade County Home Rule Charter, Section 5.07***

The department of planning shall be headed by a planning director appointed by the Mayor.

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***Miami-Dade County Home Rule Charter, Section 9.01(A)***

On May 1, 1958, the following offices are hereby abolished and the powers and functions of such offices are hereby transferred to the Mayor, who shall assume all the duties and functions of these offices required under the Constitution and general laws of this state: County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration. The Mayor may delegate to a suitable person or persons the powers and functions of such offices.

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***Miami-Dade County Home Rule Charter, Section 9.01(C)***

On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the Mayor, who shall assume all the duties and functions of this office required under the Constitution and general laws of this state. The Mayor may delegate to a suitable person or persons the powers and functions of such office.

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***Miami-Dade County Home Rule Charter, Citizen's Bill of Rights, Section (A)(10)***

The County Mayor 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.

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***Miami-Dade County Home Rule Charter, Citizen's Bill of Rights, Section (A)(11)***

In addition to any budget required by state statute, the County Mayor 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 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.

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*Miami-Dade County Home Rule Charter, Citizen's Bill of Rights, Section (A)(12)*

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

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# Appendix P

**Miami-Dade County  
Office of Management and Budget**

**Forms of Government and Summary of Budget and Procurement Responsibilities in Selected Municipalities\*  
Based on the Governing Documents for the Respective Jurisdictions**

Subject Area	Miami-Dade County, Florida	Newark, New Jersey	Philadelphia, Pennsylvania	Washington, D.C.
<b>Jurisdiction Demographics</b>	Population <sup>1</sup> : 2,712,945  Employees <sup>2</sup> : 27,000	Population: 281,764  Employees: 3,400	Population: 1,567,872  Employees: 29,000	Population: 681,170  Employees: 36,000
<b>Governing Document</b>	<a href="#">The Home Rule Amendment and Charter</a>	<a href="#">Optional Municipal Charter Law (N.J.S.A. 40:69A-1 et seq.)</a> – Portions pertaining to “Mayor-Council Plan C.”	<a href="#">Philadelphia Home Rule Charter</a>	<a href="#">District of Columbia Home Rule Act</a>
<b>Structure of Government</b>	Mayor/Council  The Mayor is responsible for the management of all administrative departments	Mayor/Council  The Business Administrator directs the Department of Administration under the direction and supervision of the Mayor; the governing body of the municipality may provide, by ordinance, that the Business Administrator also shall, subject to the direction of the Mayor, supervise the administration of each of the departments established by ordinance	Mayor/Council  The Managing Director is appointed by the Mayor and supervises service departments	Mayor/Council  The City Administrator acts as the Chief Administrative Officer of the Mayor and serves at the Mayor’s pleasure
<b>Qualifications of Mayor and Administrator</b>	The Mayor must have resided within Miami-Dade County for at least three years	No required qualifications for the Mayor  The Business Administrator shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office. During his tenure of office he may reside outside the municipality only with the approval of the Council	The Mayor shall have been a resident of the City for at least three years preceding his election and shall be at least twenty-five years of age at the time of his election  The Managing Director shall have had such experience for at least five years as an executive either in public service or private industry	The Mayor shall be a qualified elector, should have resided and been domiciled in the District for one year immediately preceding the day of the election; has not been convicted of a felony while holding the office; and not be engaged in any employment and holds no public office or position for which he is compensated in an amount in excess of his actual expenses in connection therewith  No required qualifications for the City Administrator

\* This document is a summary of selected information pertaining to the topics listed. It is not a comprehensive list of all information contained in the respective governing documents. The jurisdictions reviewed were selected by the Charter Review Task Force.

1. 2016 Population: <http://www.census.gov/quickfacts>
2. Employee figures based on publically available budget documents



Subject Area	Miami-Dade County, Florida	Newark, New Jersey	Philadelphia, Pennsylvania	Washington, D.C.
<b>Procurement</b>	<p>The Mayor or designee shall execute contracts and other instruments</p> <p>Board of County Commissioners responsibilities include:</p> <ul style="list-style-type: none"> <li>Establish minimum amounts above which formal sealed bids are required, by ordinance; approve such contracts</li> <li>Waive competitive bidding by two thirds vote of the Commissioners present</li> <li>If the Mayor informs the Board of a conflict of interest, the Chairperson of the Board and not the Mayor may solicit, evaluate and award or recommend award of contracts</li> </ul> <p>As it relates to contracts, the Commission Auditor provides Commission with independent audit, management, revenue forecasting and fiscal analyses</p>	<p>The Mayor shall sign all contracts, bonds or other instruments requiring the consent of the municipality</p> <p>The Mayor shall negotiate contracts for the municipality, subject to Council approval</p> <p>The Business Administrator shall administer a centralized purchasing system</p>	<p>The Procurement Department's functions include:</p> <ul style="list-style-type: none"> <li>Purchase, store and distribute personal property</li> <li>Procure surety bonds and insurance</li> <li>Award utility service contracts</li> <li>Award all contracts to be paid for with funds appropriated from the City Treasury for which competitive bids are required</li> </ul> <p>The Procurement Department shall consult with and consider recommendations of the Council, the Mayor, the officer, department, board or commission of the City or other governmental agency, whose requirements it is procuring</p> <p>Contracts over one year require Council approval by ordinance</p> <p>Contracts for the rendering of services over a period of one year or less that involve an expenditure of more than \$100,000 for the purpose of providing legal representation and related services for indigent persons require Council approval, unless exempted by ordinance, except for certain organizations</p> <p>The Council may enact an ordinance that requires certain or all City contracts to include provisions requiring a contractor to submit an economic opportunity plan that addresses the participation of disadvantaged business enterprises and workforce diversity, and to demonstrate best and good faith efforts to comply with such plan</p> <p>The Council may enact an ordinance requiring minimum wages and/or benefits by contractors</p> <p>The Administrative Board consisting of the Mayor, Managing Director, and Finance Director shall determine from time to time:</p> <ul style="list-style-type: none"> <li>Whether and within or above what limits the Procurement Department shall procure insurance covering liability of the City and its officers and employees</li> <li>The number and type of automobiles and other vehicles to be purchased by the Procurement Department</li> <li>Above what limit proposals for the purchase of equipment, material or supplies must be submitted by the Procurement Department to the Director of Finance for approval</li> </ul>	<p>The Mayor must submit contracts over \$1 million to the Council for approval in accordance with criteria established by the Council. Contracts will be deemed approved if no member of the Council introduces a resolution approving or disapproving the contract within 10 days of submittal by the Mayor or the Council does not disapprove the contract within 45 days of submittal by the Mayor</p> <p>The Mayor must submit multi-year contracts to the Council for approval in accordance with criteria established by the Council. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved</p> <p>No contract involving expenditures out of an appropriation which is available for more than one year shall be made for a period of more than five years unless the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract pursuant to criteria established by act of the Council</p> <p>The Chief Financial Officer must certify all contracts as to availability of funds and prepares fiscal impact statements for contracts over \$1 million and multi-year contracts</p> <p>The Office of the Chief Financial Officer shall have a procurement office or division which shall operate independently of, and shall not be governed by, the Office of Contracting and Procurement</p>

Subject Area	Miami-Dade County, Florida	Newark, New Jersey	Philadelphia, Pennsylvania	Washington, D.C.
<b>Budget</b>	<p>Mayoral responsibilities include:</p> <ul style="list-style-type: none"> <li>• Show cost of each program and make public a budget summary setting forth cost of each program</li> <li>• Make public a quarterly report showing actual expenditures for the quarter against one quarter of the proposed expenditure as well as cumulative amounts for the year</li> <li>• Has veto authority over legislation. If a revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed</li> <li>• Prepare and deliver a budget message in March</li> <li>• Propose an operating and capital budget between June 1 and July 15 for the ensuing fiscal year</li> <li>• Present proposed budget to the Board before adoption of tentative millage rates</li> </ul> <p>Board of County Commissioners responsibilities include:</p> <ul style="list-style-type: none"> <li>• Adopt millage rates</li> <li>• Hold hearings on and adopt a budget on or before dates required by state law</li> </ul> <p>Commission Auditor responsibilities include:</p> <ul style="list-style-type: none"> <li>• Provide Commission with independent budgetary analysis</li> </ul>	<p>The municipal budget shall be prepared by the Mayor with the assistance of the Business Administrator</p> <p>The Mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the Mayor or the Business Administrator at public hearings, which shall be held during that month, on the various requests</p> <p>The Mayor shall submit to the Council his recommended budget</p> <p>The Council may reduce any item or items in the Mayor's budget by a vote of a majority of the Council, but an increase in any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of the Council</p>	<p>The Mayor submits an annual operating budget message and proposed annual operating budget ordinance to Council. The Council must approve the budget at least 30 days prior to start of new fiscal year</p> <p>The Mayor's estimates of receipts for the ensuing fiscal year and of surplus or deficit, if any, for the current fiscal year may not be altered by the Council</p> <p>The Mayor can disapprove or reduce any item or items of any ordinance making appropriations, except the items in the annual operating budget ordinance making appropriations to the Auditing Department for the compensation of auditors regularly employed by it, for the work of the Personnel Director and the Civil Service Commission, and for the work of the Board of Ethics</p> <p>The Council can override a Mayoral veto with two-thirds vote of all members</p> <p>Should the Council fail to make an adequate appropriation to the Auditing Department, the City Controller may petition any Court</p> <p>The annual operating budget ordinance may be amended after its passage to authorize the transfer of items but the aggregate of the appropriations made by it may not be increased and transfers of budget items may not be made during the last four months of any fiscal year, except upon the recommendation of the Mayor</p> <p>Not later than the passage of the annual operating budget ordinance, the Council shall ordain such revenue measures as will, in the opinion of the Mayor, yield sufficient revenue to balance the budget. For this purpose new sources of revenue or increased rates from existing sources of revenue not proposed by the Mayor shall be deemed to yield in the ensuing fiscal year such amounts as the Mayor shall determine. The annual operating budget ordinance shall not become effective and the City Controller shall not approve any order for any expenditure thereunder until the Council has balanced the budget</p> <p>The Council may, from time to time, require additional information to be submitted by the Director of Finance to the Council with the proposed budget including, but not limited to, information about the cost of performing specific functions, the effectiveness of such functions, and the costs versus benefits of proposed expenditures</p>	<p>The Chief Financial Officer prepares the budget under the direction and for the use of the Mayor. The Mayor submits a proposed budget at a time directed by the Council; and from time to time may prepare and submit to the Council proposed supplemental or deficiency budget recommendations</p> <p>The Council holds a public hearing and adopts a budget</p> <p>The federal portion of the budget shall be submitted by the Mayor to the President for transmission to Congress. The local portion of the budget shall be submitted by the Chairman of the Council to the Speaker of the House of Representatives</p> <p>In the case of a budget for a fiscal year which is a control year, the budget so adopted shall be submitted by the Mayor to the President for transmission by the President to the Congress</p> <p>The Mayor may veto any budget provision within 10 days (5 days in a control year); the Council can override the veto with a two-thirds vote of members present</p>

# Appendix Q



# Urban Development Boundary Overview

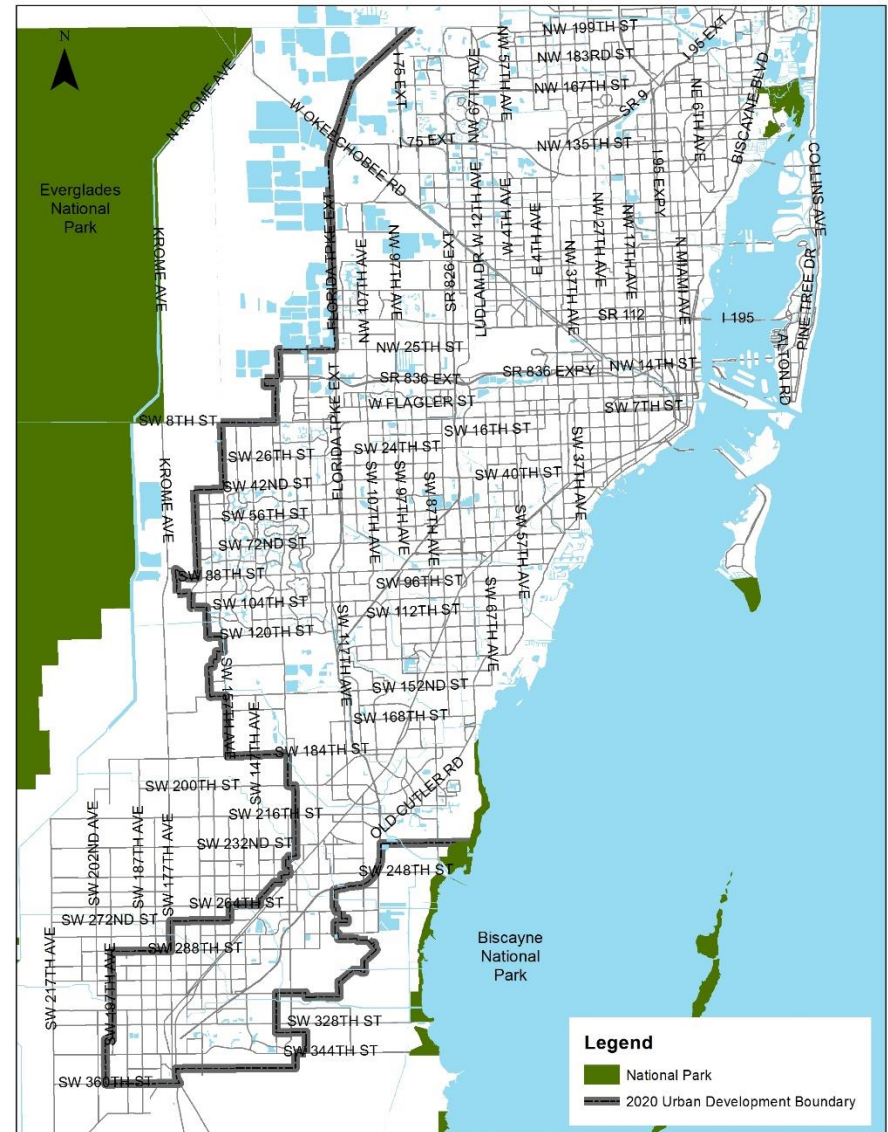
October 30, 2017

Jerry Bell, AICP  
Assistant Director for Planning, RER



# Urban Development Boundary (UDB)

- UDB separates the area where urban growth can occur from the area where it should not.
- UDB helps to protect agriculture, environmental land and areas designated for rockmining.
- BCC may authorize urban expansion if certain criteria are met (CDMP Policy LU-8H) and there is a demonstrated need for urban development beyond the UDB (CDMP Policy LU-8F).



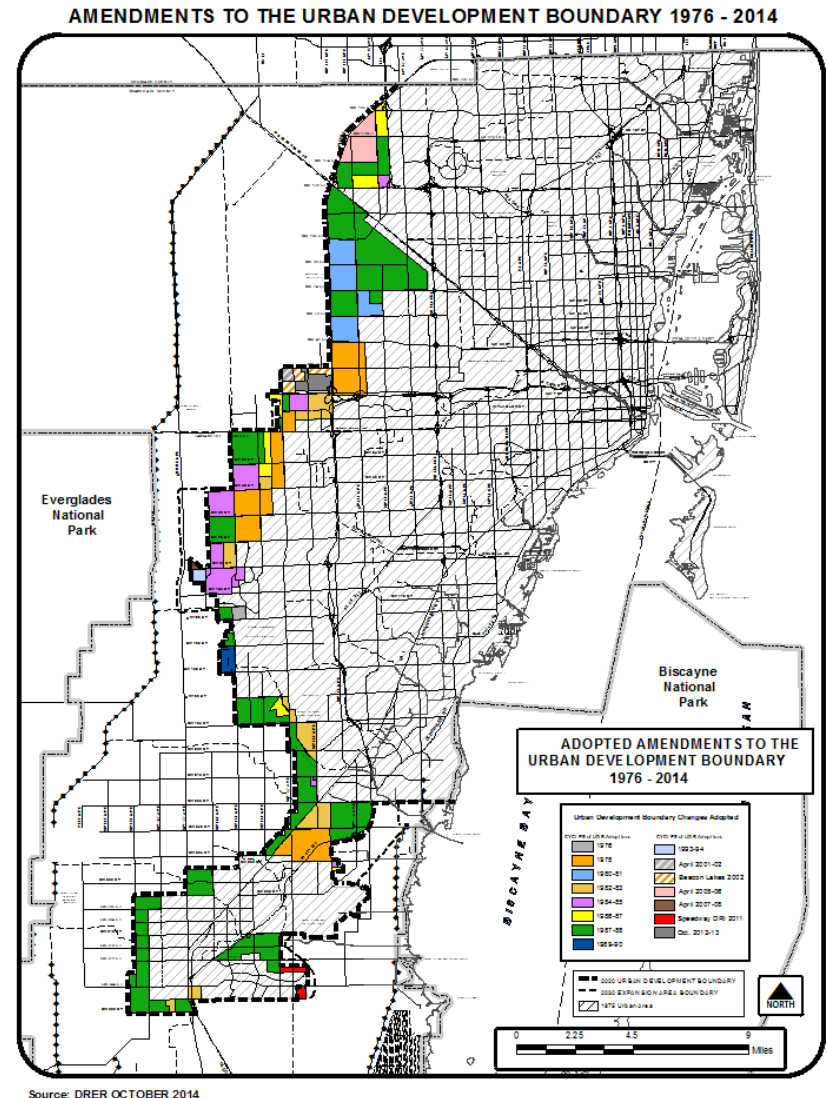
# ***UDB Expansion Criteria***

- **Policy LU-8F.** UDB should contain developable land to sustain countywide residential demand for 15-years beyond the EAR adoption. Land supply for commercial and industrial is assessed by Census geography based on the scale of the use.
- **Policy LU-8H.** Applications requesting expansion of the UDB must:
  - provide for non-residential needs of future residents;
  - have a min. density of ten (10) dwelling units per acre;
  - participate in the PDR/TDR programs;
  - have a min. intensity of 0.25 FAR;
  - provide buffering to adjacent agricultural lands;
  - promote bicycle and pedestrian accessibility;
  - not inhibit infill and redevelopment efforts within the UDB;
  - not leave intervening parcels outside of the UDB;
  - have a positive net fiscal impact to County.



# UDB Amendments

- Applications to move the UDB are accepted every two years (May, odd numbered years)
- Supermajority (2/3) vote required
- May not create an enclave (surrounded >75% by land that is within the UDB)
- 3 UDB amendments approved in the last 10 years.

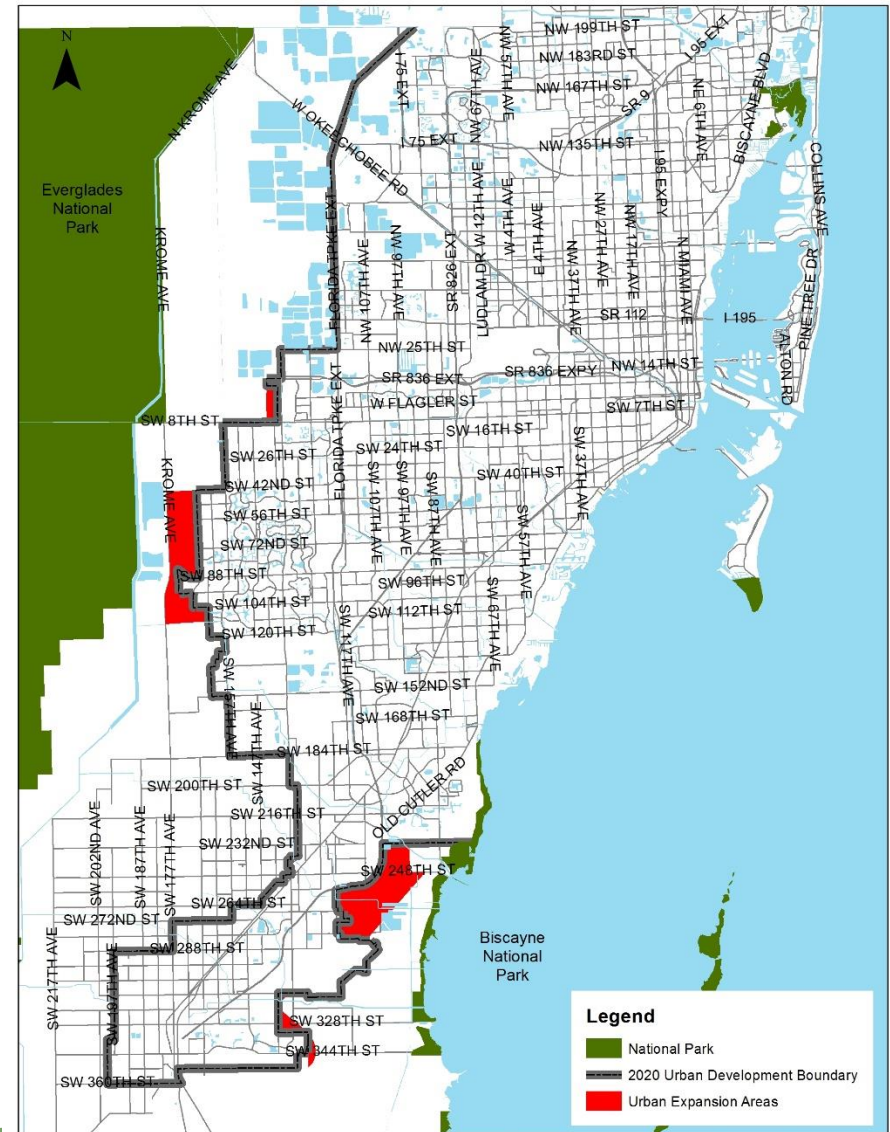


# ***UDB Amendments***

- In 2012, the supermajority vote requirement for UDB amendments was incorporated into the County's Home Rule Charter.
- Applications may be filed by any person/entity including the BCC.
- Amendment process takes approximately nine months to complete from application filing through BCC final action and includes up to 4 public hearings

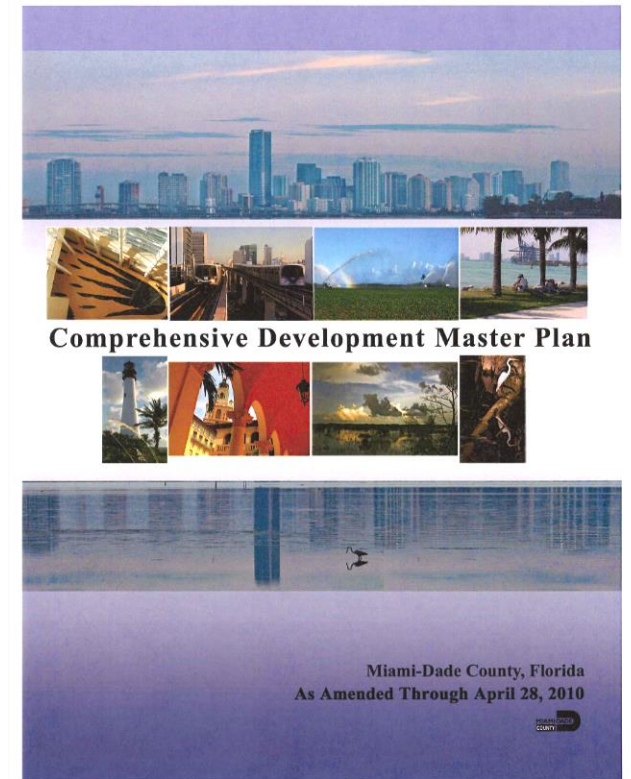
## Urban Expansion Areas

- Currently four UEAs totaling  $\pm 6,700$  acres.
- Land within the UEAs and contiguous to the UDB are given priority for inclusion (Policy LU-8G).
- The UEAs were first depicted in 1983 and have been modified only slightly since 1990.



# UEA Task Force Overview

- Urban Expansion Area Task Force created on May 16, 2017 to provide recommendations related to the UEAs.
- Will inform the County's review and assessment of the CDMP ("Evaluation and Appraisal Report").
  - Required every 7 years by State law
  - Provides assessment of Major Issues
  - Reviews progress toward meeting goals, objectives and policies and identifies needed changes
  - Land Supply/Demand (Pop. Projections)



# ***UEA Task Force Overview***

- **Purpose:** Provide recommendations as part of the EAR update of the CDMP related to the following:
  - 1) Changes to the current boundaries of the Urban Expansion Areas;
  - 2) Creation of new Urban Expansion Areas; and
  - 3) Changes to the criteria that should be considered for applications requesting expansion of the UDB.
- Recommendations will become effective only if adopted as policy by the Board of County Commissioners.

# UEA Task Force Membership

1000 Friends of Florida	Property Owners' Representative – Western UEA
Tropical Audubon Society	Community Council 11
Urban Environment League	Community Council 14
Nova Southeastern Shepard Broad Law Center	Community Council 15
Sierra Club	Florida Nursery Growers & Landscape Association
Agricultural Practices Advisory Board	Tropical Fruit Growers of South Florida
Redland Citizens Association	Dade County Farm Bureau
Rock mining representative	Latin American Business Association
Builders Association of South Florida	Biscayne National Park
Latin Builders Association	Everglades National Park
FL East Coast Chapter of Associated Builders and Contractors	Urban Land Institute (Southeast Florida/Caribbean Chapter)
Florida Home Builders Association	Friends of the Everglades
Homestead Air Reserve Base Representative	Miccosukee Tribe of Florida
Property Owners' Representative – Eastern UEA	



# Miami-Dade County Department of Regulatory and Economic Resources, Planning Division

<http://www.miamidade.gov/planning/urban-expansion-area-task-force.asp>



# Appendix R

May 23, 2006

**PROCUREMENT REFORM ADVISORY BOARD Agenda Item No. 1(D)1**

May 9, 2006

Jose Cancela, Chairman  
CAMACOL

John Dixon, Jr.  
Black Business Association

Beatrice Louissaint  
Florida Regional Minority  
Business Council

C. Randall Fairbank  
Greater Miami Chamber of  
Commerce

Mario Artecona  
Miami Business Forum

Garrie J. Harris  
Miami-Dade Chamber of  
Commerce

Ricardo Morales  
South Florida Hispanic  
Chamber of Commerce

Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
Stephen P. Clark Center  
111 N.W. 1st Street, Suite 320  
Miami, Florida 33128

Subject: Procurement Reform Advisory Board Report and Recommendations

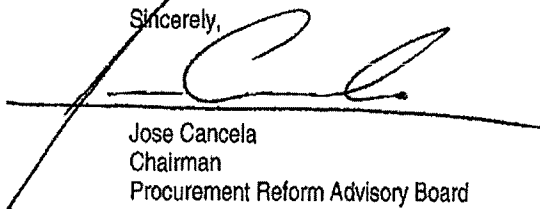
Dear Chairman Martinez:

The Procurement Reform Advisory Board (PRAB) has completed its review of the legislative and administrative procurement reforms implemented by the County in recent years. The attached report comprises this review and recommendations for continued enhancement, modernization and effectiveness of the County's procurement processes. These recommendations represent the collective opinion of the PRAB members as a Commission appointed advisory board convened by the Miami-Dade County Commissioners (Board). We wish to thank Commissioner Rebeca Sosa for her extraordinary leadership in addressing the procurement policy reform needs of Miami-Dade County.

The PRAB was created by the Board on October 18, 2005 and held 14 meetings, from December 2005 through April 2006, to review the legislative process, and administrative and streamlining initiatives affecting the County's procurement processes. After careful consideration of the legislation and the administrative process, input from vendors and key County staff, we respectfully submit these recommendations for your consideration. Please consider including a citizens' presentation on the May 23, 2006 Board meeting agenda. We are pleased to have the opportunity to present our recommendations.

Please accept our heartfelt appreciation for the Board's leadership in this important public policy matter.

Sincerely,



Jose Cancela  
Chairman  
Procurement Reform Advisory Board

- c: Procurement Reform Advisory Board Members  
Honorable Carlos Alvarez, Mayor  
George M. Burgess, County Manager  
Alina T. Hudak, Assistant County Manager  
Miriam Singer, Director, Department of Procurement Management  
Hugo Benitez, Assistant County Attorney



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**REVIEW OF LEGISLATIVE AND ADMINISTRATIVE PROCUREMENT  
REFORMS**

**PROCUREMENT REFORM ADVISORY BOARD**

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Final Report  
May 2006

## PROCUREMENT REFORM ADVISORY BOARD

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*This report is based on the observations of the Procurement Reform Advisory Board (PRAB) as they pertain to information presented at its presentations, discussions, vendor/industry panels, and brainstorming meetings. The information provided herein represents the collective opinion of the PRAB as a legislative advisory board convened by the Miami-Dade County Board of County Commissioners.*

### Procurement Reform Advisory Board

Jose Canccla (Chairperson)  
John Dixon, Jr.  
Beatrice Louissaint  
C. Randall Fairbank  
Mario Artecona  
Garrie J. Harris  
Ricardo Morales

CAMACOL  
Black Business Association  
Florida Regional Minority Business Council  
Greater Miami Chamber of Commerce  
Miami Business Forum  
Miami-Dade Chamber of Commerce  
South Florida Hispanic Chamber of Commerce

## PROCUREMENT REFORM ADVISORY BOARD

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### EXECUTIVE SUMMARY

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The Procurement Reform Advisory Board (PRAB) has completed its review of the procurement process reform initiatives implemented by Miami-Dade County in the past five years. The Board of County Commissioners (Board) has consistently supported reforms to improve the ease by which vendors do business with the County, reduce bureaucracy and speed up the procurement processes for construction, architectural/engineering, and goods and services. While a number of the reforms have been successful in improving County operations, some reform initiatives require revision and newly recommended administrative and legislative reform efforts need to be implemented. The PRAB is pleased to report that the County's efforts to streamline and reduce the procurement cycle are commendable and have been largely successful. These efforts have ensured that the improvements support full and open competition, integrity and inclusion. In order to continue to improve on its procurement processes, the PRAB respectfully suggests the County consider the following:

- A thorough review of Code of Silence legislation and its impact on the County to determine its value in the procurement process
- Mandated advanced procurement planning and execution to allow for enhanced workload management, efficiency and cost savings
- Expedient implementation of advanced integrated technology tools
- Increased delegated authority to the County Manager
- Implementation of initiatives to improve business and vendor relations
- Revision and simplification of bid documents including significant streamlining of vendor registration affidavits
- Aggressive implementation of the County Manager's administrative and legislative recommendations for Procurement Business Process Reform affecting the purchase of goods and services (County Manager's Memo to the Board of February 1, 2006)
- Approval of amendments to Administrative Order 3-39 for the redesign of construction contracting and A&E selection processes that will streamline methods for change orders and payments to prime and sub firms.

In order to accomplish the intent of these recommendations, there must be a concerted effort by all stakeholders in the procurement process, including all County departments, to monitor expiring contracts and respond to requests for approval in an expedited manner. This will help ensure that replacement contracts are awarded prior to expiration of existing contracts. This will also reduce the number of non-competed contracts and contract modifications necessary for maintenance of County operations. Furthermore, the PRAB recognizes that modern and easy to use technology solutions will significantly improve accountability, efficiency, accuracy, bid



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tracking, reporting, vendor performance and enhance procurement planning efforts. Every effort should be made to fast track implementation of procurement technology tools that are vendor friendly and effective for the mentioned purpose.

The PRAB is confident that with the endorsement of the Board of County Commissioners and the commitment from all stakeholders in the procurement process, implementation of these initiatives will greatly enhance, and make more efficient, the County's business processes in this important area.

## PROCUREMENT REFORM ADVISORY BOARD

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### BACKGROUND AND PURPOSE

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On October 18, 2005, the Miami-Dade County Board of County Commissioners (Board) approved Resolution R-1205-05 creating the Procurement Reform Advisory Board (PRAB). The Resolution sponsored by Commissioner Rebeca Sosa, established a seven-member board comprised of members of highly respected local chambers of commerce and business councils, representative of our vibrant, diverse community. The seven members appointed to the PRAB are:

Jose Cancela	CAMACOL
John Dixon, Jr.	Black Business Association
Beatrice Louissaint	Florida Regional Minority Business Council
C. Randall Fairbank	Greater Miami Chamber of Commerce
Mario Artecona	Miami Business Forum
Garrie J. Harris	Miami-Dade Chamber of Commerce
Ricardo Morales	South Florida Hispanic Chamber of Commerce

The Resolution required the PRAB to be in existence for a period not to exceed one hundred and fifty days from the date of its first meeting (mandated to be held no later than November 1, 2005). On December 9, 2005, the PRAB held its first meeting and elected Mr. Jose Cancela to Chair the Advisory Board. The final meeting of the PRAB was held on April 21, 2006.

The PRAB was charged with reviewing the current and proposed legislative and administrative streamlining initiatives affecting the County's procurement processes. The final report and recommendations were to be submitted to the Governmental Structure Task Force. Additionally, the Resolution required input from the vendor community and other knowledgeable parties interested in improving the County's procurement processes.

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### REVIEW OF PROCUREMENT REFORMS

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The PRAB deliberated at fourteen public meetings (copies of the meeting agendas are attached) and held discussions with County staff, goods and services vendors, and representatives from the construction and architectural/engineering industries. The PRAB also received presentations on the following topics:

1. Miami-Dade County's Organizational Structure
2. Department of Procurement Management Organizational Structure
3. Construction Process - Office of Capital Improvements
4. Construction Change Order Process

## PROCUREMENT REFORM ADVISORY BOARD

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5. Office of the Inspector General Responsibilities
6. Enterprise Resource Planning (ERP)
7. Procurement Technology Options
8. Role of Commission on Ethics
9. Cone of Silence Legislation
10. Vendor Payment Processes
11. Reverse Auction Procurement Method
12. Department of Business Development Overview
13. Small Business Enterprise Program
14. Selection Committee Appointment Process and Legislation Recommendations
15. Procurement Process Improvement Recommendation for Purchase of Goods and Services
16. Office of Capital Improvements – Proposed Changes to Administrative Order Governing Design and Construction
17. Department Directors - Input Perspectives (Goods and Services/Architectural and Engineering/Construction)
18. Vendor/Industry Panels - Procurement Perspectives and Input (Goods and Services/Architectural and Engineering/Construction)
19. Living Wage Legislation and Process
20. Expedited Purchasing Program (EPP) Pilot Program
21. Responsibility Legislation

The PRAB reviewed Miami-Dade County's procurement legislation, processes and procedures. Input was received from the vendor community at two focused meetings with representation from a diverse group of participants. Staff representing the Office of the Mayor and the Office of the Inspector General also attended the PRAB meetings.

The County Manager's Office, represented by Assistant County Manager Alina Tejeda Hudak, Hugo Benitez of the County Attorney's Office and Miriam Singer, Director of the Department of Procurement Management provided the PRAB executive staff support. The PRAB also received presentations from the Department of Business Development, the Office of Capital Improvements and from various County departments served by the central procurement support agencies. At each meeting, the PRAB discussed reform efforts (both legislative and administrative) raised questions, evaluated the impact of the reforms, and to the extent possible, their effectiveness.

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## RECOMMENDATIONS

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As a result of the review of the administrative practices, procurement related ordinances, resolutions, administrative orders, documented information and studies provided to the PRAB, and the input received from vendors, the following recommendations are respectfully submitted to the Board of County Commissioners. The PRAB found that the County, with the full support and leadership of the Board, has made very significant changes in recent years that have improved, and have the potential to further improve, the County's procurement processes. Every effort should be made to emulate the American Bar Association Model Code for procurement. This code for procurement practices includes a nationally recognized and the most respected standard for policy and practice of procurement.

The PRAB is particularly impressed with the successful results of establishment of a professional centralized purchasing agency for goods and services. Its impact on the County's business culture, the resultant pro-competition agenda, and best value practices the PRAB learned about from vendors and user departments are commendable. The County has been recognized nationally for implementation of procurement best practices, as well as, innovation, professionalism and leadership in the field of procurement. We learned that the County is a recipient of the prestigious National Purchasing Institute Achievement of Excellence in Procurement Award for two consecutive years, and has received three National Association of Counties Awards for its practices and results oriented management. The Department of Procurement Management is participating in the Pareto Award process. This award is the procurement comparable of the widely recognized Deming and Sterling Award processes. If selected for this award, Miami-Dade's Department of Procurement Management would be the first County jurisdiction in the world to receive this coveted designation. The County's leadership is to be commended for continuing to pursue excellence and improve performance in the public procurement arena.

Other noteworthy changes include creating a single, comprehensive procurement Administrative Order that organizes the County's policies, methods and authorities, delegating authority to the County Manager to award contracts valued up to \$1 million and to advertise solicitations of all values, establishing the Expedited Purchasing Pilot Program, advancing e-Procurement for on-line vendor registration and posting of solicitations, and approving resolutions regarding solicitation tracking and vendor past performance tracking and reporting. The PRAB encourages the implementation of these technology tools in concert with an integrated technology solution and the approval of responsibility legislation.

While several of these changes have been successful, the County needs to further speed up the procurement and payment processes, delegate more authority to the County Manager, further reduce the bureaucracy surrounding the business of procurement, and to expeditiously make full use of modern technologies. The following recommendations are offered by the PRAB.

#### **Cone of Silence Legislation (Cone)**

The PRAB recommends that the Board conduct a thorough review of Cone of Silence legislation and its impact on the County and make a determination as to whether the legislation should remain in its current form, or at all. It became apparent during the review that the Cone of Silence is a hindrance to the procurement process as it does not allow a director to communicate with his or her staff serving on selection committees concerning the status of a solicitation under the Cone. Although the Cone of Silence was well intentioned, it has had unintended negative effects on operations. In fact, the legislation effectively curtails some benign communications, limits information sharing and delays resolution of pressing issues surrounding procurements under the Cone. Additionally, the Cone prohibits Selection Committee members from holding discussions with the County Manager to resolve or raise important procurement and business issues prior to the County Manager's issuance of a written award recommendation. The PRAB supports revision of the Cone of Silence legislation to allow the non-voting Chair of the selection committee, County Manager, Department Directors, and Assistant County Managers responsible for procurement to communicate outside of the Cone.

#### **Advanced Procurement Planning and Execution**

The PRAB acknowledges the need to ensure that replacement contracts are in place prior to the expiration of existing contracts. Given the high volume of goods and services purchases made by the County (in excess of \$900,000 annually), advanced planning is an essential management tool. The PRAB supports the County Manager's recommendation to develop and implement a systematic advanced planning process in two significant areas.

1. Long Range Planning: As departments plan activities to improve/increase service levels and where these changes are significant and will impact procurement support, cost savings, and workload management, departments should report these in their business plans and budgets such that procurement support departments can plan adequately to meet the needs.
2. Early and Timely Processing of Replacement Contracts: The PRAB also supports the County Manager's recommendation to the Board to incorporate proactive procurement individual solicitation planning. Both the procurement support agencies and using departments must track contract usage and expiration dates and begin solicitation activity early enough to award a replacement contract prior to expiration of the previous contract. It is important to note that advanced strategic process planning, once in place, will allow for further innovation and enhancement of the process. In fact, once implemented, the Board should strongly consider establishing a goods and services expedite program similar to the Capital Expedite Program.

### **American Bar Association (ABA) Model Procurement Code**

The PRAB recommends that the County strive to utilize all of the best practices recommended in the ABA Model Code. This includes appropriate delegation of authority and establishment of sound responsibility legislation.

### **Use of New Technologies**

The PRAB recommends that the County immediately accelerate the implementation of technology solution(s) to support procurement, payments and contract management. Full use of technology tools can significantly reduce touch points that add no value, reduce paper, improve tracking and reporting and enhance procurement planning efforts. This requires dedicated staff resources, and a significant investment of time and funding to fast track automation of the procurement process and associated functionalities. Implementation of technology solutions of this magnitude requires proper funding and dedicated staffing. As the PRAB learned through the review of the reforms, the number of touch points, multiple review and approval levels, and the required paper trail significantly slow down the solicitation processing. By automating the processes and instituting electronic approvals, the status of exactly where an item is in the process, who is reviewing the item and the next process step could all be more readily identified and expedited. Additionally, quality controls can be maintained, and any questions that arise during reviews could be clearly recorded in the tracking system, thus eliminating the redundancy of the same question being asked of different approvers, thereby eliminating delays.

### **Delegated Authority**

The PRAB supports the County Manager's proposed procurement reforms and streamlining initiatives and the recommendation to increase the delegated authority from \$1 million to \$3 million. The County procures a high volume of goods and services to serve County citizens with annual purchases (excluding construction and architectural/engineering services) of over \$900 million. This increased delegation would further assist in reducing procurement cycle times.

### **Business and Vendor Relations**

The PRAB acknowledges that the County may not be attracting all of the available businesses to provide services because of vendor perceptions about the procurement processes. It is recommended that the County address these vendor perceptions regarding its business practices to improve the pool of vendors and amplify competition. To achieve this initiative, the following is suggested.

- a) Direct staff to visit the various local Chambers of Commerce and Business bureaus to make procurement presentations targeting recent reforms and to improve vendor perceptions of procurement.
- b) Reinstate a vendor/business outreach position to lead this effort.

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- c) Include vendor/business testimonials on departmental websites.
- d) Place advertisements in local publications (such as Miami-Dade College) encouraging vendors to do business with the County.

The PRAB recognizes that vendors should also be made more aware of the County resources targeting vendors and businesses and recommends that certain workshops be mandatory as part of vendor certification. The PRAB also supports establishment of a vendor rating system that includes consideration of the vendor's past performance for future awards. This benefits the County and vendors alike. Such a system should include electronic tracking and reporting, a structured appeals procedures and provisions for low performing vendors to cure problems, as well as responsibility legislation to ensure consistent and fair evaluations.

Further, the PRAB recommends that the County consider use of "WebQA" or similar applications that provide a robust suite of customer and citizen based services. "WebQA" consists of Web self-service, knowledge management, and request management tools that automate customer service interactions while making it easy for customers and agents to find the correct information 24 hours per day, seven days per week. For additional information, visit <http://www.webqa.net/home.htm>.

Having used various websites, PRAB members also suggest the following enhancements. Add a Frequently Asked Questions (FAQ) section to departmental websites; provide projections of goods and services needs online; and ensure that enhanced technology tools are provided for vendors and businesses.

### Solicitation Documentation

The affidavits and registration documents required to be completed by vendors in order to receive contract awards are excessive. The PRAB recommends a review of the need for 11 vendor disclosure affidavits, and review of an alternative streamlined single affidavit to be effective without an end date. The vendor would be responsible for any updates to the information as a result of changes in the business. For each solicitation, the vendor(s) would affirm that they are in good standing and that there will be consequences if the County finds otherwise. This would reduce the process time and complexity for both vendors and staff and make the County more attractive as a business partner.

### Living Wage

Pursuant to the Living Wage Ordinance, the Living Wage paid under covered contracts will be annually indexed to inflation as defined by the Consumer Price Index calculated by the U.S. Department of Commerce as applied to Miami-Dade County. The first indexing adjustment occurred for the 2001-2002 County budget year using the Consumer Price Index figures provided for the calendar year ending December 31, 2000, and thereafter on an annual basis. Vendors find



it difficult to project costs for multi-year contracts. The PRAB suggests that the County ensure adjustments are consistently made to allow for any increase in the Living Wage.

### Training

It is strongly recommended that a significant investment in professional development be made for procurement and operations staff. The focus of this investment should be on procurement methods and practices, and specification development. One of the most significant contributors of cost is the inclusion of requirements that do not add value to the goods or services to be purchased. This is as relevant to purchasing in the public arena as in the private sector. Special efforts should be made to engage professional associations and high level procurement trainers to provide focused, ongoing specification development and procurement methodology coursework at varying levels. This will ensure appropriate levels of competency and use of professional approaches leading to best value purchases for the public dollar.

### Business Process Improvements

The County Manager's recommendations regarding the Procurement Business Process Improvements for goods and services were carefully and thoroughly reviewed. The PRAB fully endorses these recommendations and recommends that a concerted effort be made to expedite their implementation. Of these recommendations, the following demand particular attention.

1. User departments and procurement staff should be held more accountable to specific timeframes and to be responsible for their assigned tasks. All Departments have to clearly delineate the necessary technical specifications within a specific timeframe. Departments must be responsible for compliance with deadlines. Based on our review, it appears the current process involves an inordinate amount of consultation, with no clear ownership and responsibility for delays. Setting, and adhering to, established turnaround timeframes will address this issue and speed up procurements. Additionally, large departments should have adequately trained in-house staff to prepare clear, concise, unambiguous technical specifications that are non-restrictive and ready for full and open competition.
2. The County should explore alternate scoring and vendor selection methods.
  - a) Review and eliminate the "two envelope" process where practical, and use this process only as an exception.
  - b) Use different scoring methods for assigning total proposal scores by combining price and technical scores without using the current formula method.
  - c) Consider the Invitation to Negotiate Model used by the Federal and State governments for appropriate complex solicitations.
3. Consider having more frequent than quarterly procurement meetings (workshops) with user departments. This would assist in improving communications with user

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departments, workshopping procurement and legal requirements, and updating departments on administrative and legislative changes.

4. Fully fund staff training for procurement, contract compliance and contract management, particularly to ensure adherence to the Small Business Enterprise Program (SBE).
5. Continue reduction of sole source and other non-competitive contracts.
6. Fast track recommendations for Selection Committee reform to meet the modern County operational business needs and increase use of non-County members on selection committees where practical.

**Construction and Architectural/Engineering Process**

Administrative Order 3-39 establishes the standard process for construction of Capital improvements, acquisition of professional services, construction contracting, change orders and reporting. The PRAB reviewed the draft amendments to A.O. 3-39 proposed by the Office of Capital Improvements to revise the construction contracting and A&E selection processes. The PRAB endorses all proposals to streamline the process as it pertains to change orders and payments to prime and sub contractors. Carefully detailed design specifications should be required of A&E firms to minimize costs, change orders and time.

**Other Recommendations**

During the PRAB review, additional recommendations were made on related matters not part of the PRAB mandate. The Board may find these recommendations useful in the improvement of the County's operations. They are as follows:

1. In support of the small businesses, the County should consider the following:
  - a) Include language in all County contracts indicating that Miami-Dade County is "committed to the diversity in contracting".
  - b) The Disadvantaged Business Enterprise (DBE) Program should be a top priority for the County. The goals for DBE should be assigned and monitored by the Department of Business Development (DBD).
  - c) Consider establishment of a race and gender neutral "Emerging Business Program" for companies larger than those covered under the Small Business Enterprise (SBE) program.
  - d) Review the Florida Power and Light (FPL), or similar, vendor development programs to promote bringing more businesses into DBD programs.

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- e) Determine the status of the Race Disparity Study initiated by the County to determine if a race and gender based program is appropriate for the County. The County should continue to collect data on Black, Hispanic and Women owned businesses and participation on County contracts.
  - f) Promote the Anti-Discrimination Ordinance (Chapter 11A Article VII of the Code of Miami-Dade County) to increase awareness.
  - g) Provide information on workshops to small businesses and other vendors.
- 2. Address issues related to trepidation in making decisions. Eliminate and additional documentation/paperwork that does not add value and causes unnecessary delays.
  - 3. Centralize accounts payable functions in one department for invoices with one process to handle invoices. This would benefit vendors.
  - 4. Investigate the feasibility of providing a blanket Worker Compensation Pool targeted to smaller businesses. The concept is similar to the Owner-Controlled Insurance Program (OCIP) governed by Section 255.0517 of the Florida Statutes. An OCIP is a consolidated insurance program or series of insurance policies issued to a public agency that may provide one or more types of insurance coverage for any contractor or subcontractor working at a specified or multiple contracted work sites of a public construction project.

In closing, we would like to thank the County Manager's Office and the County Attorney's Office for their support and participation throughout the process. Specifically, special recognition should be given to Ms. Alina Tejeda Hudak, Mr. Hugo Benitez, Ms. Miriam Singer, and Ms. Ruth Ellis Myers for their professionalism and dedication in providing support for this important initiative.

Thank you for your continued leadership. We appreciate the opportunity to serve the citizens of Miami-Dade County.

MIAMI-DADE COUNTY, FLORIDA



STEPHEN P. CLARK CENTER

DEPARTMENT OF PROCUREMENT MANAGEMENT  
OFFICE OF THE DIRECTOR  
111 NW 1ST STREET  
SUITE 1300  
MIAMI, FLORIDA 33128-1974  
(305) 375-6257  
FAX: (305) 375-2318

## PROCUREMENT REFORM ADVISORY BOARD MEETING

Department of Procurement Management  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, 13<sup>th</sup> Floor  
CONFERENCE ROOM A

December 9, 2005  
8:00 A.M.

### AGENDA

- I. Welcome and Introductions
- II. Review of Resolution #R-1205-06
- III. Review of Florida Sunshine Law and Advisory Board Member Forms
- IV. Overview of Board Responsibilities, Timeline and Goals
- V. Distribution and Explanation of Review Materials
- VI. Selection of Chairperson/Set Meeting Frequency Schedule
- VII. Open Discussion/Questions and Answers
- VIII. Adjournment



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General Services Administration  
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Homeless Trust  
Housing Agency  
Housing Finance Authority  
Human Services  
Independent Review Panel  
International Trade Consortium  
Juvenile Services  
Medical Examiner  
Metro-Miami Artisan Plan  
Metropolitan Planning Organization  
Park and Recreation  
Planning and Zoning  
Police  
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Property Appraisal  
Public Library System  
Public Works  
Safe Neighborhood Parks  
Seaport  
Solid Waste Management  
Strategic Business Management  
Team Metro  
Transit  
Task Force on Urban Economic Revitalization  
Viscaya Museum and Gardens  
Water & Sewer

## PROCUREMENT REFORM ADVISORY BOARD

Friday, December 16, 2005  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29<sup>th</sup> Floor Conference Room A

### AGENDA

- I. Welcome and Introductions  
Jose Cancela  
Chairperson
- II. Review of Tables of Organization
  - A. Miami-Dade County  
Alina T. Hudak  
Assistant County Manager
  - B. Department of Procurement Management (DPM)  
Celia G. Hudson  
DPM Division Director
- III. Presentations
  - A. Office of Capital Improvements (OCI)  
-Overview of Construction Process  
-Change Order Process  
Roger Hornstadt  
Director, OCI
  - B. Office of the Inspector General  
Christopher Mazzella  
Inspector General
- IV. Establishment of Meeting Schedule for January 2006
- V. Agenda for Next Meeting
- VI. Adjournment

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Water & Sewer

## PROCUREMENT REFORM ADVISORY BOARD

Friday, January 6, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29<sup>th</sup> Floor Conference Room A

### AGENDA

- |   |   |
|---|---|
| I. Welcome and Introductions                                  | Jose Cancela<br>Chairperson   |
| II. Change Order Process Overview                             | Roger Hernstadt, Director<br>Office of Capital Improvements   |
| III. Enterprise Resource Planning (ERP)<br>Implementation     | Corrine Brody,<br>Special Assistant for Strategic<br>Management Initiatives<br>Office of the County Manager |
| IV. Procurement Technology Options                            | Miriam Singer, Director<br>Department of Procurement<br>Management  |
| V. Selection Committee Appointment<br>Process and Legislation | Marsha Jackman, Director<br>Department of Business Development  |
| VI. Agenda for Next Meeting                                   |   |
| VII. Establishment of Future Meeting Dates                    |   |
| VIII. Adjournment   |   |

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## PROCUREMENT REFORM ADVISORY BOARD

Friday, January 13, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29<sup>th</sup> Floor Conference Room A

### AGENDA

- |  |   |
|--|---|
| I. Welcome and Introductions           | Jose Cancela<br>Chairperson   |
| II. Code of Silence                    | Robert Meyers, Executive Director<br>Commission on Ethics & Public Trust                                |
| III. Prompt Payment                    | Kevin Lynskey, Assistant Director<br>Performance Improvement<br>Office of Strategic Business Management |
| IV. Reverse Auction Procurement Method | Miriam Singer, Director<br>Department of Procurement Management   |
| V. Agenda for Next Meeting             |   |
| VI. Adjournment                        |   |

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## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, January 20, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29<sup>th</sup> Floor Conference Room A

### AGENDA

- I. Welcome and Introductions  
Jose Cancela  
Chairperson
- II. Overview - Department of Business Development  
Marsha E. Jackman, Director  
Department of Business Development  
Small Businesses Programs  
Selection Committee Process and Legislation
- III. Review and Discussion of PRAB Presentations
- IV. Agenda for Next Meeting
- V. Adjournment

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## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, February 3, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29<sup>th</sup> Floor Conference Room A

### AGENDA

- I. Welcome and Introductions  
Jose Cancela  
Chairperson
- II. Department of Procurement  
Management (DPM) - Procurement  
Process Improvement Review  
Miriam Singer, Director  
DPM
- III. Agenda for Next Meeting
- IV. Adjournment

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## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, February 10, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29<sup>th</sup> Floor Conference Room A

### AGENDA

- I. Welcome and Introductions  
Jose Cancela  
Chairperson
- II. Office of Capital Improvements (OCI)  
Administrative Order No. 3-39: Standard Process  
for Construction of Capital Improvements, Acquisition  
of Professional Services, Construction Contracting,  
Change Orders and Reporting  
Roger Hemstadt, Director  
OCI
- III. Agenda for Next Meeting
- IV. Adjournment

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## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, February 17, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29<sup>th</sup> Floor Conference Room A

### AGENDA

- I. Welcome and Introductions  
Jose Cancela  
Chairperson
- II. Procurement Perspectives  
Discussion with Department Directors:  
Transit  
General Services Administration  
Police Department  
Water and Sewer  
Elections  
Solid Waste Management  
Roosevelt Bradley  
Wendi Norris  
Robert Parker  
John Renfrow  
Lester Sola  
Kathleen Woods-Richardson
- III. Agenda for Next Meeting
- IV. Adjournment

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Medical Examiner  
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## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, February 24, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29<sup>th</sup> Floor Conference Room A

### AGENDA

- I. Welcome and Introductions  
Jose Cancela  
Chairperson
- II. Review of Previous PRAB Presentations
- III. PRAB Member Recommendations
  - A. Goods and Services
    1. Legislative
    2. Administrative
  - B. Construction and Design
    1. Legislative
    2. Administrative
- IV. Scheduling of Future Meetings
- V. PRAB Report Format
- VI. Agenda for Next Meeting
- VII. Adjournment

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## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, March 10, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29th Floor Conference Room A

### AGENDA

- I. Welcome and Introductions  
Garrie J. Harris
- II. Procurement Perspectives  
Discussion with Business Owners:  
Milton, Swain & Associates, Inc.  
EAC Consulting  
Triangle Services, Inc.  
Forestville Corporation  
50 State Security Service, Inc.  
Terremark Worldwide, Inc.  
Paetec Communications, Inc.  
Office Dimensions, Inc.  
Deborah Swain  
Alexandra Bevans  
Fred Pourbaix  
John Spagna  
John W. Williams  
John Zima  
Lou Surman  
Mark D. Stern
- III. Office of Capital Improvements (OCI)  
Presentation of Executive Summary and Grid  
Regarding Proposed Changes to Administrative  
Order No. 3-39  
Roger Harnstadt, Director  
OCI
- IV. Updates  
• Application of Living Wage  
• Expedited Purchasing Program (EPP) Pilot  
Miriam Singer, Director  
Department of Procurement  
Management
- V. Agenda for Next Meeting
- VI. Adjournment

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## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, March 17, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29<sup>th</sup> Floor Conference Room A

### AGENDA

#### I. Welcome and Introductions

Jose Cancela  
Chairperson

#### II. Office of Capital Improvements (OCI)

Presentation of Executive Summary and Grid  
Regarding Proposed Changes to Administrative  
Order No. 3-39

Roger Hernstadt, Director  
OCI

#### III. Updates

- Application of Living Wage

Eric Rodriguez  
Assistant County Attorney

- Expedited Purchasing Program (EPP) Pilot

Miriam Singer, Director  
Department of Procurement  
Management

#### IV. Additional Process Recommendations

PRAB Members

#### V. Agenda for Next Meeting

#### VI. Adjournment

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Vizcaya Museum and Gardens

## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, March 24, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29th Floor Conference Room A

### AGENDA

#### I. Welcome and Introductions

Jose Canceled  
Chairperson

#### II. Procurement Perspectives

Discussion with Construction and  
A&E Industry Representatives:

James A. Cummings, Inc.  
Miami Dade A&E Society (MDAES)  
American Institute of Architects (AIA)

Rick Darrer  
Enrique Crooks  
Jorge S. Kuperman  
Juan Crespi  
Rafael Sixto  
Marilyn Avery  
Mike Gomez

Rock Soup Development  
TGSV Enterprises

#### III. Office of Capital Improvements (OCI)

Presentation of Executive Summary and Grid  
Regarding Proposed Changes to Administrative  
Order No. 3-39

Roger Hemstadt, Director  
OCI

#### IV. Agenda for Next Meeting

- Review of Responsibility Legislation
- Review of Draft Selection Committee Administrative Order
- Review of Final PRAB Recommendations

#### V. Adjournment

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Environmental Resources Management  
Fair Employment Practices  
Finance  
Fire Rescue  
General Services Administration  
Historic Preservation  
Homeless Trust  
Housing Agency  
Housing Finance Authority  
Human Services  
Independent Review Panel  
International Trade Consortium  
Juvenile Services  
Medical Examiner  
Metro Miami Action Plan  
Metropolitan Planning Organization  
Park and Recreation  
Planning and Zoning  
Police  
Procurement Management  
Property Appraisal  
Public Library System  
Public Works  
Safe Neighborhood Parks  
Seaport  
Solid Waste Management  
Strategic Business Management  
Team Metro  
Transit  
Task Force on Urban Economic Revitalization  
Vizcaya Museum And Gardens  
Water & Sewer

## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, March 31, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29th Floor Conference Room A

### AGENDA

- I. Welcome and Introductions
- II. Review of Proposed Legislation:
  - a. Contractor Responsibility
  - b. Selection Committee Administrative Order
- III. Review of Final PRAB Recommendations
- IV. Agenda for Next Meeting
- V. Adjournment

Jose Cancela  
Chairperson

Miriam Singer, Director  
Department of Procurement  
Management

*Delivering Excellence Every Day*



Procurement Management  
111 NW 1st Street • Suite 1300  
Miami, Florida 33128-1974  
T 305-375-5289 F 305-375-4407 305-372-6128

miamidade.gov

ADA Coordination  
Agenda Coordination  
Animal Services  
Art in Public Places  
Audit and Management Services  
Aviation  
Building  
Building Code Compliance  
Business Development  
Capital Improvements  
Citizens' Independent Transportation Trust  
Commission on Ethics and Public Trust  
Communications  
Community Action Agency  
Community & Economic Development  
Community Relations  
Consumer Services  
Corrections & Rehabilitation  
Cultural Affairs  
Elections  
Emergency Management  
Employee Relations  
Empowerment Trust  
Enterprise Technology Services  
Environmental Resources Management  
Fair Employment Practices  
Finance  
Fire Rescue  
General Services Administration  
Historic Preservation  
Homeless Trust  
Housing Agency  
Housing Finance Authority  
Human Services  
Independent Review Panel  
International Trade Consortium  
Juvenile Services  
Medical Examiner  
Metro-Miami Action Plan  
Metropolitan Planning Organization  
Park and Recreation  
Planning and Zoning  
Police  
Procurement Management  
Property Appraisal  
Public Library System  
Public Works  
Safe Neighborhood Parks  
Seaport  
Solid Waste Management  
Strategic Business Management  
Team Metro  
Transit  
Task Force on Urban Economic Revitalization  
Vizcaya Museum And Gardens  
Water & Sewer

## PROCUREMENT REFORM ADVISORY BOARD (PRAB)

Friday, April 21, 2006  
8:00 A.M.

Stephen P. Clark Center  
111 N.W. First Street  
29th Floor Conference Room A

### AGENDA

#### I. Welcome and Introductions

Jose Cancela  
Chairperson

#### II. Review of PRAB Recommendations to Date

Howard Piper, Deputy Director  
Department of Procurement  
Management

##### a) Draft Report

##### b) BCC Date for Presentation of Final Report: May 9, 2006

#### III. Agenda for Next Meeting

#### IV. Adjournment

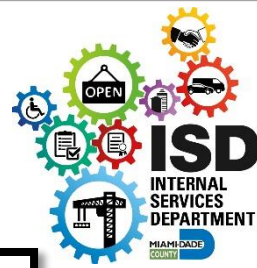
# Appendix S



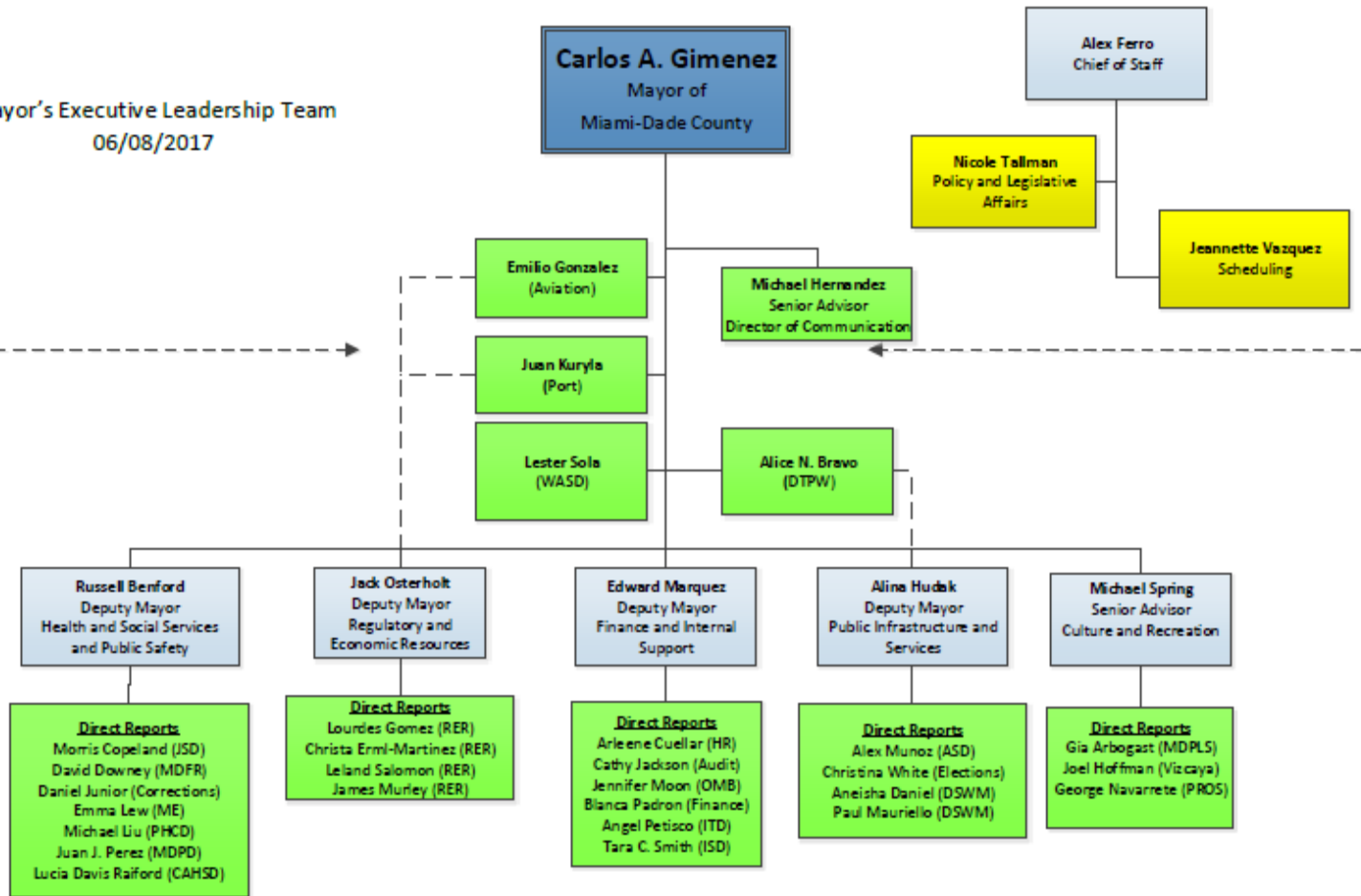
# **PROCUREMENT MANAGEMENT SERVICES**

**SEPTEMBER 25, 2017**

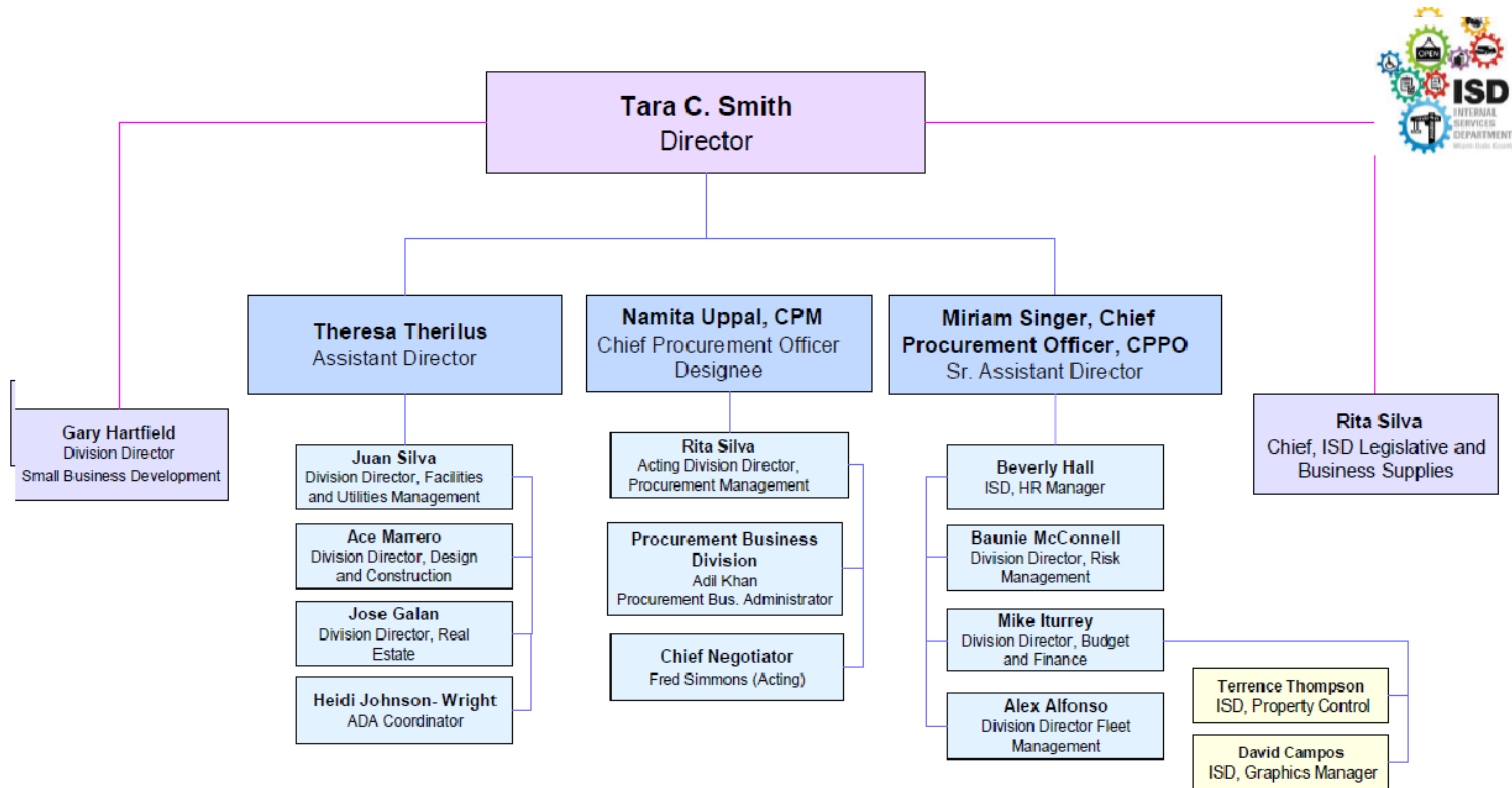
# Miami-Dade County Table of Organization



Mayor's Executive Leadership Team  
06/08/2017

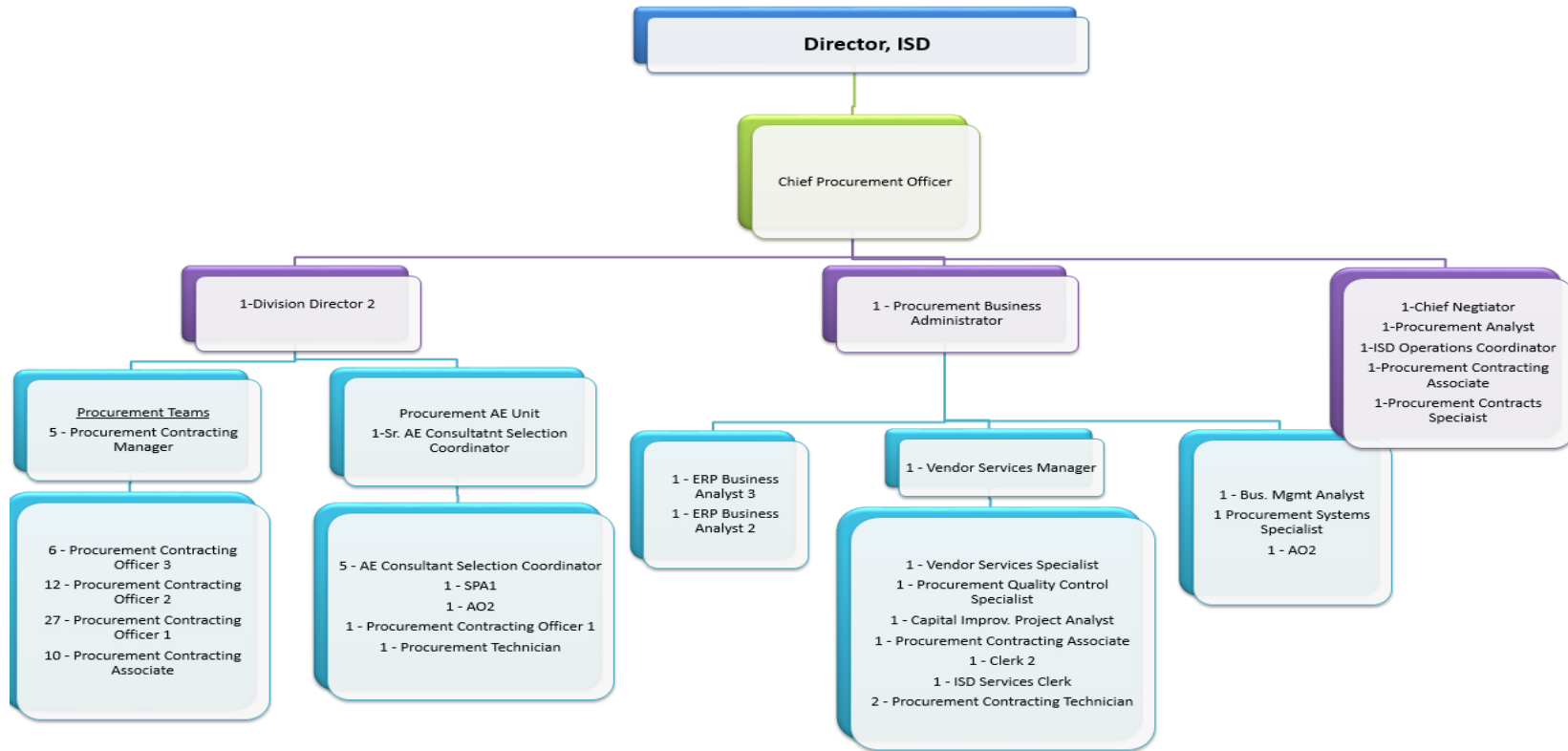


# Internal Services Department Table of Organization





# Procurement Management Division – Table of Organization



# Mission

The Procurement Management Services Division is dedicated to customer service and the timely acquisition and provision of goods and services, design, construction and construction management services. By utilizing technology and sound business processes, we strive to bring the greatest value and service to Miami-Dade County with integrity, fairness, competition and community inclusion.

# Centralization & Decentralization

## Centralization:

- Goods and Services
- Architecture and Engineering Services
- Design Build Procurements
- Policy Development, Implementation and Training

## Decentralization

- Construction Projects - Capital Departments
  - Capital Departments use ISD-PM construction templates

# Capital Departments

- Aviation
- Fire Rescue
- Internal Services
- Parks, Recreation and Open Spaces
- Port Miami
- Public Housing & Community Development
- Solid Waste Management
- Transportation and Public Works
- Water and Sewer

# Mayor's Delegation of Authority

- Goods & Services: Contracts valued up to \$1 Million
- Miscellaneous Construction Contracts (MCC) Program: Projects valued up to \$5 Million
- Architecture and Engineering valued up to \$200,000
- Equitable Distribution Program: \$200,000

All contracts exceeding the amounts above are approved by the Board.

# Acquisition Methods

## Competitive

- Request for Proposals and Qualifications
- Invitation to Bids/Quotes
- Prequalification Pools
- Notice to Professional Consultants
- Request for Design-Build Services

## Non-Competitive

- Sole Sources, Legacy
- Bid Waivers

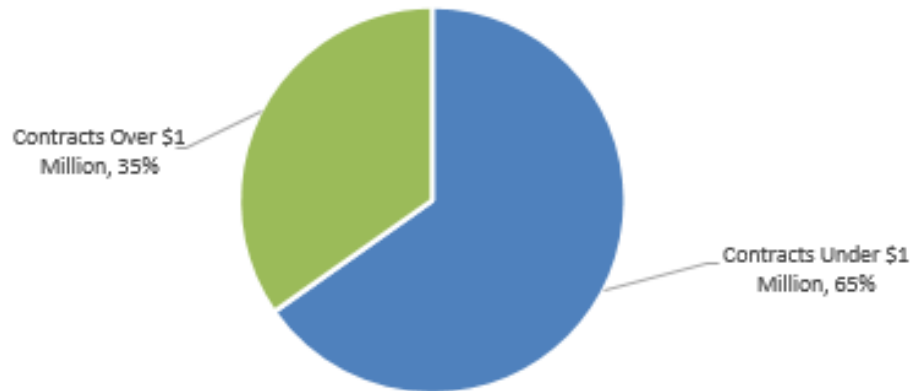
# Active Contracts 2017

- 900+ Active Goods and Services Contracts
  - Award Value \$5 Billion
  - 83% Competitively Established
  - 17% Non-Competitive Contracts
- 5,000+ Vendors on Active Contracts of which 3,000+ Vendors With Miami-Dade Address
- 242 Pre-Qualification Pools
- 54 Revenue Generating Contracts
- 56 Living Wage Contracts



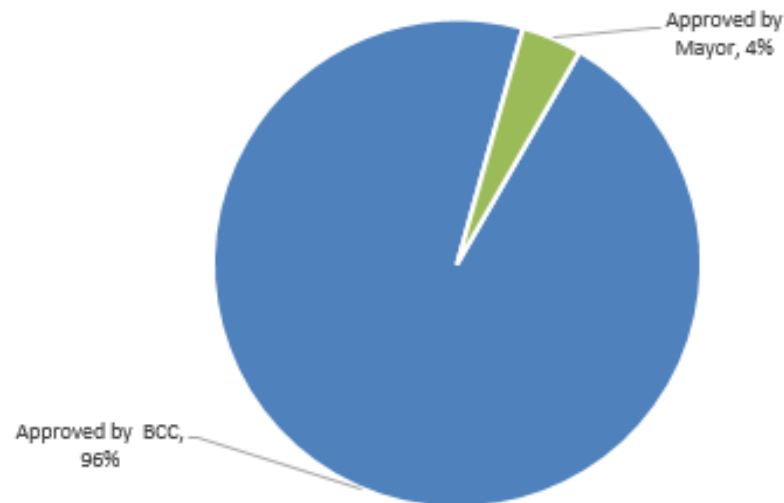
# Contract Award Authority

- 65% of Contract Awards Under \$1 Million
  - Valued at \$188 Million
- 35% of Contract Awards Exceed \$1 Million
  - Valued at \$4.8 Billion



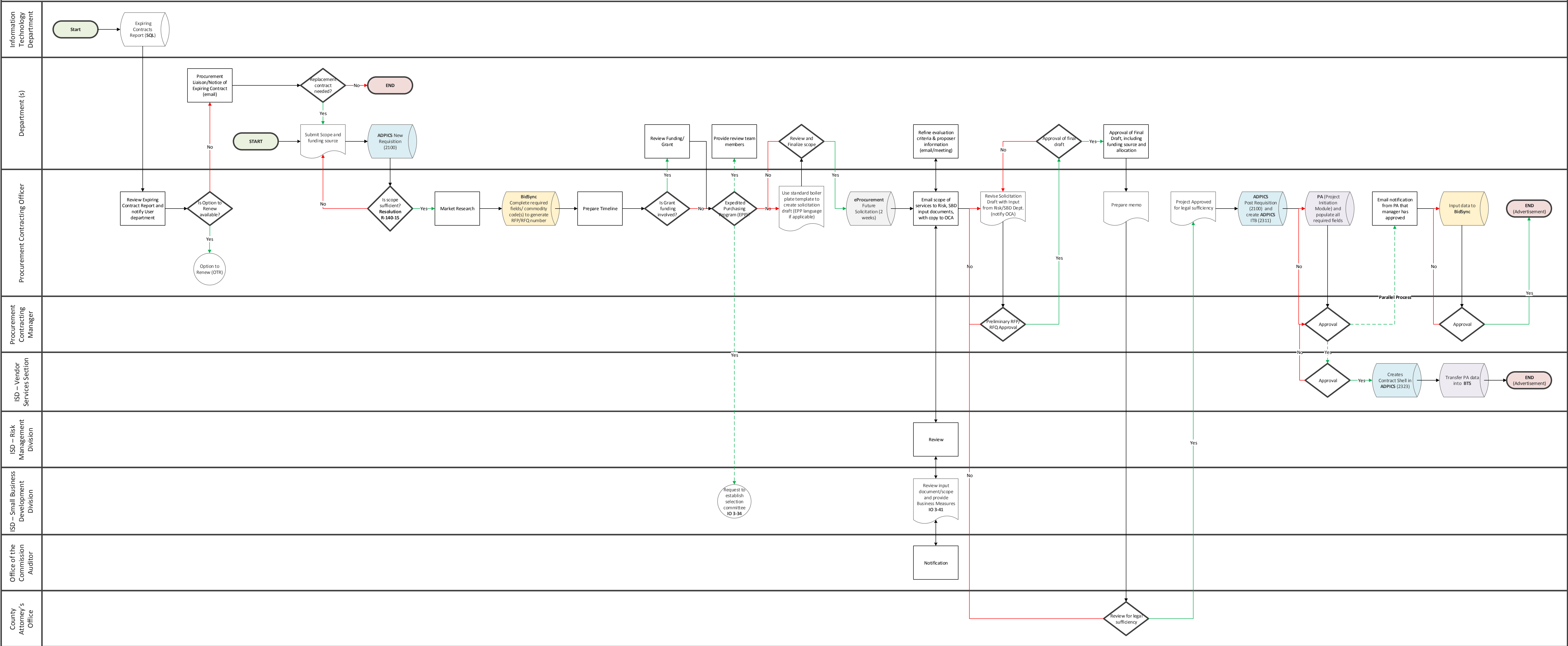
# Contract Award Authority (cont.)

- Value of Contract Awards Under \$1 Million Approved by the Mayor:
  - 4% of Total Awarded Dollars
- Value of Contract Awards Exceeding \$1 Million Approved by BCC:
  - 96% of Total Awarded Dollars



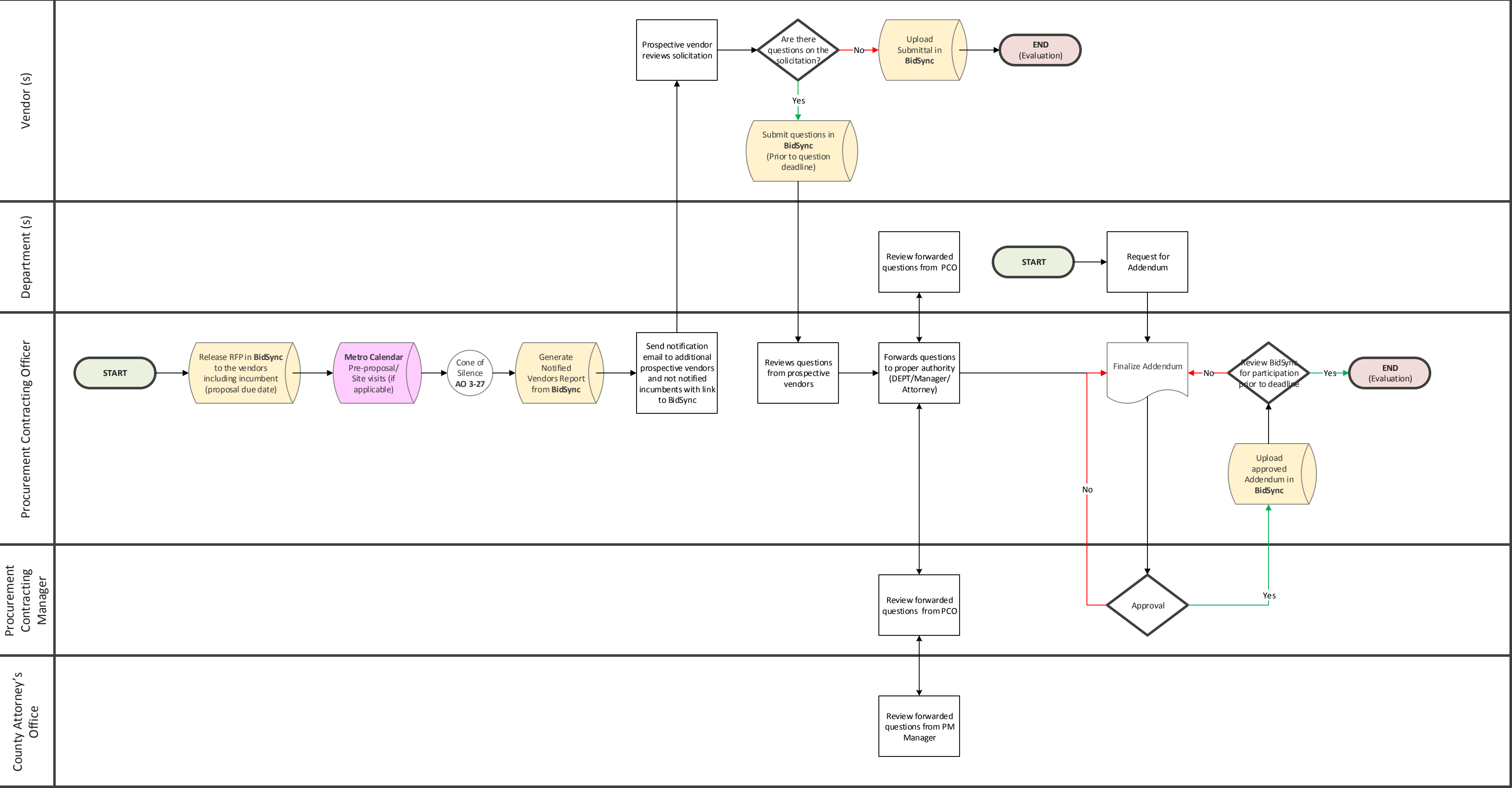
Internal Services Department – Procurement Management Division

Request for Proposal (RFP) Request for Qualifications (RFQ) - Initiation



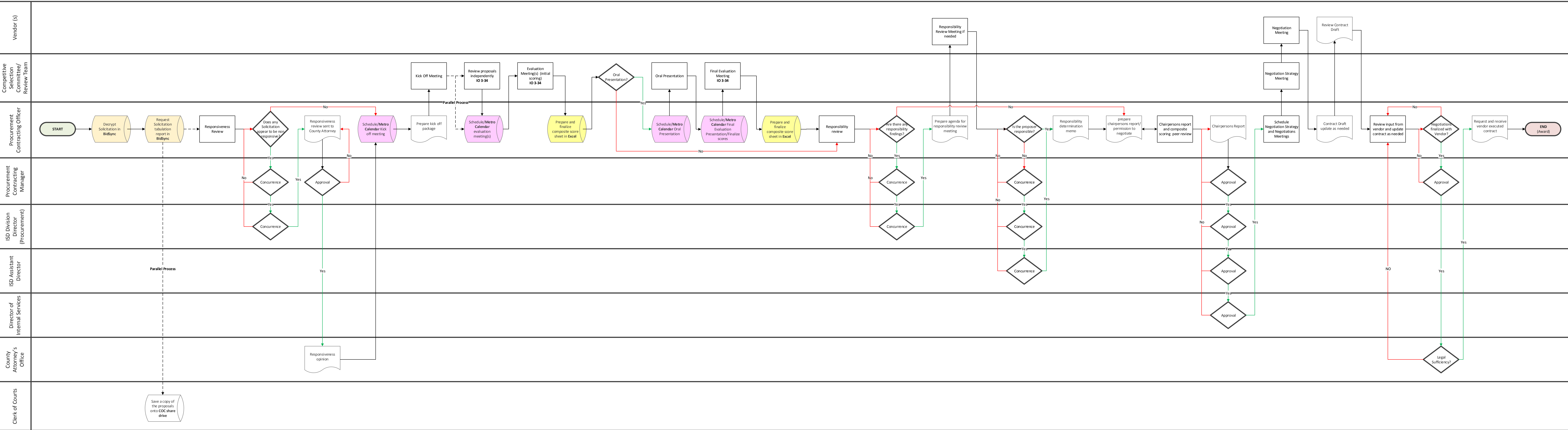
Internal Services Department – Procurement Management Division

Request for Proposal (RFP) Request for Qualifications (RFQ) - Advertisement



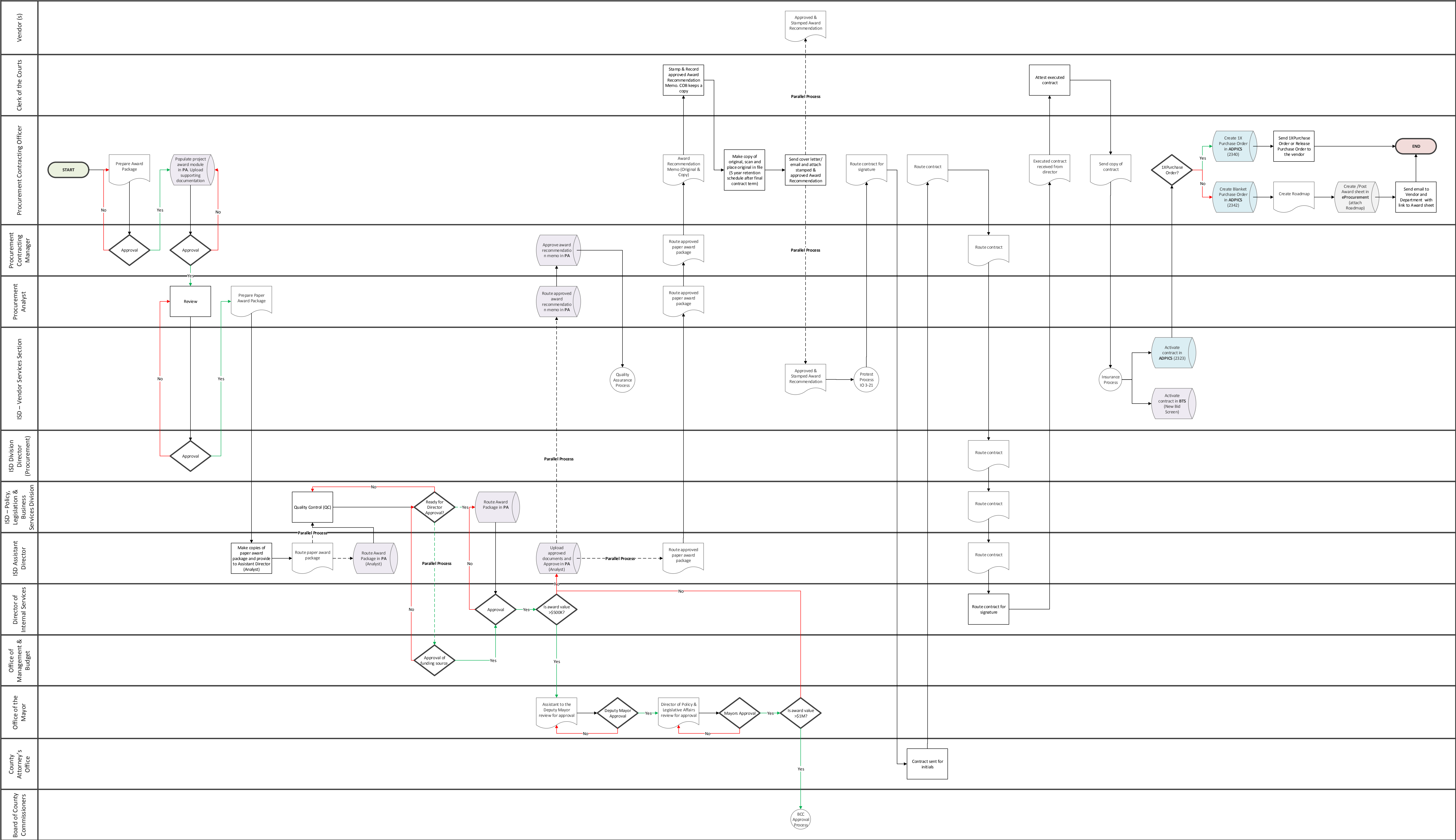
Internal Services Department – Procurement Management Division

Request for Proposal (RFP) Request for Qualification (RFQ) - Evaluation



Internal Services Department – Procurement Management Division

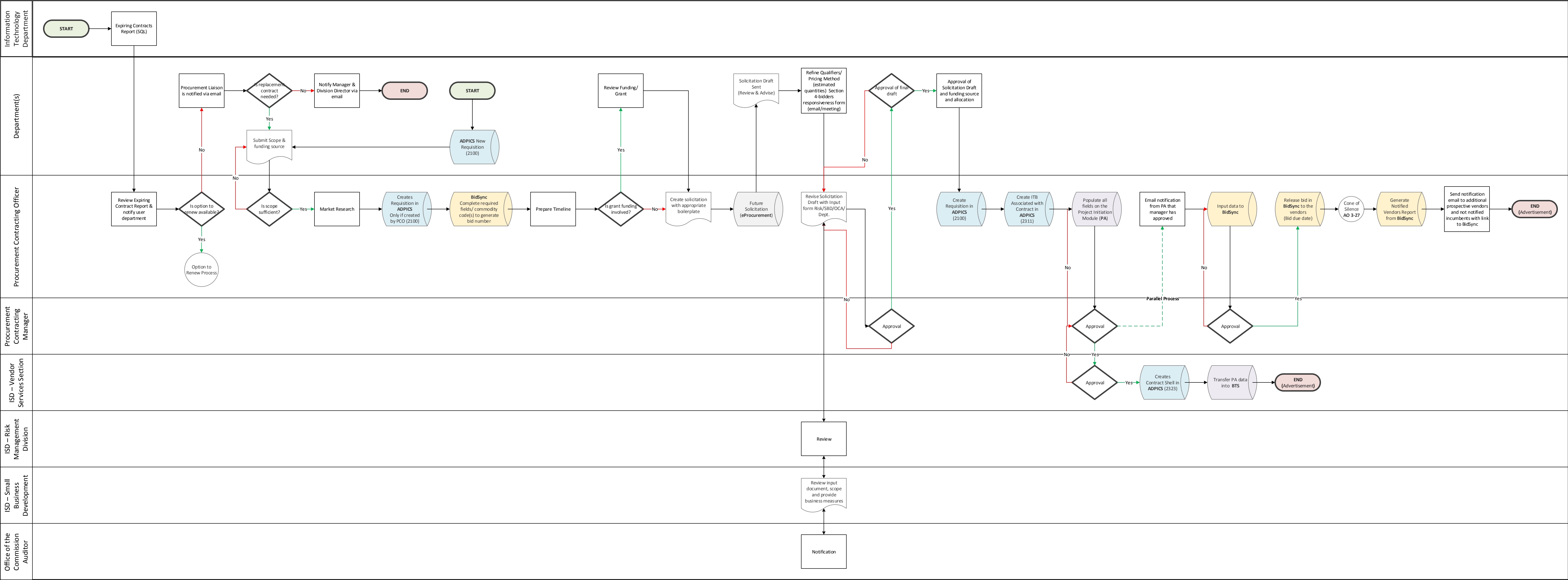
Request for Proposal (RFP) Request for Qualifications (RFQ) - Award – Office of the Mayor Approval





Miami-Dade Internal Services Department – Procurement Management Division

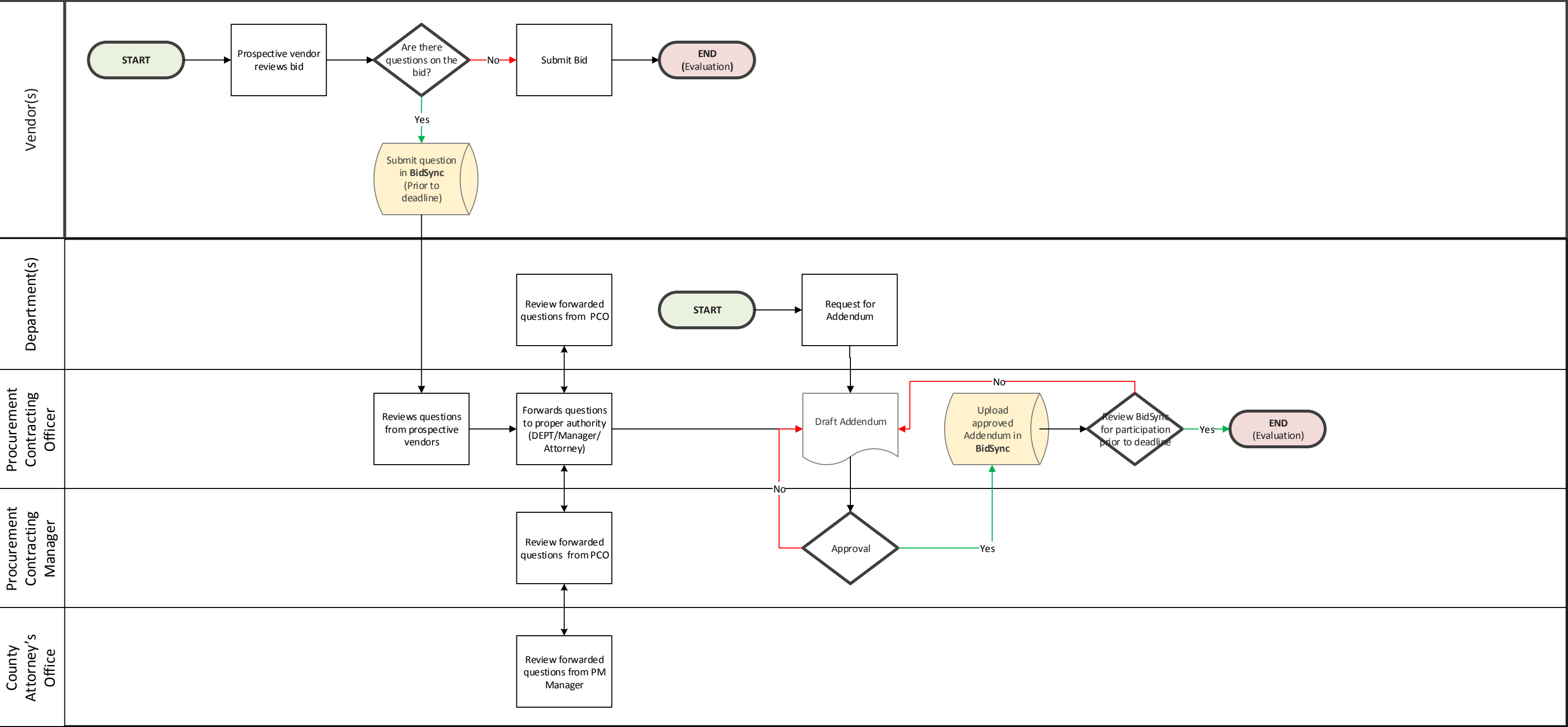
Invitation to Bid (ITB) - Initiation

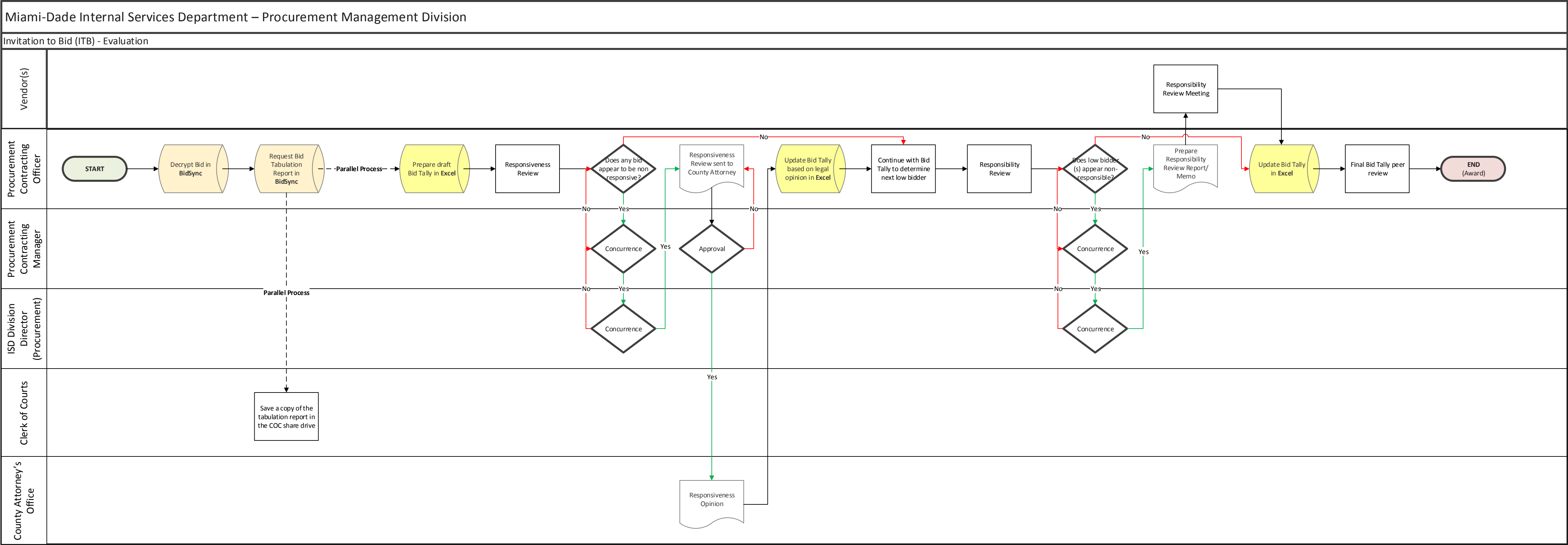




Miami-Dade Internal Services Department – Procurement Management Division

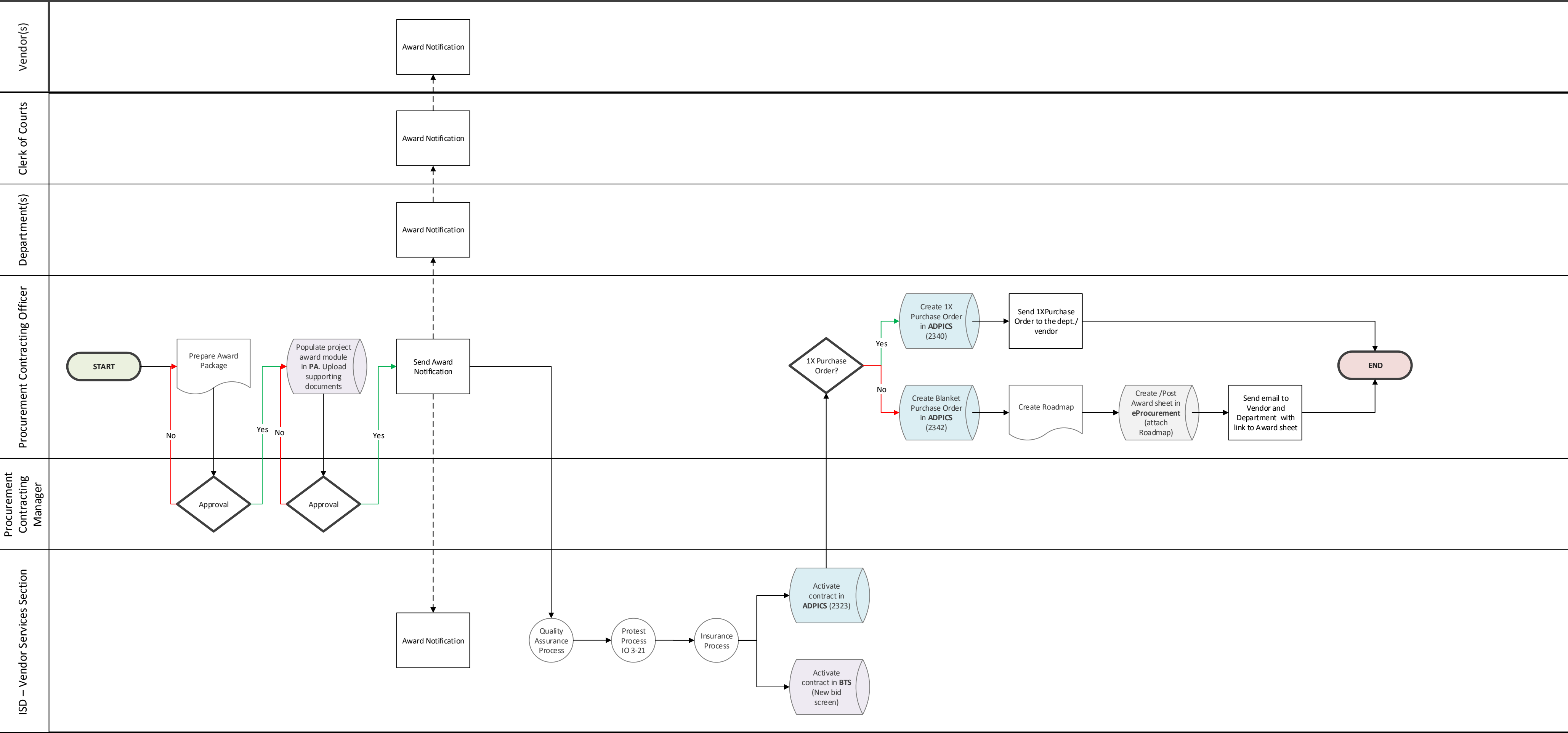
Invitation to Bid (ITB) - Advertisement

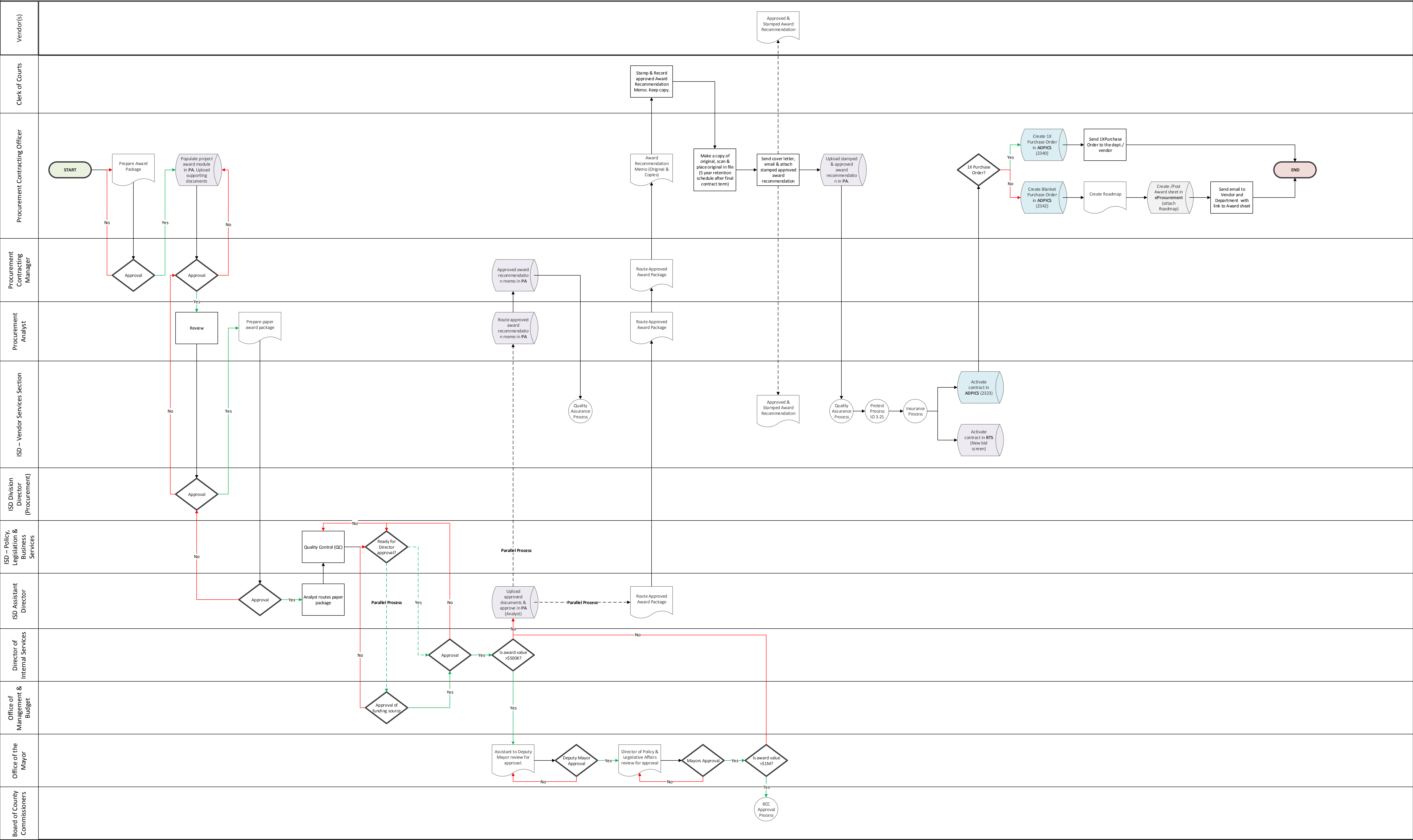




Miami-Dade Internal Services Department – Procurement Management Division

Invitation to Bid (ITB) - Award – Procurement Management Approval





# Appendix T

# FINANCE DEPARTMENT

Edward Marquez, Deputy Mayor/Finance Director



# Finance Department- Governing Rules

## 1. Constitution of the State of Florida as Revised in 1968 and Subsequently Amended: Article VIII

### ➤ Article VIII, Section 1 (d):

☐ COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and **custodian of all county funds**.

➤ <http://flsenate.gov/Laws/Constitution#A8>



# Finance Department- Governing Rules (continued)

2. Miami Dade County **Home Rule Amendment and Charter** (as amended through November 8, 2016)

## ARTICLE-5 ADMINISTRATIVE ORGANIZATION AND PROCEDURES

### ➤ Section 5.01 FINANCIAL ADMINISTRATION

- ☐ There shall be departments of **finance**, personnel, planning, 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**

### ➤ Section 5.03 FINANCIAL ADMINISTRATION

- ☐ 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

- <http://www.miamidade.gov/charter/library/charter.pdf>

# Finance Department- Mission Statement

- The Finance Department delivers accurate financial services for sound management decision-making and is responsible for centralized accounting, cash management, financial and debt management services, tax collection and distribution, and the collection of delinquent accounts for various County departments.



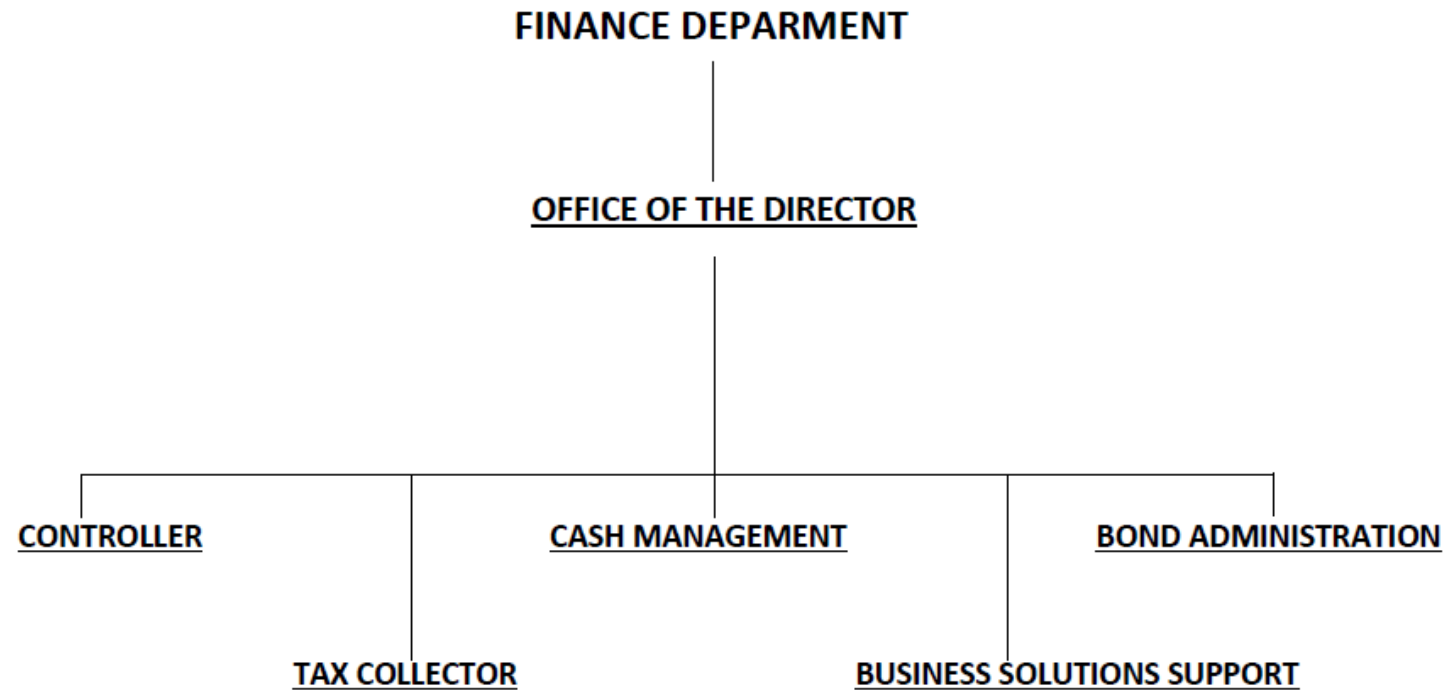
# Finance Department- Our Customers

The Finance Department provides services to internal and external customers (vendors, tax payers, employees, etc.) countywide. Customer, customer groups, and market segments needs are identified and determined by Federal, State, and County statutory mandates.

The main focus is to provide service to the public and work with other departments or external customers (Banks, IRS, Federal, State, Local Agencies, Auditors, etc.) to aid in providing these services.

# Finance Department - Table of Organization

TABLE OF ORGANIZATION



The FY 2017-18 total number of full time employees = 390



# Finance Department

**The Office of the Director**  
formulates and directs the overall  
financial policy of the County

OFFICE OF THE DIRECTOR-

Staff = 7

- Administration
- Financial Compliance
- Human Resources

# Controller's Office –

**Staff = 115**

Satisfies legal and mandated requirements including the Comprehensive Annual Financial Report (CAFR), State Controller's Report, state and federal audit reports, and the indirect cost allocation plan; provides fiscal and accounting controls over resources and related appropriations; processes vendor payments and payroll; monitors County bank accounts to ensure timely reconciliations; maintains County's general ledger system; and provides financial reporting.

- Reviews and process over **388,000 invoices** annually
- Total dollar for **Goods and Services paid to vendors and Tax Distributions** in FY16 was approximately **\$5.3** billion. This excludes Aviation, Housing, Public Health Trust, and Water & Sewer Departments that process their own invoices.
- Processes gross **bi-weekly county payroll** in excess of **\$80** million for over 28,000 employees via ACH and paper checks (includes seasonal employees).



## Cash Management-

**Staff = 7**

Invests surplus funds in compliance with Florida Statutes, local ordinances, and investment policy. Monitors the daily diversification of the County's portfolio, distributes earnings on investments and handles all banking transactions for the County.

- In FY-16, the County had an average **investment portfolio** of **\$3.3** billion.
- We currently have a total of **36 bank accounts** which are used to handle banking services for the County.



# Bond Administration –

Staff = 9

Manages the County's debt financing and coordinates all debt issuances

- Makes payments on bonds/loan debt service for a **total outstanding debt** of approximately **\$15.5** billion.
- Since 2011, NPV Savings realized through **Bond Refunding** transactions totaled approximately **\$929** million.
- Monitors County-wide Bond Ratings

Strategic Objectives - Measures								
• GG4-1: Provide sound financial and risk management								
Objectives	Measures			FY 14-15	FY 15-16	FY 16-17	FY 16-17	FY 17-18
				Actual	Actual	Budget	Projection	Target
Monitor County-wide Bond Ratings	Percentage of debt service payments made timely	OC	↔	100%	100%	100%	100%	100%
	Bond ratings evaluation by Moody's*	OP	↑	Aa2	Aa2	Aa2	Aa2	Aa2
	Bond ratings evaluation by Standard and Poor's*	OP	↑	AA	AA	AA	AA	AA

## Tax Collector-

Staff = 223

Administers state laws, local ordinances, and policies pertaining to the collection and distribution of current and delinquent County and municipal ad valorem taxes, non-ad valorem assessments, improvement liens, local business tax receipts, waste fees, excise utility taxes, convention and tourist development taxes, and license fees (auto, boat, hunting, and fishing); and collection of delinquent accounts for various County departments

- Collected approximately **\$5 billion** in **Ad Valorem Tax, Auto Tag, Tourist Tax, and Local Business Tax** for FY17.
- The Credit and Collections section has averaged over **\$12 million** in annual **delinquent debt collections** over the past 3 years.



# Business Solutions Support-

Staff = 29

Administers, plans, coordinates and provides support for the Countywide implementations of various financial business solutions, including the future ERP financial modules; Countywide functional support of the General Ledger, Accounts Payable Module, E-Commerce Solution, Tax Collector, and Delinquent Accounts Collection systems; plans and directs modifications to system controls in order to meet legislative and external audit requirements.

- Ensures proper system controls are maintained for the Countywide General Ledger, Accounts Payable and Purchasing systems to respond to the annual external financial audit; monitors and provides support to over **5,700 users** of these systems
- Coordinates with ITD and departments in the implementation of new financial technologies to support Countywide and departmental initiatives as they relate to financial systems, such as ERP implementation, which includes over **14 financial modules**

# Appendix U

# Results-Oriented Governing BUDGET PROCESS

Charter Review Task Force

August 28, 2017



# Statutory Requirements

- State Statute allows for the designation of a County Budget Officer to prepare and present a tentative budget to the Board for adoption
- Revenues must be budgeted at 95 percent
- Reserves for contingencies may be included but cannot exceed ten percent of the total budget
- Both County Charter and State Statute requires a summary of to be published and the BCC hold hearings on and adopt a budget on or before the dates required in law
- State Statue allows for the BCC to amend the Budget for that year



# County Charter/Code

- Mayor sets priorities and submits budget address in March
- Mayor prepared a proposed budget between June 1 and July 15 containing a complete financial plan including operating and capital budgets
- Mayor presents the Proposed Budget to the Board of County Commissioners (BCC) and a committee of the whole with a public hearing is held before the Board adopts the tentative millage rates
- County Charter requires a budget summary to be published and the BCC to hold public hearings and adopt a budget on or before the dates required in law
- Commission Auditor, Finance Director, and OMB Director participate in a professional Revenue Estimating process
- Prior to the first budget hearing, the BCC holds a Committee of the Whole to review and discuss the Mayor's proposed budget and any amendments to such budget
- The Commission Committee having jurisdiction over budgetary matters reviews all new proposed fees, rates or charges in the Mayor's Proposed Budget prior to the Committee of the Whole
- The Commission Committee having jurisdiction over budgetary matters reviews any proposed changes to the Mayor's Proposed Budget and forward any recommendations to the Board regarding the Proposed Budget





# Budget Development Process Timeline



**December - January**  
Budget forecasting for coming year



**July 18**  
Maximum tax rates adopted by County Commission



**January - April**  
Departmental budget preparation and meetings



**August**  
Notices of Property Taxes mailed; Commission workshops held



**March**  
Mayor's budget address

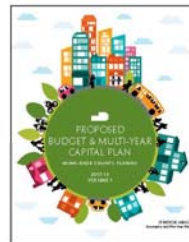


**September 5**  
First public budget hearing

**September 19**  
Second public budget hearing



**July 1**  
Tax Roll Released



**October 1**  
New budget becomes effective



**July 10**  
Proposed Budget presented



# TRIM (Truth-In-Millage) Timeline

*(days below are from roll certification)*

Number of Days	Date Range	Activity
Day 95	Sept 19 to Oct 3	Hold Final Budget Hearing
Between day 65 and 85	Sept 3 to Sept 18	Hold First Budget Hearing
Within 55 days	August 24	Property Appraiser mails out TRIM notices
Within 35 days	August 4	Administration notifies Property Appraiser of Proposed Millage Rates
Between day 15 and 35	July 15 to August 3	BCC sets the Proposed Millage Rates
Within 15 days	July 1 to July 15	Mayor must submit Proposed Budget to the BCC
Day 1	July 1 or later	Property Appraiser Certifies Tax Roll



# Budget Submissions and Review

- Personnel
  - Organizational Charts v. Staffing Charts
  - Overhead v. Direct Service
  - Span of Control
- Operating Expenses
  - Line items v. activities
  - Quarterly Reports
  - Reports from BAT and RFRO
- Results
  - Alignment of Budget to Strategic Plan



# Access to Information

- OMB Website includes:
  - Budget Development Documents
  - Departmental Business Plans and Scorecards
  - Committee Presentations (if applicable)
  - Quarterly Budget Reports
  - Revenue Estimating Documents
  - Budget Public Meeting Presentations (three languages)
  - Budget Hearing Documents
  - Proposed and Adopted Budget Documents



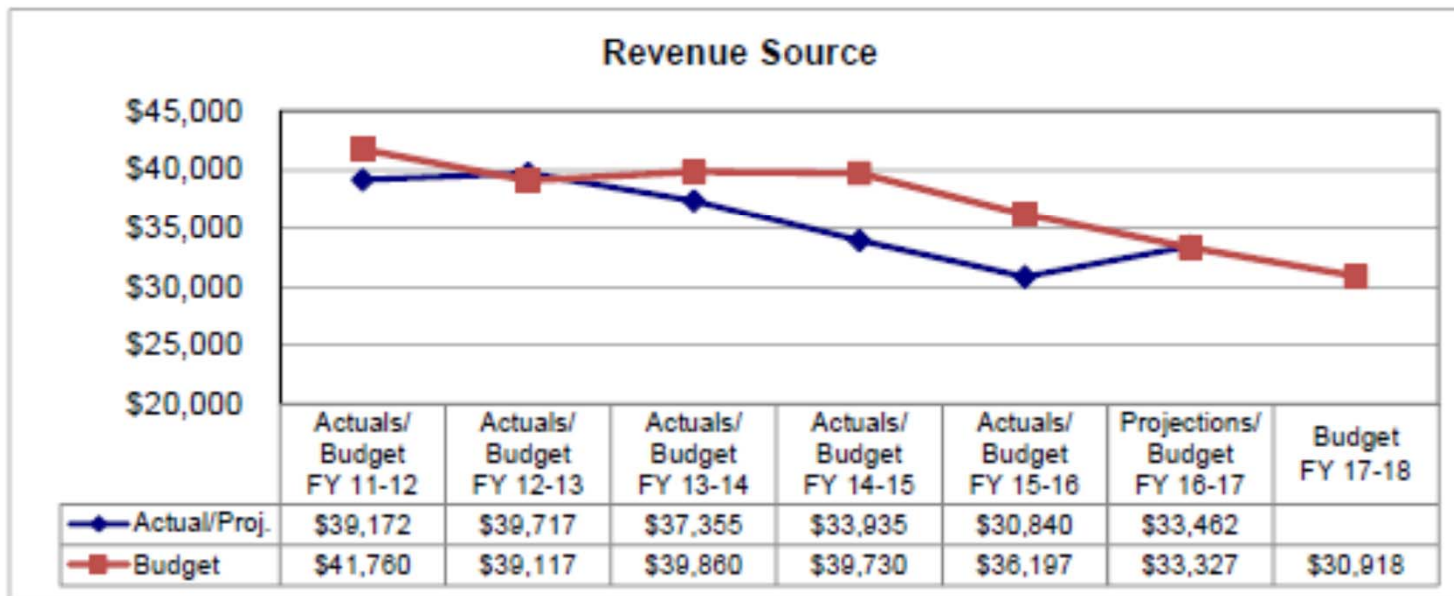
# Budget Forecasting - Revenues

- Revenue Estimating Conference

Department: General Government

Revenue Source: Communications Services Tax

Historical Data (\$ in 000s)

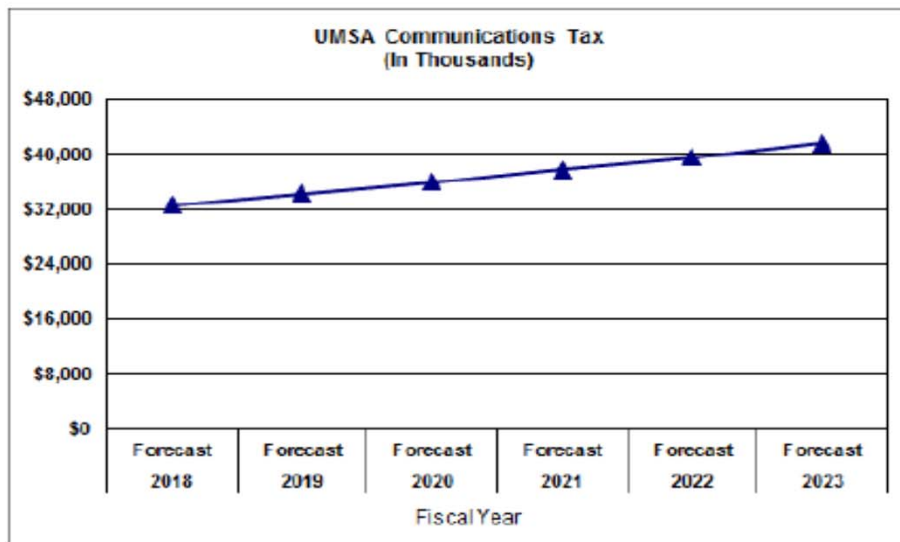




# Budget Forecasting - Revenues

- Five year forecast

## Communications Tax



Description: Also known as the unified or simplified tax. Replaces utility tax on telephone and other telecommunication services, the cable television franchise fee, telecommunications franchise fee, and communications permit fee.

Fiscal Year	Growth
2018-19	5.00%
2019-20	5.00%
2020-21	5.00%
2021-22	5.00%
2022-23	5.00%

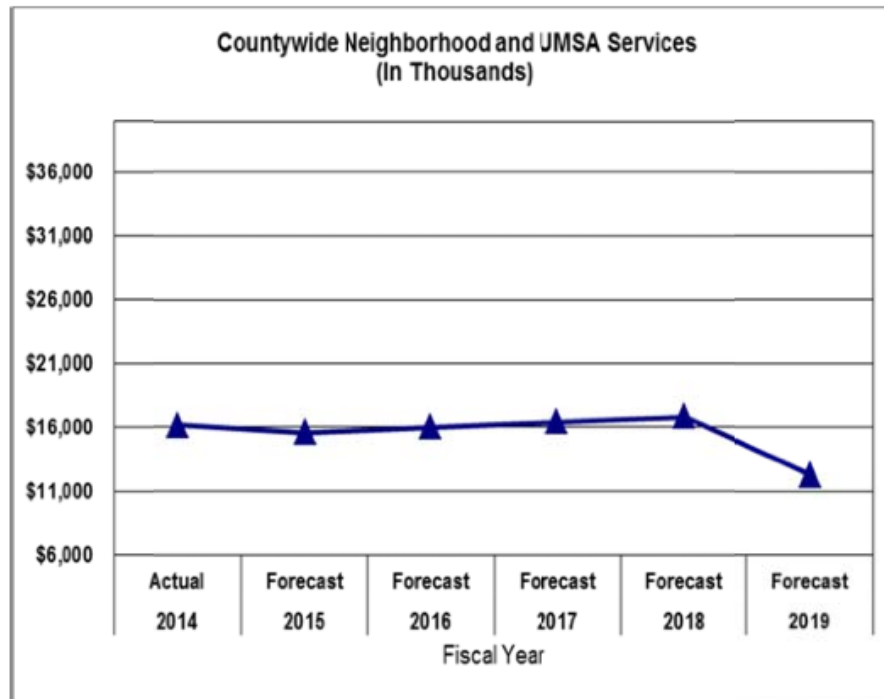
Comments: Revenues are considered 100 percent UMSA. Projections based on historical trends.





# Budget Forecasting - Expenditures

## Neighborhood and Infrastructure



Description: Public Works and Waste Management and Animal Services.

Fiscal Year	Growth
2015-16	2.70%
2016-17	2.50%
2017-18	2.70%
2018-19	-27.10%

Comments: Growth based on the county's inflationary rates and the impact of additional dedicated funding for Animal Services. Final payments to Water and Sewer made in FY 2017-18.

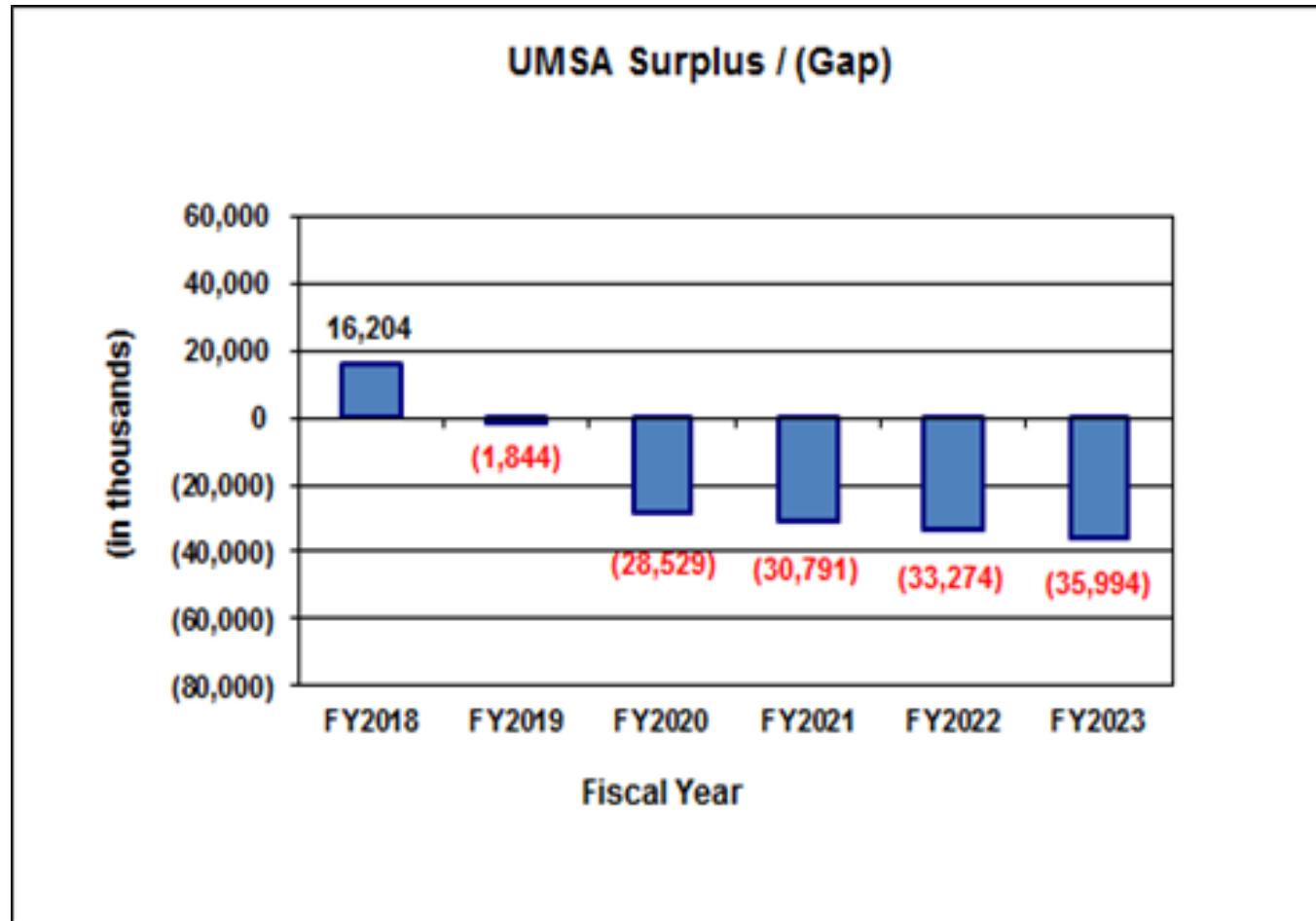


# Budget Forecasting

	2018	2019	2020	2021	2022	2023
	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
<b>COUNTYWIDE</b>						
<b>Revenues</b>						
Property Tax	\$1,207,840	\$1,268,176	\$1,292,119	\$1,350,271	\$ 1,411,040	\$ 1,474,543
Gas Tax	\$70,480	\$71,185	\$71,897	\$72,616	\$ 73,342	\$ 74,075
Carryover	\$21,118	\$39,708	\$51,026	\$0	\$0	\$0
Interest	\$810	\$850	\$867	\$906	\$ 946	\$ 989
State Revenue Sharing	\$50,532	\$65,678	\$67,648	\$69,677	\$ 71,768	\$ 73,921
Administrative Reimb.	\$39,723	\$40,120	\$40,521	\$40,927	\$ 41,336	\$ 41,749
Sales Tax	\$80,111	\$82,514	\$84,989	\$87,539	\$ 90,165	\$ 92,870
Other	\$16,424	\$16,588	\$16,754	\$16,922	\$ 17,091	\$ 17,262
<b>Total Revenues</b>	<b>\$1,487,037</b>	<b>\$1,584,819</b>	<b>\$1,625,822</b>	<b>\$1,638,857</b>	<b>\$1,705,688</b>	<b>\$1,775,409</b>
<b>Expenses</b>						
Public Safety	\$626,358	\$649,084	\$672,423	\$693,399	\$ 715,242	\$ 737,998
Policy Formulation	\$32,725	\$33,919	\$35,145	\$36,245	\$37,391	\$ 38,585
Transportation	\$201,532	\$212,316	\$271,497	\$295,358	\$318,372	\$ 358,569
Recreation and Culture	\$50,458	\$51,937	\$53,410	\$54,736	\$56,121	\$ 57,564
Neighborhood and Infrastructure	\$33,208	\$44,383	\$35,588	\$36,681	\$37,819	\$ 39,002
Economic Development	\$73,943	\$81,173	\$80,722	\$88,483	\$79,711	\$ 72,823
Health & Human Services	\$265,019	\$278,171	\$284,369	\$295,415	\$306,923	\$ 318,913
General Government	\$164,086	\$182,809	\$218,690	\$226,423	\$195,392	\$201,276
<b>Total Expenses</b>	<b>\$1,447,329</b>	<b>\$1,533,793</b>	<b>\$1,651,846</b>	<b>\$1,726,740</b>	<b>\$1,746,972</b>	<b>\$1,824,731</b>
<b>Surplus/Funding Gaps</b>	<b>\$39,708</b>	<b>\$51,026</b>	<b>-\$26,024</b>	<b>-\$87,884</b>	<b>-\$41,284</b>	<b>-\$49,322</b>



# Budget Forecasting



# Proposed Budget

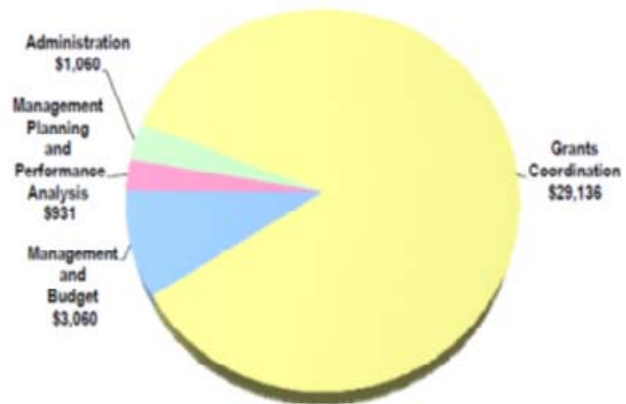
- Budget-In-Brief
  - Includes visual interpretations
- Budget Story
  - Describes the organization, the process, the Proposed Budget
- Summary Data
  - Tables that include operating and capital budget by department for multiple years for comparative purposes
- Narratives
  - Describe each department and portray the budget by activity, illustrating the linkages to the strategic plan



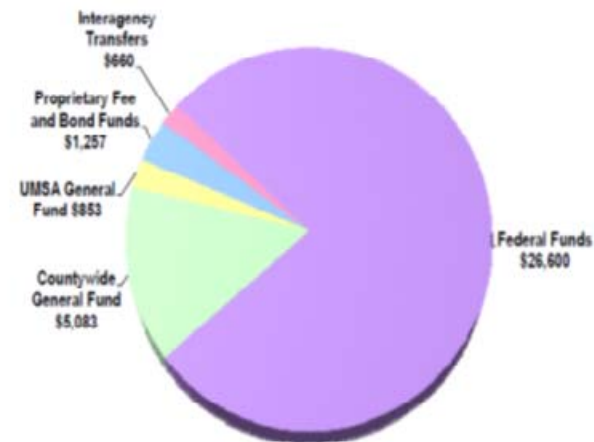
# Budget Narratives

## FY 2017-18 Proposed Budget

**Expenditures by Activity**  
(dollars in thousands)



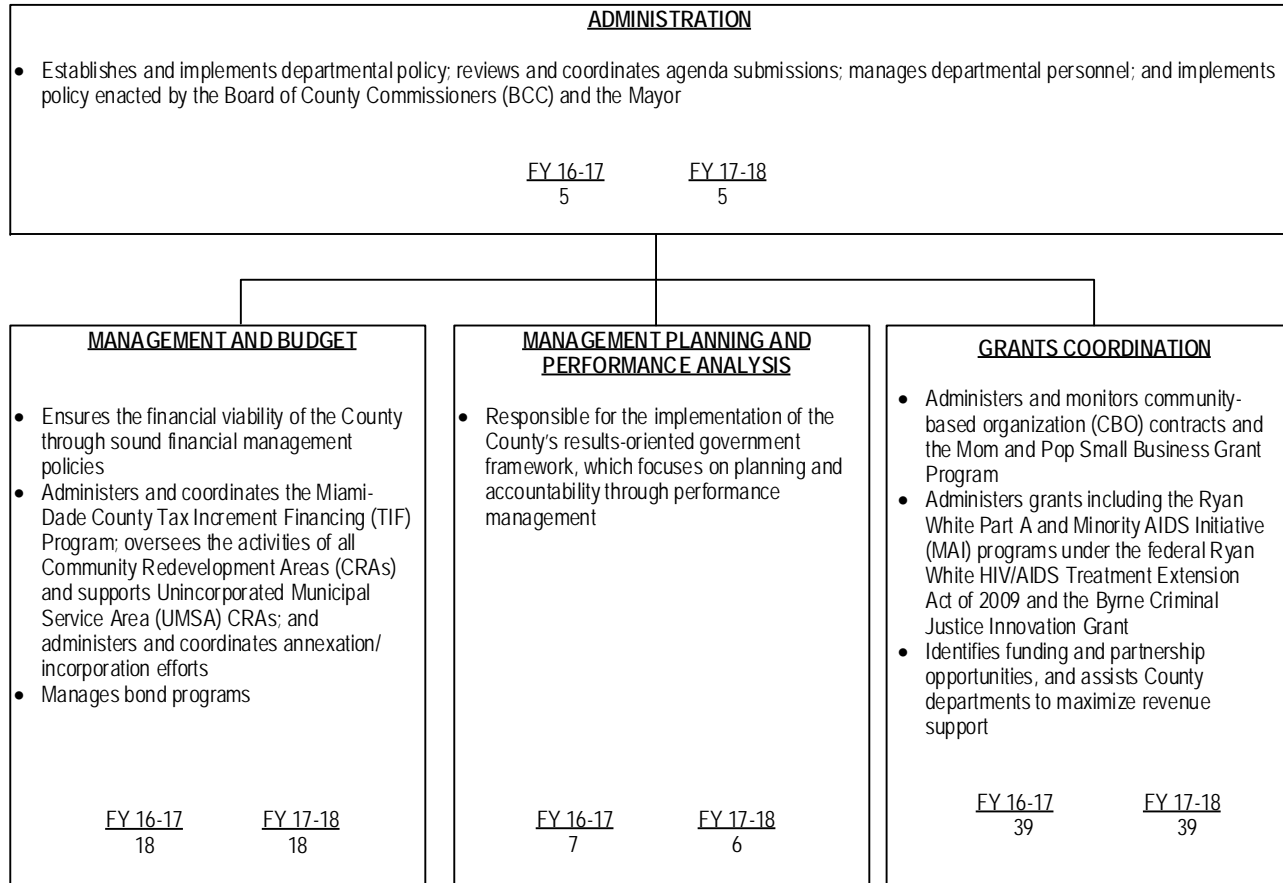
**Revenues by Source**  
(dollars in thousands)





# Budget Narratives

## TABLE OF ORGANIZATION



The FY 2017-18 total number of full-time equivalent positions is 68 FTEs





# Budget Narratives

## FINANCIAL SUMMARY

(dollars in thousands)	Actual FY 14-15	Actual FY 15-16	Budget FY 16-17	Proposed FY 17-18
<b>Revenue Summary</b>				
General Fund Countywide	3,550	3,558	4,432	5,083
General Fund UMSA	1,247	827	929	853
Building Better Communities				
Bond Interest	737	777	900	200
CRA Administrative				
Reimbursement	496	668	707	682
Miscellaneous Revenues	0	300	200	350
QNIP Bond Proceeds	94	30	0	25
Other Miscellaneous Revenues	100	100	100	100
Ryan White Grant	24,373	24,540	26,500	26,500
Interagency Transfers	581	560	417	225
Interfund Transfers	0	0	0	265
Miscellaneous Revenues	0	473	513	170
<b>Total Revenues</b>	<b>31,178</b>	<b>31,833</b>	<b>34,698</b>	<b>34,453</b>

## Operating Expenditures

### Summary

Salary	5,266	6,228	6,565	6,434
Fringe Benefits	1,529	1,316	1,939	2,001
Court Costs	142	89	1	1
Contractual Services	13,370	15,089	0	0
Other Operating	420	2,725	343	324
Charges for County Services	905	669	814	721
Grants to Outside Organizations	9,433	5,709	24,980	24,916
Capital	18	8	56	56
<b>Total Operating Expenditures</b>	<b>31,083</b>	<b>31,833</b>	<b>34,698</b>	<b>34,453</b>

## Non-Operating Expenditures

### Summary

Transfers	0	0	0	0
Distribution of Funds In Trust	0	0	0	0
Debt Service	0	0	0	0
Depreciation, Amortizations and Depletion	0	0	0	0
Reserve	0	0	0	0
<b>Total Non-Operating Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

(dollars in thousands)	Total Funding		Total Positions	
Expenditure By Program	Budget FY 16-17	Proposed FY 17-18	Budget FY 16-17	Proposed FY 17-18
<b>Strategic Area: Health and Human Services</b>				
<b>Strategic Area: General Government</b>				
Administration	1,129	1,060	5	5
Grants Coordination	29,248	29,402	39	39
Management and Budget	3,291	3,060	18	18
Management Planning and Performance Analysis	1,030	931	7	6
<b>Total Operating Expenditures</b>	<b>34,698</b>	<b>34,453</b>	<b>69</b>	<b>68</b>



# Budget Narratives

## DIVISION: MANAGEMENT PLANNING AND PERFORMANCE ANALYSIS

The Management Planning and Performance Analysis Division is responsible for the implementation of the County's results-oriented government framework, which focuses on planning and accountability through performance management.

- Coordinates and supports the County's strategic planning and business planning process
- Coordinates implementation of a Countywide performance management process, which focuses on monitoring and reporting activities; coordinates departmental performance reporting
- Conducts management, organizational, and process reviews with operating department personnel, utilizing best practice research
- Conducts and monitors management efficiency projects, including gainsharing programs
- Administers the Management Advisory Consulting Services Pool
- Coordinates the review of Implementing Orders and Administrative Orders and facilitates placement in the budget documents or preparation of agenda items for Board consideration

### Strategic Objectives - Measures

- GG4-2: Effectively allocate and utilize resources to meet current and future operating and capital needs

Objectives	Measures			FY 14-15	FY 15-16	FY 16-17	FY 16-17	FY 17-18
				Actual	Actual	Budget	Projection	Target
Improve alignment and performance of strategic priorities throughout the County	Percentage of Strategic Plan Objectives supported by department business plans	EF	↑	87%	93%	90%	95%	95%
	Average number of active users of the County performance management system	IN	↔	799	869	800	800	800
Identify opportunities to improve County operations	Performance analysis projects completed	OC	↑	13	10	12	13	11
	Percentage of active management and supervisory employees with Lean Six Sigma training	OC	↑	7.7%	9.1%	8.75%	10.25%	10.5%



# Budget Narratives

<u>Department Operational Unmet Needs</u>			
Description	(dollars in thousands)		Positions
	Startup Costs/ Non Recurring Costs	Recurring Costs	
Hire two Senior Business Analysts and one Assistant Business Analyst to address the increased workload due to the incorporation efforts being considered	\$10	\$380	3
Hire one Senior Business Analyst and one Business Analyst to allow for more comprehensive budget and performance monitoring	\$15	\$415	2
Hire three Contracts Officers to perform enhanced monitoring of community-based organizations	\$10	\$225	3
<b>Total</b>	<b>\$35</b>	<b>\$1,020</b>	<b>8</b>





# Budget Narratives

## CAPITAL BUDGET SUMMARY

(dollars in thousands)	PRIOR	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FUTURE	TOTAL
<b>Revenue</b>									
BBC GOB Financing	34,864	13,021	20,522	5,264	3,528	2,500	0	14,503	94,202
BBC GOB Series 2005A	1,057	0	0	0	0	0	0	0	1,057
BBC GOB Series 2008B	1,103	0	0	0	0	0	0	0	1,103
BBC GOB Series 2008B-1	3,483	0	0	0	0	0	0	0	3,483
BBC GOB Series 2011A	22,492	0	0	0	0	0	0	0	22,492
BBC GOB Series 2013A	8,759	0	0	0	0	0	0	0	8,759
BBC GOB Series 2014A	17,470	0	0	0	0	0	0	0	17,470
Capital Asset Series 2007 Bond Proceeds	39,657	3,986	0	0	0	0	0	0	43,643
Capital Asset Series 2010 Bonds	69,877	0	0	0	0	0	0	0	69,877
Capital Outlay Reserve	250	0	0	0	0	0	0	0	250
Comm. Dev. Block Grant	645	16	0	0	0	0	0	0	661
Department Operating Revenue	320	0	0	0	0	0	0	0	320
FEMA Hazard Mitigation Grant	438	0	0	0	0	0	0	0	438
FUMD Work Order Fund	1,466	325	0	0	0	0	0	0	1,791
ISD Operating Revenue	5,264	1,290	383	0	0	0	0	0	6,937
<b>Total:</b>	<b>207,145</b>	<b>18,638</b>	<b>20,905</b>	<b>5,264</b>	<b>3,528</b>	<b>2,500</b>	<b>0</b>	<b>14,503</b>	<b>272,483</b>
<b>Expenditures</b>									
<b>Strategic Area: PS</b>									
Computer and Systems Automation	0	600	0	0	0	0	0	0	600
Facility Improvements	4,026	117	0	0	0	0	0	0	4,143
<b>Strategic Area: RC</b>									
Facility Improvements	50	650	0	0	0	0	0	0	700
<b>Strategic Area: NI</b>									
Infrastructure Improvements	645	16	0	0	0	0	0	0	661
<b>Strategic Area: HH</b>									
New Affordable Housing Units	65,439	8,770	14,908	0	0	0	0	3,211	92,328
<b>Strategic Area: ED</b>									
Community Development Projects	1,203	577	2,914	2,364	0	0	0	1,292	8,350
<b>Strategic Area: GG</b>									
ADA Accessibility Improvements	4,257	1,014	1,000	1,000	1,028	0	0	0	8,299
Computer and Systems Automation	1,000	500	0	0	0	0	0	0	1,500
Facility Improvements	14,707	1,303	400	400	0	0	0	0	16,810
Fleet Improvements	4,113	590	0	0	0	0	0	0	4,703
Infrastructure Improvements	151	200	383	0	0	0	0	0	734
New Facilities	108,683	3,972	1,000	1,500	2,500	2,500	0	10,000	130,155
Physical Plant Improvements	2,871	329	300	0	0	0	0	0	3,500
<b>Total:</b>	<b>207,145</b>	<b>18,638</b>	<b>20,905</b>	<b>5,264</b>	<b>3,528</b>	<b>2,500</b>	<b>0</b>	<b>14,503</b>	<b>272,483</b>



# Budget Narratives

## AMERICANS WITH DISABILITIES ACT BARRIER REMOVAL PROJECTS - BUILDING BETTER COMMUNITIES BOND PROGRAM

PROJECT #: 114964



DESCRIPTION: Remove architectural barriers in County parks and County-owned buildings to increase access for people with disabilities  
 LOCATION: Various Sites District Located: Countywide  
 Various Sites District(s) Served: Countywide

REVENUE SCHEDULE:	PRIOR	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	FUTURE	TOTAL
BBC GOB Financing	660	1,000	1,000	1,000	1,028	0	0	0	4,688
BBC GOB Series 2005A	720	0	0	0	0	0	0	0	720
BBC GOB Series 2008B	900	0	0	0	0	0	0	0	900
BBC GOB Series 2008B-1	586	0	0	0	0	0	0	0	586
BBC GOB Series 2011A	368	0	0	0	0	0	0	0	368
BBC GOB Series 2013A	127	0	0	0	0	0	0	0	127
BBC GOB Series 2014A	45	0	0	0	0	0	0	0	45
<b>TOTAL REVENUES:</b>	<b>3,406</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>	<b>1,028</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,434</b>
EXPENDITURE SCHEDULE:	PRIOR	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	FUTURE	TOTAL
Construction	2,178	728	833	829	949	0	0	0	5,516
Permitting	41	0	0	0	0	0	0	0	41
Planning and Design	843	84	0	0	0	0	0	0	927
Project Administration	294	90	78	69	32	0	0	0	562
Project Contingency	50	98	90	103	47	0	0	0	388
<b>TOTAL EXPENDITURES:</b>	<b>3,406</b>	<b>1,000</b>	<b>1,000</b>	<b>999</b>	<b>1,028</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,434</b>



# Budget Narratives

## UNFUNDED CAPITAL PROJECTS

PROJECT NAME	LOCATION	(dollars in thousands)
		ESTIMATED PROJECT COST
140 WEST FLAGLER BUILDING - VARIOUS BUILDING IMPROVEMENTS	140 W Flagler St	3,500
911/311 ANSWERPOINT, TECHNOLOGY AND TRAFFIC CENTER (LIGHTSPEED) FUTURE PHASES	11500 NW 25 St	43,700
FACILITIES - REPAIR AND MAINTENANCE	Various Sites	113,000
FLEET FACILITIES - CAPITAL IMPROVEMENTS	Various Sites	189,247
UNFUNDED TOTAL		349,447





# Questions and Comments

## Thank you!

### Our Website:

<http://www.stage8.miamidade.gov/sites/departments/management/2017-18-proposed-budget.page>

