
**REPORT OF THE
CITIZENS' CHARTER REVIEW ADVISORY GROUP
ON THE DADE COUNTY CHARTER**

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I. INTRODUCTION

The Metropolitan Dade County Citizens' Charter Review Advisory Group (the "Advisory Group") was created in January 1989. The Advisory Group, according to the Resolution of the Board of County Commissioners that created it, was to consist of seventeen members, one to be appointed by each commissioner, with the remaining members to be appointed by the Chairman of the Internal Management Committee, Commissioner Larry Hawkins. As required by the Resolution, the Advisory Group reflected the various segments of Metropolitan Dade County, and included among its members representatives of every major ethnic group, representatives of several of the County's largest municipalities, and representatives of associations of homeowners who live in unincorporated Dade County. All the members of the Advisory Group shared a strong commitment to a more effective and more representative government; they brought to the task at hand a willingness to conduct a thorough review of the Charter of Metropolitan Dade County to determine whether any structural changes to Dade County government were necessary to better serve those ends.

Because so much has been written about the subjects discussed by the Advisory Group, and because most of what has been written is set forth in the bibliography to this Report and readily available, this Report will not engage in a review

of the history of the County Charter, nor will it attempt to function as a scholarly treatise on government structure. Instead, it is submitted as our Report of our proceedings, deliberations, and recommendations to the Internal Management Committee regarding the matters we were assigned to review.

II. THE ADVISORY GROUP'S HEARINGS

The Advisory Group conducted eleven meetings to discuss the Charter, to review any proposed changes to the Charter, to hear presentations by various experts and, at two public hearings, to hear the opinions of citizens regarding certain proposed changes to the Charter. In addition to receiving the benefit of the comments of its seventeen members, all of whom are active in civic affairs, the Advisory Group heard testimony from twenty-two other witnesses, including five who could be characterized as experts in their field.

The committee staff also compiled a significant volume of written materials for distribution to members of the Advisory Group, for those members to peruse and incorporate into their decision-making process.

In keeping with the charge received by the Advisory Group from Commissioner Larry Hawkins, on behalf of the Internal Management Committee, the Advisory Group deliberations were structured to include the following:

- a) Consideration of changes in the method of election of County Commissioners and associated matters.
- b) Consideration of changes in the duties and responsibilities of the Mayor and associated matters.
- c) Consideration of certain changes recommended by the County Attorney and County Manager.

- d) Consideration of other changes, if any, that might be required to "modernize" the Dade County Charter.

Accordingly, the Advisory Group's Report will set forth its recommendations in the four areas described above. Before that is done, however, an explanation of the nature of those recommendations is necessary.

In keeping with the Advisory Group's assigned role, the changes recommended in this report are recommended with two conditions. First, the principle embodied in each recommendation (e.g., electing some commissioners from "single-member districts") are of greater importance than specific recommendations (e.g., the number of commissioners to be elected from districts and the number to be elected at large). Second, the recommendations of the Advisory Group, once they have been reviewed by the Internal Management Committee, should serve as a catalyst for a discussion of the issues embodied in these recommendations at various public forums throughout Dade County. It is hoped that through this method of reviewing the proposed changes to the Metropolitan Dade County Charter, the recommendations can best be tested and refined before proposals for Charter amendments are placed on the ballot.

III. RECOMMENDATIONS FOR AMENDMENTS TO THE METROPOLITAN DADE COUNTY CHARTER

a) Recommendations Regarding The Election of County Commissioners and Associated Matters.

One of the principal possible amendments to the Dade County Charter considered by the Advisory Group was a proposal to elect some or all of the members of the Board of County Commissioners from districts. This possibility, more than any other proposed Charter change, gave rise not only to vigorous debate, but to a great deal of public interest and comment.

As the Committee is well aware, the current Charter provides for the election of County Commissioners by all the voters of Dade County ("at large"), although the Charter creates eight geographic commission districts, and requires that one commissioner be elected from (i.e., reside in) each of those districts.

As a result, the Advisory Group considered the three possible alternative methods for the election of commissioners:

- The current system of at-large voting with geographic residency districts.
- Electing all commissioners at large, with no requirement that they live in districts.
- Electing some or all commissioners from "single-member districts."

In this Report, the term "single-member districts" refers to a system of electing members of the Board by the majority vote of the residents of a limited geographic area, in which the member of the Board also must reside.

Surprisingly, there was very little sentiment for leaving things as they are, and none at all for electing commissioners at large without a requirement that they live in any particular district. Consequently, the Advisory Group's debate focused on the issue of whether the Board of County Commissioners should be elected from single-member districts only, or whether there should also be some members of the Board elected at large, with or without a geographic restriction on their residency.

The arguments advanced in favor of having at least some single-member districts were, in essence, the same arguments advanced in support of using single-member districts as the sole method of electing members of the Board. In the opinion of the supporters of elections from single-member districts, that method of election has the following salutary effects on government:

- a) Citizens feel that they have more direct impact on County government because the votes from their geographic area alone elect a member of the Board.
- b) Residents of a district feel that, regarding any neighborhood issues, ethnic issues, or land-use issues that affect their district, they will be represented by a member of the Board who shares their views.

- c) Members of the Board will be more "accountable" to the voters in the sense that a member of the Board will not be able to reside in, and allegedly represent, residents of a district in which he or she does not receive the majority of votes.

In regard to all of the beneficial effects mentioned above, the Advisory Group was particularly concerned with the importance of fair representation, and a fair chance of election, being granted to Black and other minority-group residents of Dade County. No Black has been elected to the Board without first having been appointed and later running as an incumbent. Consequently, in determining the number of single-member districts, and in determining their boundaries, the Advisory Group was of the strong opinion that the criteria for drawing single-member districts should reflect this desire for fair representation. It would be ironic indeed if, through gerrymandering, single-member districts were drawn to defeat the very purposes that motivated their creation.

A slight majority of the members of the Advisory Group were of the opinion, however, that a system of electing members of the Board only from single-member districts would have an unintended deleterious side-effect: the creation of "Chicago-style ward politics." Debate on whether to recommend that some members of the Board should be elected at large was very vigorous, as a significant minority felt that any deviation from the system of electing all members of the Board

from single-member districts was merely an attempt to slow changes that the minority felt were both beneficial to government in Dade County, and long overdue. Nonetheless, the majority of the Advisory Group thought that a system that combined single-member districts with a few members of the Board being elected at large would best accommodate the conflicting desires and political agendas of Dade County's many interest groups.

Finally, the Advisory Group grappled with the issue of how many commissioners should be elected from districts, and how many at large. While the majority of the group came to the conclusion that ten single-member districts, with two members of the Board elected at large, was the most effective compromise, the number of districts is not of crucial importance, so long as the effects sought to be achieved by the creation of single-member districts are preserved. The Advisory Group also believes that only a few members of the Board need to be elected at large to preserve the "county-wide perspective" that such members might bring to the Board's deliberations, particularly in view of the fact that there is an additional member of the Board, the Mayor, who is elected at large. In summary, the Advisory Group recommends the following

changes to the provisions of the Dade County Charter relating to the election of members of the Board of County Commissioners:

- That the number of members of the Board be increased from nine to thirteen (twelve commissioners and a mayor).
- That ten of the members of the Board be elected from single-member districts.
- That two members of the Board be elected at large, with no restrictions whatsoever on the residency of those two members, and that no individual serve more than two consecutive terms as a commissioner elected at large.
- That the provision of the Charter providing the members of the Board with a salary of \$6,000.00 per year, which has been unchanged since 1957, be eliminated, and that the members of the Board be paid whatever county commissioners in a non-charter county of similar population would be paid.

Suggested language enacting these Charter amendments is contained in the appendix to this Report.

b) Recommendations Regarding the Office of Mayor and Associated Matters

The second major area of interest which the Advisory Group was asked to consider was the responsibilities assigned to the Mayor. Through the years numerous proposals have been made to "strengthen" the office of Mayor by assigning to the Mayor additional duties and responsibilities beyond those few which the Mayor currently has under the Dade County Charter.

The Dade County Charter adopted the "council-manager" form of government, or in our case, the Board of County Commissioners-County Manager system, in which an appointed, professional County Manager functions as the administrative head of government, a Board of County Commissioners functions as a policy-setting legislative body, and the Mayor, except for chairing board meetings and reporting on the state of the County, has the same duties as any other member of the Board. Although at one time the "council-manager" system was clearly the trend, the number of governments using that system is no longer on the increase, and the "council-manager" system is most common in smaller communities. Indeed, Dade County is the most populous jurisdiction with the "council-manager" form of government.

Most of the country's older and larger governmental units, and about half of all local governments, adhere to some form of the "strong mayor" system, in which the Mayor serves as a chief executive, usually is not a voting member of the commission,

and is in charge of running the day-to-day administration of the government through various appointed subordinates.

Obviously, both systems have their supporters, and both points of view were strongly advocated by witnesses who appeared before the Advisory Group. The perceived benefits and detriments of each system can easily be summarized.

The council-manager system was adopted to get politics out of the day-to-day decision-making process of government. In the view of its proponents, this system installs professional managers to make decisions on day-to-day management matters that really should not be influenced by politics, such as road repair, police and fire service, and the like. Those who favor the council-manager system fear that a strong mayor could possibly be subject to political influence and, consequently, that citizens who have little or no political influence might not be adequately served by their government.

Proponents of the strong-mayor form of government stress the accountability of the decision maker that it provides. In the council-manager system, the person who must be approached regarding management of local government, and the person who should be held responsible for most failures in local government, is not accountable to the voters. Although theoretically the voters could influence the manager with their vote for members of the Board of County Commissioners, in practice there are too many other issues that influence that

vote for the manager to be directly affected. Additionally, the strong mayor form of government is viewed by some as more efficient, because Commission approval of actions is needed less frequently.

After an extended debate, the Advisory Group determined that any dramatic increase in the powers of the Mayor would be unwise. A majority of the members of the Advisory Group were of the opinion, however, that some increase in the duties and responsibilities of the Mayor would provide the accountability necessary for citizens to feel they can have an impact on the operations of the government, and would help prevent the development of factions on a Commission composed principally of single-member district commissioners, without raising much danger of the injection of political considerations into day-to-day management decisions. Accordingly, the Advisory Group has recommended the following Charter amendments:

- That the Mayor be charged with the duty of appointing the County Manager when there is a vacancy, such appointment to require ratification by a majority of the Board.
- That the Mayor be given the responsibility of presenting a budget to the Board, and the ability to veto specific items in the budget.
- That the Mayor's power to organize the Board into committees be recognized.

- That, in recognition of the increased duties and responsibilities, the Mayor be paid a salary ten percent greater than the salary paid to other members of the Board.
- That the Mayor continue to be a voting member of the Board, and to chair the Board's meetings.

Suggested language enacting these Charter amendments is contained in the appendix to this Report.

**c) Recommendation Regarding Charter Amendments
Suggested by the County Attorney and County
Manager.**

In number, if not in significance, a majority of the Charter amendments recommended by the Advisory Group were initiated by the County Manager or the County Attorney. The great bulk of those changes can be characterized as technical, such as making any references to gender neutral, deleting references to State agencies that no longer are in existence, and the like.

There were several changes suggested by either the County Attorney, or County Manager, or individual Advisory Group members that could not be characterized as merely technical, however, and it is important that they be discussed in this Report. Each bold-faced heading denotes a section of the Charter affected by a proposed amendment. The text of each proposed amendment is contained in the appendix to this Report.

Citizens' Bill of Rights, Section (A)(8)

The proposed change to this section, regarding public hearings, in addition to making a technical change in its reference to the Florida Rules of Appellate Procedure, provides that parties "or their representatives" are entitled to present a case at a public hearing. The purpose of this change is to permit certain associations who are not represented by counsel to appear through someone acting in a representative capacity on behalf of the association.

Citizens' Bill of Rights, Section (AX12)

The proposed change to this section recognizes that budget reporting information is constantly updated by computer and, as a matter of fact, is generally available to the public at any time. Nevertheless, the requirement of a public report at least every quarter is retained.

Citizens' Bill of Rights, Section (AX14)

The proposed change to this section would permit, instead of require, regional offices in order to create greater flexibility regarding decisions requiring the expenditure of funds.

Citizens' Bill of Rights, Section (AX16)

The proposed revision of this section requires representation of the interests of the county and its residents only when the Commission deems such representation to be necessary.

Article 1, Section 1.01 (AX11)

The proposed change in this section provides greater flexibility regarding the functions of special purpose districts and their funding.

Article 1, Section 1.01 (A)(14)

The proposed change to this section eliminates the referendum requirement for franchises, although a 2/3 majority vote of the Board is still required.

Article 1, Section 1.02 (A)

The proposed revision to this section, in addition to some technical changes, provides that all actions taken by the Board, unless otherwise specified, require a majority vote of all members of the Board currently holding office.

Article 1, Section 1.05(A)

The change in this section requires a commissioner's attendance at seventy percent of Board meetings within a fiscal year, unless there is good cause for the absences.

Article 2, Section 2.01(A)

Prior to the conclusion of its deliberations, the Advisory Group voted to recommend that the elections for all commissioners -- should there be a change instituted creating some single-member districts -- shall take place at the time of the State primary election in 1992. The Advisory Group was of the strong opinion that, because each resident of a district would be voting for, at most, one district commissioner, two at-large commissioners and the mayor, there would be no need

for staggered terms for commissioners. To hold the election in 1990, however, might unjustifiably interfere with the expectation of current members of the Board, as well as the voters who elected them, that the commissioner would serve four years in his current position. If this change is enacted, by contrast, commissioners elected in 1990 would know before they ran that they were seeking a two-year term, and would be able to make whatever arrangements they felt were necessary to prepare themselves to run under the new system to be instituted in 1992. Another advantage of delaying the implementation of single-member districts until 1992 is that by then the results of the 1990 census should be available, and districts can be drawn based on the most current information.

Article 3, Section 3.04

This proposed amendment, passed by a 5-4 vote of the Advisory Group, would prohibit the County Manager from employing anyone at a salary greater than the Manager's salary.

Article 4, Sections 4.01, 4.02

The proposed change to this section gives the Manager broad authority to create rules and regulations regarding County administration. The Manager no longer will be required to establish departments of finance, personnel, planning, or law.

Importantly, the Manager will be permitted to create, merge, combine or abolish departments without Commission approval.

Article 4, Section 4.08 (A)-(C)

The revision of this section will permit the Board of County Commissioners to create any boards it deems necessary, and will remove the requirement that it create any specific boards.

Article 7, Section 7.01

This section has been the subject of extensive proposed revisions. In addition to the technical changes, substantive changes include the requirement that any ordinance proposed by initiative be within the subject-matter jurisdiction of the Commission; that the approval by the Commission of a proposal relate only to form and legal sufficiency; that voters who have been purged from the registration rolls do not count in determining whether the required voters' signatures have been obtained; that all petition forms must be submitted at one time to the Supervisor of Elections; that the time for adopting a proposal or requiring an election be extended from thirty days to forty-five days after a sufficient petition is presented; and that the effective date of a proposal passed by referendum be the date the canvassing board certifies the election.

d) Recommendations Regarding Other Proposed Amendments.

The Advisory Group heard numerous other suggestions for Charter amendments, ordinances, and the like, none of which are the subject of the Recommendations contained in this report and its appendices. That does not mean, however, that these suggested changes are either unimportant or unnecessary; in many cases they were rejected merely because it was the opinion of the Advisory Group that the Charter should remain a streamlined blueprint for government, serving as Metropolitan Dade County's analog to the United States Constitution. Many of the more specific suggestions received by the Advisory Group appropriately should be proposed, if at all, as additions to, or amendments of, the Metropolitan Dade County Code as a matter of principle, as a matter of logic, and for ease of future revision.

Among the many other proposed changes that were brought to the attention of the Advisory Group, but not included in its recommendations, were the following:

- Instituting partisan elections for Mayor and County Commission.
- Limiting the number of terms a Mayor or Commissioner may serve.
- Limiting campaign expenditures in campaigns for Mayor or County Commission.
- Limiting Commissioners' staff expense.

- Requiring Commissioners to have offices in their districts.
- Establishing procedures for public hearings regarding the presentation of evidence and limitation on rebuttal.
- Requiring that more definite times be specified for various items on the agenda for meetings of the Board so that interested citizens do not need to take off an entire day or even more to address issues of interest to them.
- Preventing Commissioners from leaving meetings and missing votes, yet returning to vote on other items at the same meeting.
- Establishing an independent Ombudsman to represent citizens in connection with any grievances they may have regarding County government.
- Establishing special service districts or new municipalities in the unincorporated areas.

Although none of these ideas are included in the Advisory Group's Recommendations to the Internal Management Committee, we do recommend that they receive further study by the Internal Management Committee for possible adoption as amendments or additions to the Metropolitan Dade County Code.

PROPOSALS

SECTION 1.03 DISTRICTS.

- A. There shall be ten Commission districts. The initial boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof, which shall be determined according to (B) below.
- B. Before the State primary elections in 1992, and at least every ten years thereafter, the Commission shall by ordinance adopted by two-thirds vote of the members of the Commission fix the boundaries of the districts to insure to the maximum extent possible that each segment of the community is represented. The district boundaries also shall take into account the following other factors, listed in order of their priority:

1. Each district shall include one-tenth of the County's residents, determined by reference to the most recent report of the Governor pursuant to Florida Statute 186.901, with a five percent variation permitted if necessary to conform to requirements (1), (2) and (3); and
2. The boundaries shall not result in the placement of residents of a municipality into separate Commission districts unless necessary to equalize the population of each district; and
3. The boundaries should not result in the placement of residents of a neighborhood (meaning an area characterized by its unique character or land use) into separate Commission districts.

SECTION 1.03. DISTRICTS

- A. There shall be eight-County Commission districts. The initial boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof.
- 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.

SECTION 1.04. COMPOSITION OF THE BOARD

The Board shall consist of nine members elected as follows:

1. From each of the eight districts there shall be elected by the qualified electors of the county-at-large a County Commissioner who shall be a qualified elector residing within the district at least six months and within the county at least three years before qualifying.
2. There shall be elected by the qualified electors of the county at large a Mayor who shall be a qualified elector residing within the county at least three years before qualifying. The Mayor shall also serve as a member of the Board and shall be subject to all restrictions provided in this Charter applying to all other commissioners.

Beginning with the state primary election in 1968, the Mayor and each Commissioner shall be elected for a term of four year.

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 renoves

SECTION 1.04. COMPOSITION OF THE COMMISSION

The Commission shall consist of thirteen members, elected as follows:

1. From each of the ten districts there shall be elected by the qualified electors of the district a Commissioner who shall be a qualified elector residing within the district at least six months and within the County at least three years before qualifying.
2. There shall be elected by the qualified electors of the County at large two Commissioners who shall be qualified electors residing within the County at least three years before qualifying. No Commissioner elected at large shall serve more than two consecutive terms.
3. There shall be elected by the qualified electors of the County at large a Mayor who shall be a qualified elector residing within the County at least three years before qualifying. The Mayor shall also serve as a member of the Commission and shall be subject to all restrictions provided in this Charter applying to all other Commissioners.

Beginning with the state primary elections in 1968, the Mayor and each Commissioner shall be elected for a term of four years.

- A. Any member of the Commission who ceases to be a voter of the county or moves

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. Any Commissioner except the Mayor who ceases to reside in the district which he represents shall also 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 the 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 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.

SECTION 1.06. SALARY

Each County Commissioner shall receive a salary of \$6,000 per year payable monthly and shall be entitled to be reimburse for such reasonable and necessary expenses as may be approved by the Board.

from the county or from his or her commission district, or who fails to attend at least 70% of all required meetings within a fiscal year without good cause, shall immediately forfeit the office of Commissioner. Any Commissioner except the Mayor who ceases to reside in the district which he or she represents shall also immediately forfeit the office.

Should conform to State law.

Should conform to State law.

SECTION 1.06 SALARY

A. Each Commissioner shall receive a salary in the amount provided for non-charter county commissioners by Florida law and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Commission.

B. The Mayor shall receive a salary in an amount ten percent more than the salary paid to members of the Commission.

SECTION 1.07. VACANCIES

Any vacancy in the office of Mayor or the other 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 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 45 days thereafter to permit the registered electors to elect commissioners to succeed the appointed members or otherwise prohibited by the Charter. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

SECTION 1.08. ORGANIZATION OF THE BOARD

The Mayor shall be Chairman of the Board. The Board shall select a vice-chairman who shall serve at the pleasure of the Board and who shall be known as Vice Mayor. The Clerk of the Circuit Court or his deputy shall serve as clerk of the Board. No action of the Board shall be taken except by a majority vote of those present at a meeting at which a majority of the commissioners then in office is present. All meetings shall be public.

Any vacancy in the office of Mayor or Commissioner shall be filled by majority vote of the members of the Commission within 30 days, or the Commission shall call an election to be held not more than 90 days from the date the vacancy was created. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. Upon a majority of the members of the Commission becoming appointed rather than elected to office, then the Commission shall forthwith call an election to be held within 90 days to permit the registered electors to elect Commissioners. If a county-wide election is scheduled to be held within 180 days from the date on which a majority of the members of the Commission become appointive, the Commission may defer the required election until the scheduled county-wide election.

SECTION 1.08. ORGANIZATION OF THE COMMISSION

The Mayor shall be Chairperson of the Commission. The Commission shall select a vice chairperson who shall serve at the pleasure of the Commission and who shall be known as Vice Mayor. The Clerk of the Circuit Court or a deputy shall serve as Clerk of the Commission. No action of the Commission shall be taken except by a majority vote of those present in compliance with its rules or such other vote as may be required by Charter or ordinance or state law. All meetings shall be public.

SECTION 1.09. MAYOR TO REPORT TO CITIZENRY.

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 County Commissioners and the County Manager.

The Mayor shall prepare and deliver a report at a scheduled Commission meeting on the state of the County to the people of the County between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners and the Manager.

(New)SECTION 1.10. POWERS OF THE MAYOR

A. The Mayor shall have the following powers:

1. To appoint the Manager. The appointment of the Manager must be approved by the Commission and if it is disapproved the appointment shall be void, and the Mayor shall make a new appointment, which shall likewise be submitted for approval by the Commission. The right to suspend, remove or discharge the Manager, with or without cause, is reserved at all times to the Commission.
2. To propose a budget, and to veto within ten (10) days of final adoption of the budget, any particular item in the budget approved by the Commission; however, the Commission may, at the next regularly scheduled Commission meeting after the veto occurs, override that veto by a vote of three-fourths of the members of the Commission currently holding office, which vote must include at least one member of the Commission elected at large.
3. To execute contracts, sign bonds, accept process, and carry out Commission policy.
4. To organize the Commission into committees.

ARTICLE-2

ELECTIONS

SECTION 2.01. ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

A. Unless otherwise provided in the Charter, beginning in 1976, the election of the Mayor and the County Commissioners from four County Commission districts to be selected by voluntary arrangement or by lot prior to June 1, 1976 shall be held at the time of the state primary elections in 1976 and every four years thereafter at the same time. The County Commissioners from the other four County Commission districts shall also be elected in 1976 in the same manner, but only for two year terms; the election of County Commissioners from these four County Commission districts will be held again in 1978 and every four years thereafter at the time of the state primary elections.

B. A candidate must receive a majority of the votes cast to be elected. If no candidate receives a majority of the votes cast there will be a runoff election at the time of the state second primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, the terms of office of the Mayor and the other County Commissioners shall commence ~~on the second~~-Tuesday next succeeding the date provided for the state second primary election.

SECTION 2.02. ELECTION OF COUNTY COMMISSIONERS FROM MUNICIPALITIES.

Repealed at special election November 5, 1963.

SECTION 2.01. ELECTION AND COMMENCEMENT OF TERMS OF COMMISSIONERS.

A. (Delete in its entirety)

(New) A. Elections for all Commissioners shall take place at the time of the State primary election in 1992 and every four years thereafter. Commissioners elected in 1990 shall serve for two years.

C. Except as otherwise provided in this Charter, the terms of office of the Mayor and the other Commissioners shall commence at the Commission meeting next succeeding the date provided for the state second primary election.

SECTION 2.02. (Delete in its entirety)

SECTION 2.03. NONPARTISAN ELECTIONS.

All elections for Mayor and the other members of the Commission Board shall be nonpartisan and no ballot show the party designation of any candidate. No candidate shall be required to pay any party assessment or state the party of which he the candidate he is a member or the manner in which he the candidate he voted or will vote in any election.

SECTION 2.04. QUALIFICATIONS AND FILING FEE.

All candidates for the office of Mayor or County Commissioner shall qualify with the Clerk of the County Board prior to the date of the election at which he or she 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.

SECTION 2.05. INVALIDITY.

Repealed at special election November 5, 1963.

SECTION 2.06. ADDITIONAL REGULATIONS AND STATE LAWS.

- A. The Commission Board may adopt by ordinance any additional regulations governing elections not inconsistent with this Charter.
- B. Except as otherwise provided by this Charter or by ordinance adopted hereunder the provisions of the election laws of this state shall apply to elections held under this Charter.

All candidates for the office of Mayor or Commissioner shall qualify with the Supervisor of Elections during the state qualification period for county offices prior to the election at which he or she 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.

SECTION 2.05. (Delete in its entirety)

SECTION 2.07. CANVASSING ELECTIONS.

All elections under this Charter shall be canvassed by the County Canvassing Board as provided under the election laws of this state.

ARTICLE-3

THE COUNTY MANAGER

SECTION 3.01. APPOINTMENT AND REMOVAL.

The Board-of-County Commissioners shall appoint a County Manager who shall be the chief executive officer and head of the administrative branch of the county government. The Commission Board shall fix the Manager's compensation, and the Manager he shall serve at the will of the Commission Board.

Eliminate gender reference.

SECTION 3.02. QUALIFICATIONS.

The Manager shall be chosen by the Commission Board on the basis of his executive and administrative qualifications. At the time of his appointment he the Manager need not be a resident of the state. No County Commissioner shall be eligible for the position of Manager during or within two years after the expiration of his the Commissioner's latest term as Commissioner.

Eliminate gender reference.

SECTION 3.03. ABSENCE OF MANAGER.

The Board Commission may designate a qualified administrative officer of the county to assume the duties and authority of the Manager during periods of temporary absence or disability of the Manager.

SECTION 3.04. POWERS AND DUTIES.

A. The Manager shall be responsible to the Board of County Commissioners for the administration of all units of the county government under his jurisdiction, and for carrying out policies adopted by the Board. The Manager, or such other persons as may be designated by resolution of the Board, shall execute contracts and other instruments on behalf of the County and shall be responsible for the performance of the same.

A. The Manager shall be responsible to the Commission for the administration of all units of the county government under the Manager's jurisdiction, and for carrying out and enforcing all policies and directives of the Commission. The Manager may appoint and remove such assistants as may be necessary in order that the Manager's duties may be performed properly.

B. Unless otherwise provided for by civil service rules and regulations, the Manager shall have the power to appoint and suspend all administrative department heads of the major departments of the County, to wit: Tax Collector, Tax Assessor, Department of Public Works, Department of Public Safety, Building and Zoning Department, Planning Department, Finance Department, Park and Recreation Department and Internal Auditing Department; except that before any appointment shall become effective, the said appointment must be approved by the County Commission and if the same is disapproved the said appointment shall be void. In the event such appointment shall be disapproved by the County Commission the appointment shall forthwith become null and void and thereupon the County Manager shall make a new appointment or appointments, each of which shall likewise be submitted for approval by the County Commission. However, the right to suspend, remove or discharge any department head with or without cause, to be reserved at all times to the County Manager.

B. The Manager shall have the power to appoint, suspend, remove or discharge with or without cause all department directors, except that before any such appointment shall become effective, it must be confirmed by the Commission and if the same is disapproved the said appointment shall be void. In the event such appointment shall be disapproved by the Commission the appointment shall forthwith become null and void and thereupon the Manager shall make a new appointment or appointments, each of which shall likewise be submitted for approval by the Commission.

C. The Manager shall not employ any person at a salary greater than that of the Manager.

INDEX TO APPENDIX

- Exhibit 1 Proposed Amendments to the Metropolitan Dade County Charter**
- Exhibit 2 Bibliography of Source Materials**
- Exhibit 3 Witnesses Who Testified Before the Advisory Group**
- Exhibit 4 Members of the Advisory Group**

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**LIST OF WITNESSES WHO TESTIFIED
BEFORE THE ADVISORY GROUP**

1. Barrett, William
2. Bartel, Jeffrey
Office of the Mayor
City of Miami, Florida
(speaking individually)
3. Brackins, William
Management position with the United States Customs Service
(Retired)
Virginia Gardens, Florida
4. Brierly, Allen
Professor, Department of Political and Public Affairs
University of Miami
Coral Gables, Florida
5. Brinker, Richard
Clerk of the Board of County Commissioners
Metropolitan Dade County, Florida
6. Dellapa, Gary
Assistant County Manager
Metropolitan Dade County, Florida
7. Eisele, William
8. Fannotto, Ernie
President of the Tax Payers League of Miami and Dade
County, and various other organizations
Miami, Florida
9. Freedman, Richard
Attorney
Miami, Florida
10. Gonzalez, Peter
11. Greenberg, Charlotte
Member of the Dade County
Council of Parent Teachers Associations, and
Vice-President of the North Dade Coalition
(speaking individually)
12. Guerra, Emilio
Councilman
Village of Virginia Gardens, Florida

13. Jones, Curtis
Liaison for the Black Lawyers Association
(speaking individually)
14. Kalstein, Bea
Miami Beach, Florida
15. Leahy, David
Supervisor of Elections
Metropolitan Dade County, Florida
16. Moon, David
Professor, Department of Political and Public Affairs
University of Miami
Coral Gables, Florida
17. Manning, Marvin
Vice-President of Concerned Citizens of Northeast Dade,
Vice-President and member of the Board of North Dade
Democratic Club
Sunny Isles, Florida
18. Martinez, Julio
Councilman, City of Hialeah, Florida
Representative to the Dade League of Cities
(speaking individually)
19. Perkins, David
Reporter
member of the Community Action Agency
member NAACP
20. Rosenblum, Jack
21. Rasco, Joe
Member of the Key Biscayne council
Key Biscayne, Florida
(speaking individually)
22. Soto, Eduardo
The Spanish American League Against Discrimination
Miami, Florida

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