

PROPOSED CHARTER AMENDMENTS
STRONG MAYOR-COMMISSION FORM OF
GOVERNMENT
April 13, 2018
CHARTER WITH AMENDMENTS

Sec. 4. - Form of government; nomination and election.

- (a) *General description.* The form of government of the City of Miami, Florida, provided for under this Charter shall be known as the "~~mayor-city commissioner plan~~ **Strong Mayor-Commission plan,**" ~~and the~~ The city commission shall consist of five citizens, who are qualified voters of the city and who shall be elected from districts in the manner hereinafter provided. The city commission shall constitute the governing body with powers (as hereinafter provided) to pass ordinances adopt regulations and exercise all powers conferred upon the city except as hereinafter provided. The mayor shall exercise all powers conferred herein ~~and shall appoint as provided in section 4(g)(6) of this Charter a chief administrative officer to be known as the "city manager."~~
- (b) *Election of mayor and city commission; terms of office; recall.* There shall be elected by the qualified electors of the city at large a mayor who shall be a qualified elector residing within the city at least one (1) year before qualifying and must maintain a residence in the city for the duration of his or her term. The mayor shall not serve as a member of the city commission.

The city commission shall consist of five members who shall be elected from districts within the city, numbered 1 through 5. All persons desiring to run for the office of city commissioner shall file in the district, numbered 1 through 5, for which they are qualified as provided in subsection (c) of this section of the Charter. City commissioners in districts numbered 3 and 5 shall be elected at the general municipal election or runoff election to be held in the year 2001 and at the general municipal election or runoff election each four years thereafter. City commissioners in districts numbered 1, 2, and 4 shall be elected at the general municipal election or runoff election to be held in the year 2003 and at the general municipal election or runoff election each four years thereafter.

The mayor shall be elected at large by the electors of the city and shall hold office for a term of four years.

The mayor and all city commissioners [are] to hold office from twelve o'clock noon five days after the canvass of the vote by the supervisor of elections and the declaration of the result of either 1) the general municipal election or 2) runoff election and until their successors are elected and qualified. Commencing with the election to be held in November 2001, and all elections subsequent thereto, no mayor or city commissioner elected and qualified for two consecutive full terms under this or any preceding form of government shall be eligible for reelection in the next succeeding term. The mayor and ~~all other~~ members of the city commission shall be subject to recall in accordance with the municipal recall procedures set forth in Section 100.361, Florida Statutes. Vacancies Commission vacancies shall be filled as provided in section 12[-] of ~~the~~ this Charter.

If a candidate for office of mayor or city commissioner receives a majority of votes in the general municipal election for that office, the candidate shall be considered elected upon and after the canvass of the vote and the declaration of the result of the election as provided. If no candidate receives a majority of the votes for that office, the two candidates for the respective office who received the greatest number of votes for that office in the general municipal election shall be placed on the ballot at the runoff election. The candidate receiving the greatest number of votes in the runoff election, shall be considered elected to the office for which the candidate has qualified.

- (c) *Qualifications of mayor and city commission; mayor, city commissioners, and other officers and employees not to be interested in contracts, etc.; franks, free tickets, passes or service.* Candidates

for mayor shall be residents of the city for at least one (1) year immediately prior to qualifying and shall be electors therein, and shall maintain continuous residence in the City for the duration of their term in office. Further, candidates for the city commission shall have resided within the district at least one (1) year immediately before qualifying and be electors in that district, and shall maintain continuous residence in that district for the duration of their term of office. The mayor, city commissioners, and other officers and employees shall not be interested in the profits or emoluments of any contract, job, work or service for the municipality. The mayor or any city commissioner who shall cease to possess any of the qualifications herein required shall forthwith forfeit his or her office, and any such contract in which any member is or may become interested may be declared void by the city commission.

No mayor, city commissioner, or other officer or employee of said city shall accept any frank, free ticket, pass or service directly or indirectly, from any person, firm or corporation upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor. Such prohibition of free service shall not apply to police or fire personnel in uniform or wearing their official badges, where same is provided by ordinance.

- (d) *City commission to be judge of its own elections; neither ~~mayor nor~~ city commission nor any committees nor members thereof ~~to may~~ dictate appointments by or interfere with ~~city manager~~ the mayor. The city commission shall be the judge of the election and qualifications of the mayor and its own members, subject to review by the courts. Neither the ~~mayor nor the~~ city commission, nor any committees nor members thereof shall direct, request, take part in, or dictate the appointment or removal of any person in office or employment by the ~~city manager~~ mayor or subordinates, or in any manner interfere with the ~~city manager~~ mayor or prevent the ~~city manager~~ mayor from exercising his/her own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry and as may be necessary as provided in section 14, the mayor, the city commission, any committees and members thereof shall deal with the administrative service solely through the city manager, and neither the mayor nor the city commission, nor any committees nor members thereof shall give orders to any of the subordinates of the city manager, city attorney, city clerk and independent auditor general, either publicly or privately. This restriction does not apply for the purpose of communicating and making written inquiry to the administrative services for the purpose of transmitting constituent inquiries or assisting any city commissioner in the exercise of their authority as set forth in this Charter or as may be necessary as provided in section 14. Except as provided elsewhere in this Charter, neither the city commission nor any committees nor members thereof shall give orders to any of the subordinates of the mayor, city attorney, city clerk, and independent auditor general, either publicly or privately. Any such dictation, prevention, orders, or other interference or violation of this section on the part of the ~~mayor or~~ a member of the city commission or committees shall be deemed to be a violation of the Charter, and upon conviction before a court of competent jurisdiction any individual so convicted shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term of not exceeding sixty days or both, and in the discretion of the court shall forfeit his or her office. Any willful violation of the provisions to this section by the ~~mayor or~~ any city commissioner shall be grounds for his or her removal from office by an action brought in the Circuit Court by the state attorney of this county.*
- (e) *Appointments by mayor; election of officers by city commission; rules of city commission; quorum. The ~~city commission~~ mayor shall ~~elect~~ appoint a city clerk and a city attorney. No member of the city commission or the mayor shall be chosen ~~as city manager~~ or as a member of the civil service board or appointed to any other city office or employment. The Mayor shall not be a member of the commission or be counted for quorum, but shall serve as the city commission chair without a vote. The provisions of Florida's Government in the Sunshine Law shall not apply to the mayor meeting or communicating with members of the city commission. The city commission shall elect its vice-chair by majority vote, who shall perform the duties of the chair in the absence or incapacity of the chair. Any member of the city commission may be selected by the city commission to preside over city commission meetings in the absence of the chair or vice-chair. The city commission may determine its own rules of procedure, may punish its own members for misconduct, and may compel attendance of members. The city commission may organize itself into standing committees or special committees. Upon formation of any such committees, the city commission may appoint its members or authorize the chair to appoint committee members. Standing or special committees of the city commission shall*

mean those comprised of city commission members only. A majority of all the members of the city commission shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

- (f) *Meetings of city commission; ordinance to be read by title only.* ~~At twelve o'clock noon on the day the mayor or city commissioners take office, they shall meet at the city hall. Thereafter, t~~The city commission shall meet at such time and place as may be prescribed by ordinance or resolution. The meetings of the city commission and all sessions of committees of the city commission shall be public. Ordinances shall be read by title only. No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, or where his or her financial interests are involved.
- (g) *Powers and duties of mayor.* The mayor shall serve as the chief executive and administrative officer and head of the city government with the following ~~specific~~ powers and duties:
- (1) The mayor shall be the ~~presiding officer chair~~ of the city commission with the right to attend city commission meetings, speak and take part in the discussion, and to recommend to the city commission the adoption of such measures as may be necessary or expedient authority to designate another member of the city commission to serve as presiding officer.
 - (2) The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. The mayor shall be responsible for the management of all administrative departments of the City, for carrying out ordinances, resolutions, policies, and other measures adopted by the city commission, and seeing that all laws and ordinances are enforced. 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.
 - (3) The mayor shall serve as the head of the City for emergency management purposes. In time of public danger or emergency, the mayor may declare a state of emergency as provided in state law and may with the consent of the city commission, take command of the police and maintain order and enforce the laws.
 - (34) The mayor may appoint administrative aides to have such duties as the mayor may determine and to serve at the mayor's pleasure. The mayor's administrative aides shall be excluded from the civil service provisions of the Charter and Ordinances of the City of Miami.
 - (35) Unless otherwise provided by this Charter, the mayor shall have the power to appoint, reprimand, and remove all department directors and all subordinate officers and employees in the departments in both the classified and unclassified service of the administrative departments of the City. The mayor's power to reprimand and remove does not extend to the staff of the city commission. All appointments shall be upon merit and fitness alone, and in the classified service, all appointments and removals shall be subject to the civil service provisions of this Charter. Appointment of department directors shall become effective unless disapproved by a 4/5ths affirmative vote of those city commissioners then in office at the city commission's next regularly scheduled meeting. Such vote shall be final and the mayor shall be prohibited from reappointing the disapproved department director. The police chief and fire chief shall be appointed by and subject to the supervision of the mayor. All administrative functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the mayor. The mayor shall have the right to suspend, reprimand, remove, or discharge any administrative department director, the police chief, and the fire chief, with or without cause.
 - (46) During the ~~voluntary temporary absence or disability,~~ the mayor shall appoint a member of the city commission to perform the duties of the mayor. ~~However, in the event that the mayor does not or is unable to make such designation, the city commission shall designate a member of the city commission to perform the duties of the mayor during the temporary absence or disability of the mayor by a four-fifths vote of the city commissioners then in office.~~
 - (57) The mayor shall, within ten days of final adoption by the city commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the city commission,

including the budget or any particular component contained therein which was approved by the city commission; provided, however that if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed. The city commission may, at its next regularly scheduled or special meeting after the veto occurs, override that veto by a four-fifths vote of the city commissioners present, notwithstanding any provisions to the contrary contained in the Charter and city code. Said veto power shall include actions pursuant to sections 29-B through 29-D of the Charter. The mayor may not veto the selection of the vice-chair of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees.

- (6) ~~When one person succeeds another in the position of mayor, the successor shall have the right to appoint the city manager, subject to the approval within 14 days of a majority of the city commissioners then in office. In the event of a vacancy in the office of city manager, the mayor shall appoint the city manager, subject to the approval within 14 days of a majority of the city commissioners then in office. The mayor may remove the city manager subject to the city commission's conducting a hearing within 10 days of said removal and the city commission's overriding the mayor's action by a four-fifths vote of those city commissioners then in office. Additionally, the city commission by a four-fifths vote of those city commissioners then in office shall be able to remove the city manager.~~
- (78) ~~The mayor shall establish and appoint the members of all standing and special committees of the city commission and the chairperson and vice-chairperson of each committee. There shall be as many standing and special committees of the city commission as deemed necessary by the Mayor. Standing or special committees of the city commission shall mean those comprised of city commission members only. The mayor shall keep the city commission fully advised as to the financial condition and needs of the City.~~
- (89) ~~The mayor shall prepare and deliver a report on the state of the city to the people of the city between November 1 and January 31 annually. Such report shall be prepared after consultation with the city commissioners and the city manager.~~
- (910) ~~The mayor shall prepare and deliver a budgetary address annually to the people of the city between July 1 and September 30. Such report shall be prepared after consultation with the city manager.~~
- (911) The mayor may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. Any person or persons appointed by the mayor to examine the affairs of any department or the conduct of any officer or employee shall have the same right to require the attendance of witnesses and production of books and papers and other evidence as is conferred upon the mayor and city commission by this Charter.
- (912) The mayor shall perform such other duties as may be prescribed by this Charter or be required by the mayor or ordinance or resolution of the City Commission.
- (913) All references to the city manager in the Charter and City Code of Ordinances shall be amended to substitute the word "mayor."
- (h) *Vacancy in the office of mayor.*
- (1) *Permanent vacancy resulting from death, resignation, recall, court order, or other lawful action. If the office of the mayor becomes permanently vacant by reason of death, resignation, recall, or other lawful action, such vacancy shall be filled with a member of the administration designated by the mayor upon assuming office or prior to the vacancy, with notice having been given to the city commission in writing in advance of the vacancy, unless the designee is disapproved by a 4/5ths affirmative vote of those city commissioners then in office at the next regularly scheduled meeting. Such vote shall be final and the mayor shall be prohibited from re-designating the disapproved member of the administration. The designee shall exercise all authority of the office of mayor and shall perform the duties and assume the responsibilities of that office, except for exercising a mayoral veto, until a special election which shall be held no more than 90 days after the vacancy is created.*

(2) Temporary vacancy resulting from disability, suspension, court order, or other lawful action. If the office of the mayor becomes temporarily vacant by reason of disability, suspension, court order, or other lawful action, the temporary vacancy shall be filled with a member of the administration designated by the mayor upon assuming office or prior to the vacancy, with notice having been given to the city commission in writing in advance of the vacancy, unless the designee is disapproved by a 4/5ths affirmative vote of those city commissioners then in office at the next regularly scheduled meeting. Such vote shall be final and the mayor shall be prohibited from re-designating the disapproved member of the administration. The designee shall exercise all authority of the office of mayor and shall perform the duties and assume the responsibilities of that office, except for exercising a mayoral veto, for up to 120 days. If the temporary vacancy exceeds 120 days, a special election shall be held no more than 90 days after the expiration of the 120-day period. Provided that if the mayor who is the subject of the temporary vacancy is later absolved of the allegations of wrongdoing or otherwise recovers from the disability during the term of office to which elected, the mayor shall be entitled to resume the office for the remainder of the unexpired term, if any. The term of the individual who assumed or was elected in the special election to the position previously temporarily vacated by the mayor shall automatically terminate upon the restoration to office of the original seat-holder.

If the elected mayor is returned to office, the mayor will automatically resume the duties of the office of mayor for the balance of the term to which elected. The existence of a disability incapacitating the elected mayor from performing the duties of the office shall be determined by an affirmative vote of at least five (5) city commission members based upon competent, substantial medical evidence.”

- (hi) Salaries of the mayor and commission. Effective on November 4, 2003, there shall be paid to the city commissioners the sum of \$58,200, which is equal to sixty percent of the mayor's salary in effect on July 16, 2003. Such salary shall be paid per year for each commissioner, in twelve equal installments. The compensation of the mayor shall be determined by the commission, and in no event shall be less than 75% of the compensation to the Miami-Dade County Mayor.
- (i) Effective date of Strong Mayor-Commission form of government. Notwithstanding any other provision of this Charter, the Strong Mayor-Commission form of government is effective and implemented immediately upon approval by a majority of the electors of the city voting at an election called for the purpose of voting on the amendment. In order to implement this Charter amendment, the current elected city officials constitute the initial mayor and city commissioners identified in Section 4(a) through the expiration of their current terms of office.

Sec. 12. - Filling vacancies for ~~mayor and~~ commission.

- (a) A vacancy on the city commission ~~or in the office of mayor~~ caused by death, resignation, forfeiture, suspension, removal, or other action or causes shall be filled within ten days after such vacancy occurs by a majority of the remaining city commissioners. The person appointed must meet the qualifications of the office as required in section 4 of this Charter. The term of office of the person so appointed, except in the circumstances detailed in section (c) below, shall be until the successor in office is elected and qualified at whichever of the following occurs first:
- (1) the odd-year general municipal election for ~~mayor and~~ city commissioners held pursuant to section 4 of the Charter, or
 - (2) the even-year State of Florida general election, at which election national, state and county offices are filled,

The candidates for such election shall be qualified as provided in section 4 of this Charter and the qualifying period and requirements for such election shall be as provided in section 7 of this Charter. The person elected as provided in (a)(1) or (a)(2) of this Section shall serve for the remainder of the unexpired term of that office.

- (b) If the remaining city commissioners shall fail or refuse to fill such vacancy within ten days after it occurs, as provided herein, the city commission shall call a special election to fill the vacancy to be held at a date not less than thirty-eight or more than forty-five days after the expiration of the ten-day period and the five day qualifying period. The qualifying period for such special election shall be for the five days not including Saturday, Sunday or legal holidays before the thirty-eighth day before the date of the election and the procedure for the election not otherwise provided for in this section shall be as provided in section 7 of this Charter. Except in the circumstances detailed in section (c), effective November 7, 2017, the person who receives the greatest number of votes for the office in said special election is elected to fill the vacancy for the remainder of the unexpired term of that office.
- (c) If a vacancy in any elected commission office is caused by forfeiture, suspension, or removal, the vacancy shall be filled in the same manner as described in sections (a) and (b) above, provided that if the elected official who has so vacated his or her seat is later absolved of the allegations of wrongdoing, that elected official shall be entitled to resume his or her elected position for the remainder of the unexpired term, if any. The term of the individual who assumed the position previously vacated by that elected official shall automatically terminate upon the restoration to office of the original seat-holder.
- (d) If the city commissioners shall fail to comply with their duties as set forth in this section, then, and in that event, the court is hereby empowered and authorized to enforce compliance with this act or to call an election itself to fill such vacancy or vacancies on the city commission ~~or in the office of mayor~~.

Sec. 14. - Commission may investigate official transactions, acts and conduct.

The mayor, city commission, or any committee thereof may investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official, and by similar investigations may secure information upon any matter. In conducting such investigations the mayor, city commission, or any committee thereof, may require the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas which shall be signed by the mayor, the presiding officer of the city commission, or the chair of such committee, as the case may be, which may be served and executed by any police officer.

~~Sec. 15. - City manager - Qualifications; appointment; term; salary; sickness or absence; removal.~~

~~The city manager shall be the head of the administrative branch of the city government. The city commission shall fix the city manager's compensation, and the city manager shall serve as provided in section 4(g). The city manager shall be chosen on the basis of the city manager's executive and administrative qualifications. At the time of the city manager's appointment the city manager need not be a resident of the state. Neither the mayor nor any city commissioner shall be eligible for the position of city manager during or within two years after the expiration of their respective terms.~~

~~The mayor, subject to the approval of the city commission, may designate a qualified administrative officer of the city to assume the duties and authority of the city manager during periods of temporary absence or disability of the city manager.~~

~~The city manager shall be responsible for the administration of all units of the city government under the city manager's jurisdiction, and for carrying out policies adopted by the city commission. The city manager or designee shall execute contracts and other instruments, sign bonds and other evidences of indebtedness.~~

~~Sec. 16. - Same - Powers and duties.~~

~~The powers and duties of the city manager shall be to:~~

- ~~(a) - See that the laws and ordinances are enforced.~~
- ~~(b) - Appoint and remove, except as otherwise provided in this Charter, all directors of the departments and all subordinate officers and employees in the departments in both the classified and unclassified service; all appointments to be upon merit and fitness alone, and in the classified service all appointments and removals to be subject to the civil service provisions of this Charter.~~
- ~~(c) - Exercise control over all departments and divisions created herein or that may be hereafter created by the city commission.~~

- ~~(d) Attend all meetings of the city commission with the right to take part in the discussion but having no vote.~~
- ~~(e) Recommend to the mayor and city commission for adoption such measures as the city manager may deem necessary or expedient.~~
- ~~(f) Keep the mayor and city commission fully advised as to the financial condition and needs of the city; and~~
- ~~(g) Perform such other duties as may be prescribed by this Charter or be required by the mayor or ordinance or resolution of the city commission.~~

~~Sec. 17. Same — Examination of affairs of departments, officers or employees.~~

~~The city manager may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. Any person or persons appointed by the city manager to examine the affairs of any department or the conduct of any officer or employee shall have the same right to require the attendance of witnesses and production of books and papers and other evidence as is conferred upon the mayor and city commission by this Charter.~~

Sec. 20. - Directors of departments.

The ~~city manager~~ mayor shall appoint a director for each department and, in the ~~city manager~~ mayor's discretion, may consolidate two or more departments under one director. Each such director shall serve until removed by the ~~city manager~~ mayor or until a successor has been appointed and qualified, shall conduct the affairs of his or her department in accordance with rules and regulations made by the ~~city manager~~ mayor, shall be responsible for the conduct of the officers and employees of his or her department, for the performance of its business, and for the custody and preservation of the books, records, papers and property under its control, and, subject to the supervision and control of the ~~city manager~~ mayor in all matters, shall manage the department. None of the provisions of this section, however, shall be applicable to the ~~department of law, city clerk or office of independent auditor general.~~^[4]

Sec. 21. - Department of law.

The city attorney shall be the director of the department of law and an attorney-at-law admitted to the practice in the State of Florida. The city attorney shall be the legal advisor of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties. The city attorney shall prosecute and defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and instruments in writing in which the city is concerned and shall endorse on each approval of the form and correctness thereof.

The city attorney shall be the prosecuting attorney of the municipal court. The city attorney shall have such number of assistants as the city commission by ordinance may authorize. The city attorney shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

When required to do so by the resolution of the city commission, the city attorney shall prosecute or defend for and in behalf of the city all complaints, suits and controversies in which the city is a party, and such other suits, matters and controversies as he shall, by resolution or ordinance, be directed to prosecute or defend.

The mayor, city commission, ~~the city manager~~, the director of any department, or any officer or board not included within a department, may require the opinion of the city attorney upon any question of law involving their respective powers and duties.

The city attorney shall be a full-time governmental employee; shall not engage in the private practice of law; and upon ~~his or her election by the city commission~~ appointment by the mayor shall serve until the time for the election of the ~~city officials~~ mayor specified in section 4 of the Charter which follows the next general municipal election, subject to the provisions of section 4(g).

Sec. 24. - Department of public safety.

The head of the department of public safety shall be known as the director of public safety.

Subject to the supervision and control of the ~~city manager~~ mayor in all matters, the head of the department of public safety shall be the executive head of the division of police and fire. He or she shall be the chief administrative authority in all matters pertaining to the erection, maintenance, repair, removal, razing, occupancy and inspection of buildings under such regulations as may be ordained by the city commission.

- (a) *Division of police.* The police force shall be composed of a chief and such officers and other employees as the ~~city manager~~ mayor may determine. The chief of police shall have the immediate direction and control of the police force, subject to the supervision of the director of public safety, and to such rules, regulations and orders as the said director may prescribe, and through the chief of police, the director of public safety shall promulgate all orders, rules and regulations for the government of the police force. The chief of police shall devote his or her entire time to the discharge of his or her official duties and shall not be absent from the city except in the performance of his or her official duties, unless granted a written leave of absence by the ~~city manager~~ mayor. His or her office shall be kept open at all hours, day or night, and either the chief of police or a subordinate shall be in constant attendance. In case of the disability of the chief of police by reason of sickness, absence from the city or other cause, the director of public safety shall designate one of the captains or lieutenants of police to act as chief of police during such disability, and the officer so designated shall serve without additional compensation. The members of the police force, other than the chief, shall be selected from the list of eligibles prepared by the civil service board, and in accordance with such rules as the said board may prescribe; provided, that in case of riot or emergency, the director of public safety may appoint additional patrolmen and officers for temporary service, who need not be in the classified service. Each member of the police force, both rank and file, shall have receive a warrant of appointment signed by the ~~city manager~~ mayor, in which the date of the appointment shall be stated, and such shall be that member's commission.

No person, except as otherwise provided by general law or this Charter, shall act as special police or special detective except upon written authority from the director of public safety. Such authority, when conferred, shall be exercised only under the direction and control of the chief of police and for a time specified in the appointment.

The members of the police force of said city shall be invested with all the power and authority necessary for enforcing the ordinances of said city.

The chief of police or any police officer of the City of Miami, may arrest without warrant, any person violating any of the ordinances of the city committed in the presence of such officer, and when knowledge of the violation of any ordinance of said city shall come to the said chief of police or police officer, not committed in his or her presence, he or she shall make affidavit before the judge or clerk of municipal court against the person charged with such violation, whereupon, said judge or clerk shall issue a warrant for the arrest of such person.

- (b) *Division of fire.* The fire force shall be composed of a chief and such other officers, firemen and employees as the ~~city manager~~ mayor may determine. The fire chief shall have immediate direction and control of the said department, subject to the supervision of the director of public safety and to such rules, regulations and orders as the said director may prescribe and through the fire chief the director of public safety shall promulgate all orders, rules and regulations for the government of the fire department.

The members of the fire department, other than the chief, shall be appointed from the list of eligibles prepared by the civil service board and in accordance with such rules and regulations as may be prescribed by said board; provided, that in case of riot, conflagration or emergency, the director of public safety may appoint additional firemen and officers for temporary service who need not be in the classified service.

The chief of the fire department and his or her assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire. The fire chief and each of his or her assistants shall have issued to him or her a warrant of appointment signed by the ~~city manager~~ mayor, in which the date of his or her appointment shall be stated, and such warrant shall be his or her commission.

Whenever any building in said city shall be on fire, it shall be lawful for the chief of the fire department to order and direct such building or any other building which he or she may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down or destroyed and no action shall be maintained against said chief or any person acting under his or her authority therefor.

Sec. 25. - Supervision in divisions of police and fire.

The chief of police and fire chief shall have the right and power to suspend any of the officers and employees in their respective division who may be under their management and control for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. If any officer or employee be suspended as herein provided, the chief of the division concerned shall forthwith in writing certify the fact together with the cause of suspension, to the director of public safety, who shall render judgment thereon, which judgment, if the charge be sustained, may be a reprimand, fine, suspension, reduction in rank or dismissal.

The director of public safety in any investigation shall have the power to administer oaths and secure the attendance of witnesses and the production of books and papers.

~~The employee shall be allowed the same appeal procedure as set forth in section 36(f) of the Charter, provided, however, in the event the offices of city manager and director of public safety are held by the same person, the city manager director of public safety, before passing upon the guilt or innocence of the person suspended, may authorize the civil service board to conduct a hearing upon the suspension charges preferred by the chiefs of fire or police and to report its findings and recommendations back to said city manager director of public safety. The city manager director of public safety then shall pass judgment upon the person suspended, after considering the findings and recommendations of the civil service board.~~

~~Sec. 26.—Suspension and removal of chief of police and fire chief.~~

~~The city manager mayor shall have the exclusive right to suspend the chief of police and fire chief for incompetence, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority, or for any other just and reasonable cause. If either of such chiefs be so suspended the city manager mayor shall forthwith certify the fact, together with the cause of suspension, to the commission who within five (5) days from the date of receipt of such notice, shall proceed to hear such charges and render judgment thereon, which judgment shall be final.~~

Sec. 27. - Finance, department of finance.

(a) *Department director.* Subject to the supervision and control of the ~~city manager~~ mayor, the director of finance shall have charge of the department of finance and shall administer the financial affairs of the

city, including the keeping and supervision of all accounts, the levy, assessment and collection of revenues, the making and collection of special assessments, the custody and disbursement of city funds and monies, the control over expenditures, and such other duties as the ~~city manager~~ mayor may direct.

- (b) *Form and manner of keeping accounts and making reports.* Accounts shall be kept by the department of finance showing the financial transactions of all departments and offices of the city. The forms of all such accounts and the financial reports rendered to or by the department of finance shall be prescribed by the director of finance with the approval of the ~~city manager~~ mayor. The accounts and accounting procedure of the city shall be consistent with the pronouncements of the Governmental Accounting Standards Board and accounting principles as generally accepted in the United States.

Sec. 29-A. - Contracts for, unified development projects, and real property; safeguards.

- (a) *Unified development projects.* A unified development project shall mean a project where an interest in real property is owned or is to be acquired by the city, is to be used for the development of improvements, and as to which the city commission determines that for the development of said improvements it is most advantageous to the city to procure from a private person, as defined in the Code of the City of Miami, one or more of the following integrated packages:

- (1) planning and design, construction, and leasing; or
- (2) planning and design, leasing, and management; or
- (3) planning and design, construction, and management; or
- (4) planning and design, construction, leasing, and management.

So long as the person from whom the city procures one of the above-mentioned integrated packages provides all of the functions listed for that package, such person need not provide each listed function for the entire unified development project nor for the same part of the unified development project.

As many members of the public having expertise in the field of real estate development or in other relevant technical areas or who reside within the vicinity of a proposed unified development project site as deemed appropriate by the ~~city manager~~ mayor shall be invited by the ~~city manager~~ mayor to provide input during the preparation of documents for competitive processes of the unified development project.

If deemed appropriate by the ~~city manager~~ mayor, the unified development project process shall include a request for qualifications process prior to the issuance of a request for proposals. Qualifications shall be evaluated by the ~~city manager~~ mayor or designee(s) and only those deemed qualified in accordance with the specified evaluation criteria shall be invited to participate in the subsequent request for proposal process for said unified development project.

Requests for proposals for unified development projects shall generally define the nature of the uses the city is seeking for the unified development project and the estimated allocations of land for each use. They shall also state the following:

- (1) the specific parcel of land contemplated to be used or the geographic area the city desires to develop pursuant to the unified development project;
- (2) the specific evaluation criteria to be used by the below-mentioned certified public accounting firm;
- (3) the specific evaluation criteria to be used by the below-mentioned review committee;
- (4) the extent of the city's proposed commitment of funds, property, and services;
- (5) the definitions of the terms "substantial increase" and "material alteration" that will apply to the project pursuant to subsection (e)(4) hereof; and

- (6) a reservation of the right to reject all proposals and of the right of termination referred to in subsection (e)(4), below.

After public notice there shall be a public hearing at which the commission shall consider:

- (1) the contents of the request for proposals for the subject unified development project;
- (2) the selection of a certified public accounting firm, which shall include at least one member with previous experience in the type of development in question; and
- (3) the recommendations of the ~~city manager~~ mayor for the appointment of persons to serve on the review committee. Said review committee shall consist of an appropriate number of city officials or employees and an equal number plus one of members of the public, whose names shall be submitted by the ~~city manager~~ mayor no fewer than five days prior to the above-mentioned public hearing.

At the conclusion of the public hearing the city commission shall authorize the issuance of a request for proposals, select a certified public accounting firm, and appoint the members of the review committee only from among the persons recommended by the ~~city manager~~ mayor.

The procedure for the selection of an integrated package proposals shall be as follows:

- (1) all proposals shall be analyzed by a certified public accounting firm appointed by the commission based only on the evaluation criteria applicable to said certified public accounting firm contained in the request for proposals. Said certified public accounting firm shall render a written report of its findings to the ~~city manager~~ mayor.
- (2) the review committee shall evaluate each proposal based only on the evaluation criteria applicable to said review committee contained in the request for proposals. Said review committee shall render a written report to the ~~city manager~~ mayor of its evaluation of each proposal, including any minority opinions.
- (3) taking into consideration the findings of the aforementioned certified public accounting firm and the evaluations of the aforementioned review committee, the ~~city manager~~ mayor shall recommend one or more of the proposals for acceptance by the city commission, or alternatively, the ~~city manager~~ mayor may recommend that all proposals be rejected. If there are three or more proposals and the ~~city manager~~ mayor recommends only one, or if the mayor recommends rejection of all proposals, the ~~city manager~~ mayor shall state in writing the reasons for such recommendation.

In transmitting his or her recommendation or recommendations to the commission, the ~~city manager~~ mayor shall include the written reports, including any minority opinions, rendered to by the aforementioned certified accounting firm and review committee.

- (4) all contracts for unified development projects shall be awarded to the person whose proposal is most advantageous to the city, as determined by the city commission.

The commission may accept any recommendation of the ~~city manager~~ mayor by an affirmative vote of a majority of its members. In the event the commission does not accept a proposal recommended by the ~~city manager~~ mayor or does not reject all proposals, the commission shall seek recommendations directly from the aforementioned review committee, which shall make a recommendation or recommendations to the commission taking into account the report of the aforementioned certified public accounting firm and the evaluation criteria specified for the review committee in the request for proposals.

After receiving the direct recommendations of the review committee, the commission shall, by an affirmative vote of a majority of its members:

- (1) accept any recommendation of the review committee; or
- (2) accept any previous recommendation of the ~~city manager~~ mayor; or
- (3) reject all proposals.

All contracts for unified development projects shall be signed by the ~~city manager~~ mayor or designee after approval thereof by the commission. The ~~city manager~~ mayor or designee shall be responsible for developing a minority procurement program as may be prescribed by ordinance and permitted by law in conjunction with the award of contracts for unified development projects. The provisions of this charter section shall supersede any other charter or code provision to the contrary.

- (b) *Sales and leases of real property; prohibition.* Except as otherwise provided in this section, there shall be no sale, conveyance, or disposition of any interest, including any leasehold, in real property owned by the city, the department of off-street parking, or the downtown development authority, unless there has been prior public notice and a prior opportunity given to the public to compete for said real property or interest. Any such sale, conveyance, or disposition shall be conditioned upon compliance with: the provisions of this section; such procurement methods as may be prescribed by ordinance; and any restrictions that may be imposed by the city, the department of off-street parking, or the downtown development authority, as appropriate. Further, no right, title, or interest shall vest in the transferee of such property unless the sale, conveyance, or disposition is made to the highest responsible bidder, as is determined by the city commission, or the off-street parking board, or the downtown development authority board of directors. The city commission or the off-street parking board or the downtown development authority board of directors, as appropriate, may by resolution waive the requirement of sale, conveyance, or disposition to the highest responsible bidder by means of the following procedure: the ~~city manager~~ mayor, the director of the off-street parking authority, or the director of the downtown development authority, as appropriate, must make a written finding that a valid emergency exists, which finding must be ratified by an affirmative vote of two-thirds of the city commission after a properly advertised public hearing. When the requirement of sale, conveyance, or disposition to the highest responsible bidder is waived, other procurement methods as may be prescribed by ordinance shall be followed. The city or the department of off-street parking or the downtown development authority shall have the power to reject all offers. All invitations for bids, requests for proposals, or other solicitations shall contain a reservation of the foregoing right to reject all offers. This section shall not apply to transfers to the United States or any department or agency thereof, to the State of Florida, or to any political subdivision or agency thereof.
- (c) *Safeguards.*
- (1) All persons contracting with the city under this section shall be required to certify their compliance with the antitrust laws of the United States and of the State of Florida and to hold harmless, defend, and indemnify the city for any noncompliance by said persons with the above laws.
 - (2) All persons contracting with the city under this section shall be obligated to pay whichever is the greater of the following: (i) all applicable ad valorem taxes that are lawfully assessed against the property involved or (ii) an amount to be paid to the city equal to what the ad valorem taxes would be if the property were privately owned and used for a profit-making purpose. Such taxes shall not be credited against any revenues accruing to the city under any contract that may be awarded under this section.
 - (3) Any proposal by a potential bidder or contractor that contemplates more than the estimated extent of the city's proposed commitment of funds, property, or services shall be ineligible for acceptance by the city commission.
 - (4) Any substantial increase in the city's commitment of funds, property, or services, or any material alteration of any contract awarded under subsection (c) of this section shall entitle the city commission to terminate the contract after a public hearing. Prior to such public hearing, the city commission shall seek and obtain a report from the ~~city manager~~ mayor and from the review committee that evaluated the proposals for the project, concerning the advisability of exercising that right.

- (a) *Creation of board; appointment; terms of office; vacancies; rules and regulations.* A civil service board of the city is hereby created and established. There shall be five members constituting the said civil service board. Three shall be appointed by the city commission, and two shall be elected by the employees of the city with civil service status, from said employees with such civil service status. The two so elected shall become members of the board when confirmed by the city commission. All members of the said civil service board shall serve for two years, and they shall take office as soon as appointed and qualified. The city commission may remove any member of the board for cause, upon stating in writing the reasons for the removal, after allowing him or her to be heard by the city commission in his or her own defense. Any vacancy shall be filled by the city commission for the unexpired term. The ~~city manager~~ mayor shall be authorized to prescribe the rules, regulations, and procedure for the holding of election for the purpose of electing the two members of the civil service board by the city employees with civil service status.
- (b) *Chairperson; examiner; subordinates.* Immediately after appointment, the board shall organize by electing one of its members chairperson. The board shall appoint a chief examiner who shall be a member of the board and who shall also act as secretary. The board may appoint such other subordinates as may by appropriation be provided for.
- (c) *Unclassified and classified service.* The civil service of the city is hereby divided into the unclassified and the classified service.
- (1) The unclassified service shall include:
- (A) The ~~city manager~~ mayor, his or her assistants, and secretarial staff;
- (B) The heads of departments, members of appointive boards, judges of the city court, the city clerk, chief of police, chief of fire division, and the superintendent of communications division;
- (C) Assistants to department heads:
- Assistant chiefs of the police division;
- All ranks in the police division above the classified position of police captain;
- Assistant chiefs of the fire division;
- Chief of fire prevention;
- Director of training in the fire division;
- Battalion chiefs;
- Chief of fire rescue;
- Assistant to the superintendent of the division of communications;
- Director of corrections.
- (D) All attorneys employed by the city. The city attorney shall be the supervisor of all attorneys employed by the city. The city attorney shall have exclusive authority regarding, but not limited to appointment, removal and salary as to assistant city attorneys. The foregoing provisions of subsection (D) shall not apply to those attorneys in the classified service of the city on November 1, 1972.
- Attorneys with permanent civil service rights appointed by the city attorney to any applicable unclassified position above, shall retain civil service rights in the position from which selected as may have accrued.
- (E) All employees employed by the City and working within the Office of the Independent Auditor General.

Personnel with permanent civil service rights appointed by the ~~city manager~~ mayor to unclassified positions shall retain said civil [service] rights in the position from which selected as may have accrued.

- (2) The classified services shall include all positions not specifically included by this Charter in the unclassified service. There shall be in the classified service three classes, to be known as the competitive class, noncompetitive class, and labor class.
 - (A) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examinations.
 - (B) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, city managerial, professional, or educational character, as may be determined by the rules of the board.
 - (C) The labor class shall include ordinary unskilled labor.
- (d) *Rules; examinations; eligible lists; certification of vacancies.* Subject to the approval of the city commission, the board shall adopt, amend, and enforce a code of rules and regulations which shall have the force and effect of law providing for appointment and employment in all positions in the classified service, based on merit, efficiency, character, and industry; shall make investigations concerning the enforcement and effect of this article and of the rules adopted; and shall make an annual report to the city commission. The chief examiner shall provide examinations in accordance with regulations of the board and maintain lists of eligibles of each class of the services of those meeting the requirements of said regulations. Positions in the classified service shall be filled from such eligible lists upon requisition from and after consultation with the ~~city manager~~ mayor. When positions are filled, the employment officer shall so certify, by proper and prescribed form, to the director of finance and to the director of the department in which the vacancy exists.
- (e) *Promotion.* The board shall provide uniform rules for promotion to all positions in the classified service.
- (f) *Power of suspension, removal, fine, or demotion.*
 - (1) Any officer or employee in the classified service may be removed, suspended, fined, laid off, or demoted by the ~~city manager~~ mayor or by the head of the department in which such person is employed, for any cause which will promote the efficiency of the service; but such person must be furnished with a written statement of the reasons therefor within five days from the date of the removal, suspension, fine, layoff, or demotion, and be allowed a reasonable time for answering such reasons in writing, which answer shall be made a part of the records of the board, with the suspension to take effect as of the date that such written statement is furnished. No trial or examination of witnesses shall be required except in the discretion of the ~~city manager~~ mayor or the head of the department. Any employee in the classified service who deems that he or she has been suspended, removed, fined, laid off, or demoted without just cause may, within 15 days of such action, request in writing a hearing before the civil service board to determine the reasonableness of the action. The board shall, within 30 days after appeal of the employee disciplined, proceed to hear such appeal. After hearing and considering the evidence for and against the employee, the board shall report in writing to the ~~city manager~~ mayor its findings and recommendations. The ~~city manager~~ mayor shall then sustain, reverse, or modify the action of the department director. Any member of the civil service board and the director of personnel may administer an oath to witnesses appearing before said board or before said director in an investigation, disciplinary or appeal proceedings, and they shall have the power to issue witness subpoenas and to compel the attendance of witnesses.
 - (2) The civil service board shall also have the right to remove or demote any official or employee in the classified service upon written charges of misconduct made by any citizen, but only after reasonable notice to the officer or employee and after a full hearing. It shall also be the duty of the board to fix a minimum standard of conduct and efficiency for each grade in the service. Whenever it appears from the reports of efficiency made to said board for a period of six months that the conduct or efficiency of any employee has fallen below such minimum standard, that employee shall be called before the board to show cause why he or she should not be disciplined.

If upon hearing no reason is shown satisfactory to the board, the employee shall be removed, suspended, or demoted, as the board may determine.

- (g) *Present employees.* All persons in the employ of the city holding positions in the classified service, as established by this Charter, at the time it takes effect, shall, unless their position is abolished, retain same until discharged, demoted, promoted, or transferred, in accordance herewith.
- (h) *Certificate of board on payroll account necessary before payment of classified service member.* The treasurer or other public disbursing officer shall not pay any salary or compensation for service to any person holding a position in the classified service unless the payroll or account for such salary or compensation bears the certificate of the board, by its secretary, that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this Charter and of the rules established thereunder.
- (i) *Investigations and hearings.* In any investigation conducted by the board, it shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the investigation and to administer oaths to such witnesses.
- (j) *No discrimination in classified service.* No person in the classified service or seeking admission thereto shall be appointed, demoted, removed, or in any way favored or discriminated against because of political opinions or affiliations. No person holding a position in the classified service shall take part in political management or affairs or in political campaigns during city working hours or with personal property belonging to the city.
- (k) *Penalties.* The civil service board, subject to the approval of the city commission, shall determine the penalties for the violation of the civil service provisions of this Charter.
- (l) *Salaries of board and employees.* The salaries of the civil service board and its employees shall be determined by the city commission, and a sufficient sum shall be appropriated each year to carry out the civil service provisions of this Charter.

Sec. 51. - Civilian investigative panel.

The city commission shall, by ordinance, create and establish a civilian investigative panel to act as independent citizens' oversight of the sworn police department, to be:

- (A) Composed of: (i) twelve (12) civilian members who shall be nominated by the civilian investigative panel and approved by the city commission and (ii) a thirteenth (13th) member who shall be an appointee of the Chief of Police who is not a City of Miami Police Officer;
- (B) Staffed with professional personnel, including but not limited to: (i) an executive director who shall serve as chief executive officer and (ii) an independent legal counsel who is an experienced and competent member of the Florida Bar with at least seven years membership in the Florida Bar and is generally knowledgeable in municipal law, both of whom shall be appointed by and subject to removal by the panel with the approval of the City Commission;
- (C) Operated on an annual budget established by the City Commission, by ordinance, that will allow the panel to maintain its independence and perform its Charter mandated functions, with sufficient professional staff, while taking into account the ~~City Manager~~ mayor's declaration of a fiscal emergency, a financial urgency, or financial emergency in the City;
- (D) Authorized by vote of the CIP and in "consultation" with the state attorney of Miami-Dade County, to issue subpoenas for allegations which are criminal in nature, provided that the CIP may not confer immunity and must advise all city employees appearing before it that no adverse employment consequences will result from the valid exercise of their right to be free from self-incrimination, and, further, that no actions of the CIP may interfere with any pending or potential criminal investigation or prosecution; and
- (E) Authorized to:

- (1) Conduct independent investigations of allegations of police misconduct and police uses of force resulting in death or great bodily harm to a person;
- (2) Conduct independent investigations of other matters pertaining to repeated issues of conduct by City of Miami Police Officers;
- (3) Review police department policies and practices; and
- (4) Make written requests and recommendations regarding the CIP's reviews and investigations to the ~~city manager~~ mayor and the police chief, to which the Police shall issue a written response within forty-five (45) days.