



# City of Miami

## Legislation

### Resolution: R-16-0349

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File Number: 16-01037

Final Action Date: 7/29/2016

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ATTORNEY TO PREPARE AMENDMENTS TO THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CHARTER"), FOR CONSIDERATION AT THE SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, PROPOSING, UPON APPROVAL OF THE ELECTORATE, TO AMEND SECTION 7 OF THE CHARTER, ENTITLED "ELECTION OF CITY COMMISSIONERS AND MAYOR," TO CHANGE THE DATE OF A RUNOFF ELECTION FOR MAYOR AND CITY COMMISSIONER FROM THE SECOND TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, TO THE THIRD TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER; TO AMEND SECTION 51 OF THE CHARTER, ENTITLED "CIVILIAN INVESTIGATIVE PANEL," TO PROVIDE FURTHER INDEPENDENCE OF THE CIVILIAN INVESTIGATIVE PANEL BY CLARIFYING ITS MEMBERSHIP COMPOSITION, AFFIRMING ITS RIGHT TO HIRE AND FIRE AN EXECUTIVE DIRECTOR AND INDEPENDENT COUNSEL, SUBJECT TO CITY COMMISSION APPROVAL, ESTABLISHING AN ANNUAL BUDGET BY ORDINANCE, CONFIRMING ITS AUTHORITY TO INVESTIGATE CONDUCT AND REVIEW POLICIES AND PRACTICES OF THE POLICE DEPARTMENT, AND CLARIFYING ITS AUTHORITY TO ISSUE SUBPOENAS IN CONSULTATION WITH THE MIAMI-DADE STATE ATTORNEY'S OFFICE; AND TO AMEND SECTION 52 OF THE CHARTER, ENTITLED "CITIZENS' BILL OF RIGHTS," TO PLACE THE CITIZENS' BILL OF RIGHTS AT THE BEGINNING OF THE CHARTER, TO EXPRESSLY REQUIRE THE CITY TO ABIDE BY THE CHARTER'S PROVISIONS, TO PROVIDE THE CITIZENS THE RIGHT TO SUE AND BE HEARD IN COURT TO ENFORCE COMPLIANCE WITH CHARTER PROVISIONS, AND IF SUCCESSFUL, AND TO RECOVER COURT COSTS BUT NOT ATTORNEY'S FEES; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City of Miami ("City") was incorporated by the Florida Legislature in 1896 and operates pursuant to the Charter of the City of Miami, Florida ("City Charter"); and

WHEREAS, the City Charter has been amended from time to time as the governance of the City has evolved; and

WHEREAS, the City Commission established a Charter Review and Reform Committee ("Committee") in 2014 to conduct a comprehensive review of the City Charter and propose amendments to the City Charter; and

WHEREAS, the Committee has held numerous public meetings, conducted a comprehensive review of the City Charter, and has recommended that the City Charter be streamlined, updated, and amended to meet the current needs of the City and its residents; and

WHEREAS, on July 13, 2016, the Committee presented its final report and recommendations

to the City Commission; and

WHEREAS, the City Commission approves the Committee's proposed amendment to Section 7 of the Charter entitled, "Election of City Commissioners and Mayor," to change the date of a runoff election for Mayor and City Commissioner from the second Tuesday after the first Monday in November, to the third Tuesday after the first Monday in November; and

WHEREAS, the City Commission approves the Committee's proposed amendments to Section 51 of the Charter, entitled "Civilian Investigative Panel," to provide further independence of the Civilian Investigative Panel by clarifying its membership composition, affirming its right to hire and fire an executive director and independent counsel, subject to City Commission approval, establishing an annual budget by ordinance, confirming its authority to investigate conduct and review policies and practices of the Police Department, and clarifying its authority to issue subpoenas in consultation with the Miami-Dade State Attorney's Office; and

WHEREAS, the City Commission approves the Committee's proposed amendments to Section 52 of the City Charter, entitled, "Citizens' Bill of Rights," to place the Citizens' Bill of Rights at the beginning of the City Charter, to expressly require the City to abide by the City Charter's provisions, to provide the citizens the right to sue and be heard in court to enforce compliance with City Charter provisions, and if successful, to recover court costs but not attorney's fees; and

WHEREAS, the City Commission wishes to submit the above-mentioned proposed amendments to the electorate, for approval or disapproval, in time for the November 8, 2016 Special Election;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The City Attorney is directed to prepare an amendment to the City Charter for consideration at the Special Election to be held on November 8, 2016, proposing, upon approval of the electorate, to amend Section 7 of the Charter entitled, "Election of City Commissioners and Mayor," to change the date of a runoff election for Mayor and City Commissioner from the second Tuesday after the first Monday in November, to the third Tuesday after the first Monday in November.

Section 3. The City Attorney is directed to prepare an amendment to the City Charter for consideration at the Special Election to be held on November 8, 2016, proposing, upon approval of the electorate, to amend Section 51 of the Charter, entitled "Civilian Investigative Panel," to provide further independence of the Civilian Investigative Panel by clarifying its membership composition, affirming its right to hire and fire an executive director and independent counsel, subject to City Commission approval, establishing an annual budget by ordinance, confirming its authority to investigate conduct and review policies and practices of the Police Department, and clarifying its authority to issue subpoenas in consultation with the Miami-Dade State Attorney's Office.

Section 4. The City Attorney is directed to prepare an amendment to the City Charter for consideration at the Special Election to be held on November 8, 2016, proposing, upon approval of the electorate, to amend Section 52 of the City Charter, entitled, "Citizens' Bill of Rights," to place the

Citizens' Bill of Rights at the beginning of the Charter, to expressly require the City to abide by the Charter's provisions, to provide the citizens the right to sue and be heard in court to enforce compliance with Charter provisions, and if successful, to recover court costs but not attorney's fees .

Section 5. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{1}

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**Footnotes:**

{1} If the Mayor does not sign this Resolution, it shall become effective at the end of ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission .