

Full Amended Charter Text

Proposed Charter Amendment to Reform Miami's Elections and City Commission

This is how the Miami City Charter would look after voters approve our amendment. Repealed language is ~~struck through~~. Newly adopted language is underlined. Charter sections, subsections, and paragraphs that the initiative leaves unchanged are not shown here. You can read the full Charter at bit.ly/MiamiCharter.

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,” and the city commission shall consist of ~~five~~ nine 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.**

The city commission shall consist of ~~five~~ nine members who shall be elected from districts within the city, numbered 1 through ~~5~~ 9. All persons desiring to run for the office of city commissioner shall file in the district, numbered 1 through ~~5~~ 9, 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.~~

(g) **Powers and duties of mayor.**

(4) During the 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~~ two-thirds vote of the city commissioners then in office.

(5) 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 the city commission approved; 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~~ two-thirds 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.

(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~~ two-thirds vote of those city commissioners then in office. Additionally, the city commission by a ~~four-fifths~~ two-thirds vote of those city commissioners then in office shall be able to remove the city manager.

Sec. 6. - The referendum.

(e) Referendum election. If the petition is found sufficient, the city commission shall proceed to reconsider such measure or such section thereof as the petition shall specify. If upon such reconsideration such measure, or such part thereof, is not repealed or amended as demanded in the petition, the city commission shall provide for submitting the same, by the method herein provided, to a vote of the electors at the next general municipal election occurring not less than thirty days after the receipt by the city commission of the city clerk's certificate, and such measure, or such part thereof, shall thereupon be suspended from going into effect until said election and shall then be deemed repealed unless approved by a majority of those voting thereon. The city commission by a ~~four-fifths~~ two-thirds vote may submit such measure or part thereof with like effect to the electors at a special election to be called by said city commission not less than thirty days after the receipt of the city clerk's certificate.

(f) Limitations on enforcement of ordinances. No measure shall go into effect until thirty days after its passage unless it is declared in such ordinance to be an emergency measure on the ground of urgent public need for the preservation of peace, health, safety, or property and the measure being passed by a vote of not less than ~~four-fifths~~ two-thirds of the members of the city commission. No measure amending or repealing any measure adopted by the people at the polls or by the city commission in compliance with an initiative petition shall be regarded as an emergency measure.

Sec. 7. - Election of city commissioners and mayor.

A general municipal election for the mayor and city commissioners shall be held on the first Tuesday after the first Monday in November in ~~odd even-numbered~~ years. A runoff election for the mayor and city commissioners shall be held ~~on the third Tuesday after the first Monday in November in odd-numbered years~~ at least 28 days later. All elections held in said city shall be conducted and held according to the provisions of the general election laws of the State of Florida, except as otherwise provided for in the Charter. The name of any person qualified as provided in section 4 of this Charter shall be printed upon the ballot as a candidate for the office of mayor or city commissioner upon paying to the City of Miami the sum as prescribed by ordinance to be accepted by the city clerk as a qualifying fee along with the sum for election assessment prescribed by state law during the qualifying period as prescribed in this Charter prior to the date of such general municipal election or special election to fill a vacancy. Any person qualified to run for mayor or city commissioner shall file an affidavit of candidacy in the form provided by the city clerk including his or her name, address, occupation and willingness to serve if elected, accompanied by the requisite documents and fees as provided in state law and section 7 of this Charter. ~~An affidavit of candidacy shall be filed not earlier than 60 days and not later than 45 days prior to the date of the general municipal election or during the qualifying period for a special election to fill a vacancy.~~

All such qualifying documents and fees shall be deposited with the city clerk ~~no later than 6:00 pm. on the forty-fifth day prior to the general municipal election or the last day for qualifying in a special election to fill a vacancy by the end of the qualifying period, which shall be the same as the qualifying period for county office, except as provided in Section 12.~~

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 the next general election, 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.

Sec. 13. - Redistricting.

No redistricting plan or district may be drawn with the intent to favor or disfavor a political party. Districts must respect neighborhoods and follow major geographic boundaries.

Sec. 19. - Creation of new departments; discontinuance of departments.

The city commission may, by ordinance adopted by vote of at least ~~three~~ five members of the city commission, create new departments or discontinue any department and determine, combine, and distribute the functions and duties of departments and subdivisions thereof.

Sec. 29-B. - City-owned property sale or lease—Generally.

Notwithstanding any provision to the contrary contained in this Charter or the City Code, and except as provided below, the city commission is prohibited from favorably considering any sale or lease of property owned by the city unless there is a return to the city of fair market value under such proposed sale or lease. The city commission is also prohibited from favorably considering any sale or lease of city-owned property unless (a) there shall have been, prior to the date of the city commission's consideration of such sale or lease, an advertisement soliciting proposals for said sale or lease published in a daily newspaper of general paid circulation in the city, allowing not less than ninety (90) days for the city's receipt of proposals from prospective purchasers or lessees, said advertisement to be no less than one-fourth (1/4) page and the headline in the advertisement to be in a type no smaller than 18-point and, (b) except as provided below, there shall have been at least three (3) written proposals received from prospective purchasers or lessees; however, if there are less than three (3) such proposals received and if the guaranteed return under the proposal whose acceptance is being considered is equal to fair market value the city commission determines that the contemplated sale or lease will be in the city's best interest then, subject to the approval of a majority of the votes cast by the electorate at a referendum, the sale or lease may be consummated. Any lease for the development of improvements of city-owned property which has been approved by voter referendum shall require additional voter referendum approval for a development on City-owned property where the developer has not obtained the necessary building permits within four (4) years of the effective date of the lease. Such section shall not be applicable when the delay in the performance of any obligation is as a result of force

majeure, or litigation that questions the validity of the vote, or the City Commission action to place the question for referendum, then the performance of such obligation shall be extended by the length of the delay. In the case of city-owned property which is not waterfront, when the value of such property to be sold or leased (individual leaseholds within a single city-owned property shall not be considered as a single parcel of property for such valuation purposes) is five hundred thousand dollars (\$500,000) or less, based on an appraisal performed by a state-certified appraiser, the city commission, by a ~~4/5ths~~ two-thirds affirmative vote, may sell or lease said city-owned property after compliance with the advertisement requirements set forth above but without the necessity of a referendum.

Notwithstanding anything herein to the contrary, the city commission, by a ~~4/5ths~~ two-thirds affirmative vote, may:

(f) waive competitive bidding to negotiate and execute a Ground Lease and Master Development Agreement with Miami Freedom Park, LLC, for a total lease term of ninety-nine (99) years, for approximately seventy-three (73) acres of City-owned property located generally at 1400 Northwest 37th Avenue, Miami, Florida 33125, also known as Melreese County Club, with a minimum annual base rent payable to the City equal to the greater of (a) fair market value as determined by state certified appraisers or (b) five percent (5.0%) of rent from the retail, office, and hotel development within the Demised Property, but annual base rent of no less than three million five hundred seventy-seven thousand three hundred sixty-five dollars (\$3,577,365.00), in addition to a contribution to the City of twenty million dollars (\$20,000,000.00) payable over thirty (30) years in annual installments, and any rent increases and/or additional rents negotiated by the parties; authorizing the use of the Demised Property for a soccer stadium; with at least one (1) million square feet of art and entertainment center including food and beverage venues, offices, retail, and a hotel with at least 750 units and conference center with ancillary commercial uses, guaranteeing a living wage for all on-site employees, further requiring MFP to undertake the remediation and Site development for a public park of approximately fifty-eight (58) acres to be developed on property adjacent to the Demised Property as MFP's sole cost, with any restrictions, reversions, and retention by the City of all other rights including at least a one (1%) transfer fee payable to the City, with such Lease and Master Development Agreement requiring City Commission approval by a ~~four-fifths~~ two-thirds (~~4/5ths~~ two-thirds) vote.

Sec. 29-C. - Same—Watson Island.

The city commission, by a ~~4/5ths~~ two-thirds affirmative vote, may authorize issuance of a license or concession agreement for a period not exceeding one (1) year, without the necessity of a referendum, for the use of Watson Island.

Notwithstanding anything herein to the contrary, the City Commission, by a ~~4/5ths~~ two-thirds affirmative vote, may: