## ARTICLE 1. BOARD OF COUNTY COMMISSIONERS

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SECTION 1.01. POWERS.

A. The Board of County Commissioners shall be the legislative and the governing body of the county. The County shall have the power to carry on a central metropolitan government. The Board's powers shall include but shall not be restricted to the powers to:

1. Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking.

2. Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems.

3. License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the county.

4. Provide central records, training, and communications for fire and police protection; provide traffic control and central crime investigation; provide fire stations, jails, and related facilities; and subject to Section 1.01A(18) provide a uniform system for fire and police protection.

5. Prepare and enforce comprehensive plans for the development of the county.

6. Provide hospitals and uniform health and welfare programs.

7. Provide parks, preserves, playgrounds, recreation areas, libraries, museums, and other recreational and cultural facilities and programs.

8. Establish housing, slum clearance, urban renewal, conservation, flood and beach erosion control, air pollution control, and drainage programs and cooperate with governmental agencies and private enterprises in the development and operation of these programs.

9. Provide and regulate or permit municipalities to provide and regulate waste and sewage collection and disposal and water supply and conservation programs.

10. Levy and collect taxes and special assessments, borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner, and subject to such limitations, as may be provided by law.

11. By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board; provided, however, that the governing board of the Children's Trust shall not be the Board of County Commissioners, but shall have membership as provided in state law for children's service councils serving home rule charter counties. The Children's Trust shall have the authority to fund improvements to children's health, development and safety; promote parental and community responsibility for children; levy an annual ad valorem tax not to exceed one-half (½) mill to supplement current county expenditures for children services and require voter renewal in 2008.

*Note:* By special election called pursuant to Resolution No. R-534-08, and held on August 26, 2008, the voters renewed The Children's Trust's ability to continue to levy an annual ad valorem tax.

12. Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.

13. Adopt and enforce uniform building and related technical codes and regulations for both the incorporated and unincorporated areas of the county; provide for examinations for contractors and all parties engaged in the building trades and for the issuance of certificates of competency and their revocation after hearing. Such certificates shall be recognized and required for the issuance of a license in all municipalities in the county. No municipality shall be entitled to require examinations or any additional certificate of competency or impose any other conditions for the issuance of a municipal license except the payment of the customary fee. The municipality may issue building permits and conduct the necessary inspections in accordance with the uniform codes and charge fees therefor.

14. Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems, water supply, treatment, and service systems, and public transportation systems, provided, however, that:

(a) Franchises under this subsection may only be granted by a two-thirds vote of the members of the Board present and approved by a majority vote of those qualified electors voting at either a special or general election.

(b) The county shall not operate a light, power, or telephone utility to serve any territory in the county which is being supplied with similar service except by a majority vote of those qualified electors voting in an election held not less than six months after the Board has passed an ordinance to that effect by a two-thirds vote of the members of the Board present. Such ordinance shall contain information on cost, method of financing, agency to regulate rates, agency to operate, location, and other information necessary to inform the general public of the feasibility and practicability of the proposed operation.

15. Use public funds for the purposes of promoting the development of the county, including advertising of the area's advantages.

16. Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas and approve municipal regulations on hours of sale of alcoholic beverages.

17. Enter into contracts with other governmental units within or outside the boundaries of the county for joint performance or performance by one unit in behalf of the other of any authorized function.

18. Set reasonable minimum standards for all governmental units in the county for the performance of any service or function. The standards shall not be discriminatory as between similar areas. If a governmental unit fails to comply with such standards, and does not correct such failure after reasonable notice by the Board, then the Board may take over and perform, regulate, or grant franchises to operate any such service. The Board may also take over and operate, or grant franchises to operate any municipal service if:

(a) In an election called by the Board of County Commissioners within the municipality a majority of those voting vote in favor of turning the service over to the county; or

(b) The governing body of the municipality requests the county to take over the service by a two-thirds vote of its members, or by referendum.

19. By ordinance, abolish or consolidate the office of constables, or any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction, or to abolish or impair the jurisdiction of the Circuit Court or to abolish any other Court, provided by the Constitution or by general law, or the judges or clerks thereof.

20. Make investigations of county affairs, inquire into the conduct, accounts, records, and transactions of any department or office of the county, and for these purposes require reports from all county officers and employees, subpoena witnesses, administer oaths, and require the production of records.

21. Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.

22. Adopt such ordinances and resolutions as may be required in the exercise of its powers, and prescribe fines and penalties for the violation of ordinances.

23. Perform any other acts consistent with law which are required by this Charter or which are in the common interest of the people of the county.

24. Supersede, nullify, or amend any special law applying to this county, or any general law applying only to this county, or any general law where specifically authorized by the Constitution.

B. No enumeration of powers in this Charter shall be deemed exclusive or restrictive and the foregoing powers shall be deemed to include all implied powers necessary and proper to carrying out such powers. All of these powers may be exercised in the incorporated and unincorporated areas, subject to the procedures herein provided in certain cases relating to municipalities.

C. The Board shall have the power of eminent domain and the right to condemn property for public purposes. The Board shall make fair and just compensation for any properties acquired in the exercise of its powers, duties, or functions. The Board shall also provide for the acquisition or transfer of property, the payment, assumption, or other satisfaction of the debts, and the protection of pension rights of affected employees of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

D. The Board shall be entitled to levy in the unincorporated areas all taxes authorized to be levied by municipalities and to receive from the state any revenues collected in the unincorporated areas on the same basis as municipalities.

SECTION 1.02. RESOLUTIONS AND ORDINANCES.

A. The Board shall adopt its own rules of procedure and shall decide which actions of the Board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the Board which provides for raising revenue, appropriating funds, or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

B. Every ordinance shall be introduced in writing and shall contain a brief title. The enacting clause shall be "Be it Ordained by the Board." After passage on first reading, a short summary of the ordinance shall be published in a daily newspaper of general circulation at least once together with a notice of the time when and place where it will be given a public hearing and be considered for final passage. The first such publication shall be at least one week prior to the time advertised for hearing. No ordinance shall be declared invalid by reason of any defect in publication or title if the published summary gives reasonable notice of its intent.

C. At the time and place so advertised, or at any time and place to which such public hearing may from time to time be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the Board may pass the ordinance with or without amendment. No provision herein shall prohibit a committee of the commission from conducting such public hearing, as provided by [Section 1.08](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.08ORCOCOCO)

D. The Board may adopt in whole or in part any published code by reference as an ordinance in the manner provided by law.

E. The effective date of any ordinance shall be prescribed therein, but the effective date shall not be earlier than ten days after its enactment.

F. To meet a public emergency affecting life, health, property, or public safety the Board by two-thirds vote of the members of the Board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately, except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the Board shall have it published in full within ten days in a daily newspaper of general circulation.

G. Each ordinance and resolution after adoption shall be given a serial number and shall be entered by the clerk in a properly indexed record kept for that purpose.

H. Within two years after adoption of this Charter the Board shall have prepared a general codification of all county ordinances and resolutions having the effect of law. The general codification thus prepared shall be adopted by the Board in a single ordinance. After adoption the Board shall have the codification printed immediately in an appropriate manner together with the Charter and such rules and regulations as the Board may direct. Additions or amendments to the code shall be prepared, adopted, and printed at least every two years.

SECTION 1.03. DISTRICTS.

A. There shall be thirteen County Commission districts. The current 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 COMMISSION.

The Commission shall consist of thirteen members, each of whom shall be a qualified elector residing within his or her district for at least six months and within the County for at least three years before qualifying and who shall be elected by the qualified electors of his or her district.

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

A. Any member of the Board of County Commissioners who ceases to be a qualified voter of the county or removes himself from the county or the district from which he was elected, or who fails to attend meetings without good cause for a period of six months, shall immediately forfeit his office. Any Commissioner 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 reimbursed for such reasonable and necessary expenses as may be approved by the Board.

SECTION 1.07. VACANCIES IN THE OFFICE OF MAYOR OR COUNTY COMMISSIONER.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 90 days thereafter to fill the vacancy. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. 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 90 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. The qualification period for such election shall be the first 10 days after the call of the election and any runoff election shall be held within 30 days of the certification of election results requiring a runoff. 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 COMMISSION AND COMMISSION COMMITTEES.

The Mayor shall not be a member of the Commission. The Commission shall select the chairperson and vice-chairperson of the Commission. The Chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The Vice-Chairperson shall perform the duties of the chairperson in the absence or incapacity of the Chairperson. Any member may be selected by the Commission to preside over commission meetings in the event of the absence of the Chairperson and the Vice-Chairperson.

The Commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the Commission may appoint its members or authorize the Chairperson to appoint committee members. Commission committees may conduct public hearings, as authorized by ordinance of the Commission. 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 at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.