



THE VOICE OF LAW ENFORCEMENT

SOUTH FLORIDA POLICE BENEVOLENT ASSOCIATION

July 29, 2020

Honorable Chairwoman Audrey Edmonson and
Members of the Board of County Commissioners
Miami-Dade County
111 NW 1st Street
Miami, FL 33172

RE: SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS, JULY 30, 2020, SPECIAL ITEMS NO. 1 AND NO. 2

Dear Honorable Chairwoman and Members of the Board,

This is to advise you that the above-referenced items on your agenda of the special meeting of the BCC, scheduled for tomorrow, July 30, 2020, are inappropriately before the BCC and in violation of the Code of Miami-Dade County.

BCC AGENDA SPECIAL ITEM NO. 1 (Related to the Independent Review Panel):

The Code of Miami-Dade County, Article I, Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION, more specifically:

Rule 3.02(a). SPECIAL MEETINGS; EMERGENCY MEETINGS, provides in pertinent part:

A special meeting of the Commission may be called by majority of the members of the commission. Whenever a special meeting is called, a notice in writing signed by such majority shall be served upon the chairperson and the clerk. Each signature by a commissioner shall constitute a representation that, at the time of affixing his or her signature to the notice, the commissioner has the present intention to attend the special meeting.

Rule 3.03. SIGNATURE REQUIREMENT, provides:

Whenever in these rules an action requires the signatures of a commissioner, a signature is acceptable when the commissioner: (1) provides an original handwritten signature; (2) provides a facsimile of an original handwritten signature; or (3) authorizes use of the commissioner's stamp and the stamp is accompanied by a legible signature of the staffer authorized to utilize such

stamp (emphasis added). The authority to use a commissioner's stamp shall be evidenced by a written document on file with the office of the chairperson and the county attorney.

Based on the signatures provided by county commissioners on the written notice of a special meeting (see attached), it appears that several signatures (perhaps as many as five signatures) are not original handwritten by the county commissioner themselves, but rather are a stamp signature without the prerequisite accompanying signature of the staffer who is authorized to use the stamp on behalf of the respective commissioner, in violation of the requirements of Rule 3.03.

Therefore, without a waiver of the Rules of Procedure, which requires a 2/3 vote of the BCC members present, the whole calling of the special meeting fails for lack of the required proper signatures.

BCC AGENDA SPECIAL ITEM NO. 2 (Related to the Independent Review Panel):

In addition to the violations of Rules 3.02(a) and 3.03, as discussed above for Special Item No. 1 and that also apply to Special Item No. 2, the Code of Miami-Dade County, Article I, Sec. 2-1. RULES OF PROCEDURE OF COUNTY COMMISSION, more specifically:

Rule 9.03.05. COUNTY BALLOT QUESTIONS, INCLUDING HOME RULE CHARTER AMENDMENTS AND STRAW BALLOT QUESTIONS, provides in pertinent parts:

The Board shall place no more than three (3) County questions on any general election ballot that includes a presidential election. For purposes of this rule, "County question" shall mean straw ballot questions, commissioner-sponsored proposed amendments to the Home Rule Charter and any other questions related to the County that are proposed by the Board...Once the Board has voted to place three (3) County questions on any general election ballot that includes a presidential election, each additional County question may be placed on such ballot only with an affirmative vote of two-thirds (2/3rds) of those commissioners present (emphasis added).

The BCC has already placed, at least, three (3) County questions on the November 3, 2020 general (presidential) election including the following:

- THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO CREATE THE OFFICE OF INSPECTOR GENERAL. (BCC Agenda Item 11A20, July 8, 2020 BCC Meeting – Adopted 10-0.)

- THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO REQUIRE THAT WHEN THE MAYOR OR MEMBER OF THE COUNTY COMMISSION

RESIGNS PROSPECTIVELY TO RUN FOR ANOTHER OFFICE THE VACANCY WILL BE FILLED BY ELECTION DURING THE PRIMARY AND GENERAL ELECTION RATHER THAN BY APPOINTMENT OR BY SUBSEQUENT SPECIAL ELECTION. (BCC Agenda Item 11A22, July 8, 2020, BCC Meeting – Adopted 10-0.)

- THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO REQUIRE THAT, COMMENCING WITH THE QUALIFYING FOR AND HOLDING OF THE GENERAL ELECTION IN 2024 AND CONTINGENT ON A CHANGE TO STATE LAW, THE ELECTION OF THE SHERIFF, PROPERTY APPRAISER, TAX COLLECTOR, AND SUPERVISOR OF ELECTIONS BE CONDUCTED ON A NONPARTISAN BASIS AND NO BALLOT SHALL SHOW THE PARTY DESIGNATION OF ANY CANDIDATE FOR THOSE OFFICES. (BCC Agenda Item 11A4, July 21, 2020, BCC Meeting – Adopted 10-1.)

Therefore, pursuant to Rule 9.03.05 of the Rules of Procedure of the County Commission, Special Item No. 2 on your agenda tomorrow is inappropriately before the BCC and no such ballot question set forth in said agenda item can be placed on the upcoming November 3, 2020 general election ballot without first obtaining the requisite affirmative vote of two-thirds (2/3) of those commissioners present at tomorrow's BCC special meeting (that has, to begin with and as previously stated, been called in violation of the Code of Miami-Dade County).

The South Florida PBA demands that the BCC adhere to its own rules of procedure including the requirement to obtain an affirmative vote of at least two-thirds (2/3) of commissioners present on a motion to waive the rules in order to consider Special Item No. 1 and a separate motion to place the question found in Special Item No. 2 on the November 3, 2020 ballot.

Sincerely,



Steadman Stahl,
President

Attachment

cc: Honorable Mayor Carlos Gimenez
Abigail Price-Williams, County Attorney
Geri Bonzon-Keenan, First Assistant County Attorney
Clerk of the Board



MEMORANDUM

CLERK OF THE BOARD

2020 JUL 21 PM 2:59

CLERK, CIRCUIT & COUNTY CLERK
MIAMI-DADE COUNTY, FLA.
#1

TO: Hon. Harvey Ruvin
Clerk of the Board

DATE:

FROM: Undersigned Members

SUBJECT: Call for special meeting regarding an ordinance relating to the independent review panel and resolution for a charter amendment relating to the independent review panel

Board of County Commissioners

Pursuant to section 2-1, rule 3.02(a) of the Code of Miami-Dade County, Florida, you are notified that a special meeting of the Board of County Commissioners is called for Thursday, July 30, 2020 at 9:30 a.m. The meeting will be held virtually. The meeting is called to consider:

1. The following ordinance:

ORDINANCE RELATING TO THE INDEPENDENT REVIEW PANEL ("PANEL"); AMENDING ARTICLE IC OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CHANGING THE NAME OF THE PANEL; AMENDING THE COMPOSITION, AUTHORITY, POWERS, AND STAFFING OF THE PANEL; PROVIDING TERMS OF MEMBERS APPOINTED TO THE PANEL NOTWITHSTANDING OTHER PROVISIONS OF THE CODE; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO IDENTIFY A FUNDING SOURCE FOR THE OPERATION OF THE PANEL DURING THE CURRENT FISCAL YEAR AND INCLUDE SUCH FUNDING IN FUTURE ANNUAL BUDGETS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE; and

2. The following resolution:

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At this meeting, the Board may take action to approve ordinances, resolutions, motions, reports or other documents and discussion items related thereto that may, under the Board's Rules of Procedure and other applicable law, be placed on the agendas for these special meetings.

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Rebeca Sosa, Vice Chairwoman

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Daniella Levine Cava, District 8

Jose "Pepe" Diaz, District 12

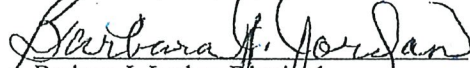


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2020 JUL 21 PM 4:53

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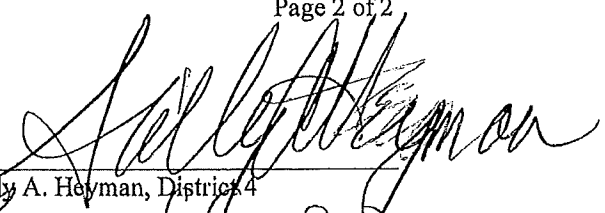
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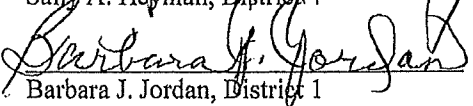
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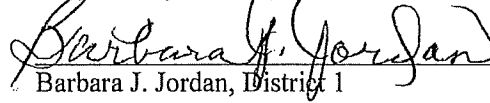
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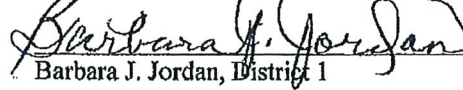
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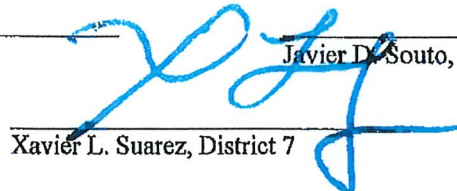
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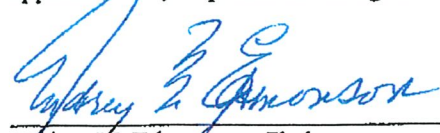
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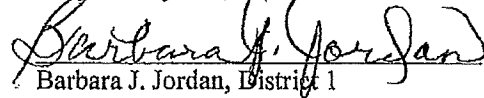
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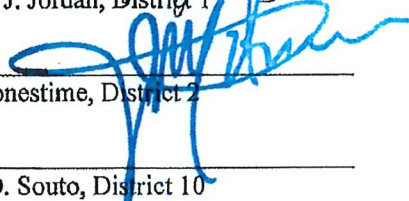
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