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Charter Review Task Force Meeting

Wednesday, August 15, 2007

10:00 am

Stephen P. Clark Government Center

18th Floor – Conference Rooms 18-3 & 18-4

AGENDA

(revised)

1. Call to Order
2. Roll Call
3. Approval of August 1, 2007 meeting minutes
4. Reports
 - Report by County Manager's Office
 - Report on Public Hearings
 - Report on Media/Outreach & Charter Review Website
 - Report on Letters to Knowledgeable Members of the Community
 - Report by Chairman Diaz
 - Request for Extension of Time
5. Discussion of Approved Charter Review Issues (in priority order)
 - Study of Compensation - Mayor and Board of County Commissioners (BCC)
 - Study of Term Limits - BCC or other elected officials
6. Old Business
 - Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected
7. New Business
8. Adjournment

**Charter Review Task Force
August 15, 2007**

**ADDENDUM TO
AGENDA PACKAGE**

Please be reminded that discussions among or between members regarding matters which might be considered by the Task Force must be held in accordance with the requirements of the Sunshine Law. Therefore, please reserve any discussion with Task Force members regarding information in your agenda packet and other Task Force topics, until the Task Force meets.

4

REPORT ON

PUBLIC HEARINGS

COMMENTS TO THE CHARTER REVIEW TASK FORCE – AUGUST 14, 2007
SUBMITTED BY ROBERT MEYERS, EXECUTIVE DIRECTOR, MIAMI-DADE
COMMISSION ON ETHICS AND PUBLIC TRUST

- The County Home Rule Charter was amended in 1996 to include the Miami-Dade Commission on Ethics and Public Trust and is incorporated in the Citizens' Bill of Rights – Article 17 and its mission is to restore public confidence and trust in local government through its investigation and enforcement activities, advice-giving and education and outreach into the community.
- The County Commission has amended the county's ethics ordinance many times during the past nine years and has also changed the Ethics Commission's enabling ordinance as well – allowing for self-initiated complaints, strengthening the penalties section, to name the most notable.
- The Ethics Commission has established its own task force to examine the ethics laws current in effect and to further explore its powers, duties and responsibilities. The Task Force expects to issue a report, most likely with recommendations, to the Mayor and the Board of County Commissioners by early 2008.
- The two issues I wish to discuss with the Charter Review Task Force are:
 - 1) The size of the Ethics Commission – five members per the County Charter
 - 2) The authority of the Ethics Commission to enforce the Citizens' Bill of Rights.
- I prefer to start with issue #2 first. The Citizens' Bill of Rights specifically gives the Ethics Commission the authority to review, interpret, render advisory opinions and enforce county and municipal codes of ethics ordinances, conflict of interest ordinance, lobbyist registration and reporting ordinances, ethical campaign practices ordinances and the Citizens' Bill of Rights.
- Specific sanctions can be imposed by the Ethics Commission against violators of all of the abovementioned ordinances with one exception – the Citizens' Bill of Rights. Lacking explicit penalties to enforce the Citizens' Bill of Rights, the Ethics Commission has taken the position it lacks the legal authority to investigate and enforce allegations arising out of the Citizens' Bill of Rights. The advice our office has been given is in order for the Ethics Commission to enforce the Citizens' Bill of Rights, the Charter would have to be amended, spelling out the penalties the Ethics Commission could impose.
- The only remedy currently available to a citizen who believes his/her rights have been violated is to file a complaint in circuit court.
- The question the Ethics Commission has been grappling with is whether it is practical and feasible to enforce the Citizens' Bill of Rights (assuming the lack of sanctions can be overcome) when the rights identified are quite general and vague.

- Another point to consider is that our office could conceivably be inundated with complaints if the provisions were taken literally – e.g., providing convenient access to the public, promising truth in government, guaranteeing no unreasonable postponements, etc.
- Assuming that the Task Force, the Board of County Commissioners and the voting public believe that the tenets of the Citizens' Bill of Rights should be enforced by the Ethics Commission and the courts, two other issues must be addressed 1) If member of the public alleges a violation of his right to be heard, who are the offending parties and 2) What are the appropriate penalties for this type of violation?
- Another area of concern revolves around the major responsibility entrusted to the Ethics Commission which I believe is to punish substantive conflicts of interest, such as a voting conflict, exploitation of official position, conflicting employment. However, virtually all of the provisions of the Citizen's Bill of Rights cover behaviors which I deem as procedural – not giving notice in a timely fashion, not turning over a public record, not giving a party the right to be heard, among others. Does the public really want the Ethics Commission to devote its time and energy investigating whether individuals received proper notice of a hearing or whether they were provided convenient access to transact business with government? If this is the will of the people, it must be understood that ensuring compliance with these broadly-word provisions would probably wreak havoc on our budget.
- The Ethics Commission accepts the basic proposition stated in the preamble to the Citizens' Bill of Rights that the public is entitled to government which is efficient, fair and accountable. However, are the principles that make up the Citizens' Bill of Rights meant to be aspirational or meant to be enforced?
- If the Charter Review Task Force determines such principles ought to be enforced, I recommend the following:
 - 1) The Task Force create penalties for violations of the Citizens' Bill of Rights, enabling our office to enforce this law
 - 2) The sixteen standards should be redrafted in an effort to narrow the provisions to enable the Ethics Commission to apply these provisions to actions of local public officials.

- The second area of the Citizens' Bill of Rights that I would like to call to your attention is the size of the Ethics Commission. The Charter simply calls for a five member Ethics Commission, but a larger Ethics Commission would better serve the residents of Miami-Dade County.
- The first reason to expand the Ethics Commission is tied to its composition, set by the County Commission. A minimum of three of the five members must be attorneys – the current Ethics Commission consists of four attorneys. In order for other voices to be heard and in the spirit of greater occupational diversity on the Commission, adding 2-4 seats would achieve this objective.
- The second reason a larger Ethics Commission is a good idea is that we, in all likelihood, would be able to hold more meetings – a result of having larger pool from which to select. The Ethics Commission over its 9 year history typically holds at least one meeting a month, but there is certainly sufficient activity for the Commission to meet more frequently and a larger commission might accomplish that goal. Moreover, the County Commission supports the creation of hearing examiners in certain cases which will also have a positive impact on the workload of the Ethics Commission.

Thank you for your time and I am willing to entertaining any questions or comments you might have.

1

Charter (CMO)

From: Citizen_Email
Sent: Tuesday, August 14, 2007 6:20 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Comments: With respect to the study of public records, I would like to suggest that the County have greater latitude to exempt from disclosure information that is gathered from residents, including their phone numbers and email addresses.

2

Charter (CMO)

From: Citizen_Email
Sent: Tuesday, August 14, 2007 6:23 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Comments: With respect to the responsibilities of the County versus municipalities...will the task force explore a standardization of service delivery such that the County provisions a standard set of services for all cities, those services which are best provisioned on a regional basis (such as garbage collection, 911, 311) versus neighborhood type services, such as code enforcement and non-regional parks.

3

Charter (CMO)

From: Citizen_Email
Sent: Tuesday, August 14, 2007 6:33 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Comments: Thank you for allowing me to provide public comment from my home via e-mail.
Raul Martinez brings up a good point. The Inspector General should be elected too.

4

Charter (CMO)

From: Jean souffrant [jjsouffrant@yahoo.com]
Sent: Tuesday, August 14, 2007 7:14 PM
To: Charter (CMO)
Subject: RE: Bcc composition

Yes 20121 nw 32nd ave

-----Original Message-----

From: "Charter (CMO)" <charter@miamidade.gov>
To: "Jean souffrant" <jjsouffrant@yahoo.com>
Sent: 8/14/07 6:54 PM
Subject: RE: Bcc composition

Can we please include your address so that it can be read into the record?

Thank

-----Original Message-----

From: Jean souffrant [mailto:jjsouffrant@yahoo.com]
Sent: Tuesday, August 14, 2007 6:52 PM
To: Charter (CMO)
Subject: Bcc composition

In the interest of fairness, there should be representation of Haitian-Americans in the BCC. Miami dade is a mecca of multiculturalism, and we have made tremendous contributions to the county and should be part of the decision making.

JEAN SOUFFRANT

5

Charter (CMO)

From: TWC Prevention [tgetherwecan@hotmail.com]
Sent: Tuesday, August 14, 2007 7:02 PM
To: Charter (CMO)
Subject: Annexation and Incorporation

According to the Bill of Rights citizens have the right of self determination. What role does this right play in the annexation and incorporation of new cities. Do citizens still, as a result of this right, have the right to decide if they want to become their own city? Do elected officials have the authority to determine what areas are allowed to vote on whether or not to become cities?

*Janet L. Robinson, Exec. Vice President
ToGether We Can, Inc.*

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6

Charter (CMO)

From: TWC Prevention [tgetherwecan@hotmail.com]
Sent: Tuesday, August 14, 2007 7:03 PM
To: Charter (CMO)
Subject: RE: Misappropriation of funds

2200 NW 120 St, MIami, Fla 33167

*Janet L. Robinson, Exec. Vice President
ToGether Ww Can, Inc*

From: "Charter (CMO)" <charter@miamidade.gov>
To: "TWC Prevention" <tgetherwecan@hotmail.com>
Subject: RE: Misappropriation of funds
Date: Tue, 14 Aug 2007 18:58:10 -0400

Thank you for your input. Please provide your business or home address so that we may read it into the record.

From: TWC Prevention [mailto:tgetherwecan@hotmail.com]
Sent: Tuesday, August 14, 2007 6:56 PM
To: Charter (CMO)
Subject: Misappropriation of funds

Why did it take the Miami Herald to do the Inspector General's job concerning the misuse of affordable housing funds, houses not built after developers had been allotted funds, etc.

*Janet L. Robinson, Exec. Vice President
ToGether We Can, Inc.*

Find a local pizza place, movie theater, and more....then map the best route!

See what you're getting into...before you go there

7

Charter (CMO)

From: JabariBrad@aol.com
Sent: Tuesday, August 14, 2007 7:21 PM
To: Charter (CMO)
Subject: comments on charter review task force

Bradford E. Brown Ph.D.
11266 SW 166 Terrace
Miami, Florida 33157
Tel. 305 336 5104

Statement to Miami-Dade Charter Review Taskforce

August 12, 2007

There are a plethora of issues related to possible revisions of the Miami-Dade Charter but none more important than achieving solid citizen representation on the Board of County Commissioners. Suggestions have been floated to add at large commissioners under the theory that districts representation is not effective in looking at county wide needs. (Think of how this logic would apply to our current Federal system with district and state representatives asked to vote on national wide issues like national security). At large elections have been seen to lead to a tyranny of the majority and thus have often lost in court under voting rights law challenges to district elections. District elections themselves have problems. While they may provide minority representation and ensure neglected areas can have a voice, demographics are not a constant. The appeal of members of the Haitian community for changes in the number of commissioners is a testament to this reality. Changing districts specifically to ensure minority representation can run into constitutional challenges.

There is however an alternative that has proven itself around the world. It is proportional voting. There are a number of forms that this can take and one or another form is used in 21 of the 28 countries in Europe. It is found throughout the world in numerous other countries such as Australia, Israel, South Africa, and Brazil. It has been credited with being a significant factor in stopping the violence and achieving peace between Protestants and Catholics in Northern Ireland as it helped ensure that everyone felt represented. The possibilities for representation in proportional voting leads to much better voting turn outs in the 75 to 90% range in contrast to the U. S. where turnout is usually less than 50%.

In the United States an good example is the City of Cambridge Massachusetts which established a form of proportional voting in 1941 in order to create opportunities for Black representation on the city council and it has been successful for over 65 years. Proportional voting offers an opportunity for minority representation and allows members of such a group to feel represented no matter where they live but it is not focused on a criteria such as race or ethnicity as is often districting. In reality it is common interest groups that define themselves, the candidates they run and who they vote for. While race and ethnicity often are seen as shaping a common interest, persons concerned about an issue like affordable housing, water supply etc can coalesce throughout the voting area and have an excellent opportunity of gaining a voice on the governing body.

I urge the Taskforce to think out of the box and review voting alternatives that not only will provide for representation that would encourage larger turnouts, and fairer representation today but would continue to do that as the population changes and areas where people live shift and groups defined by common interests change.

There are numerous other issues involved in the charter review and I will address some of those in late meetings. However I would like to raise one other at this time. The dividing of Miami-Dade County into local municipalities continues apace. This is resulting in more and more different police departments. Miami has had its share of eruptions of violence, the largest in 1980 following the brutal killing of Arthur McDuffie by rogue police. Recognizing that most such eruptions follow an incident with police, Miami-Dade County established the Independent Review Panel (IRP) that could review the handling of citizen complaints both with the police and other county agencies and provided a more user friendly place to file such complaints. The ordinance also provided that other municipalities could use the IRP for their complaints and even add someone to the panel for that case. However that provision is not utilized. Although my preference would be for a stronger ordinance similar to the City of Miami's, I believe the IRP process has been valuable for our community. However as more and more areas are forming their own police departments the IRP's value is diminishing. I would urge that when a new city is formed by the County that a condition be that the city either establish its own independent review process as the City of Miami has done, or provide for the County IRP to provide that review. After all, if civic violence erupts it will not likely be limited to one municipality.

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Charter (CMO)

8

From: ROSA ORTEGA [factfinder@peoplepc.com]
Sent: Tuesday, August 14, 2007 7:39 PM
To: Charter (CMO)
Subject: COMDOMINIUM ISSUES

THANK YOU ALL FOR YOUR VOLUNTARY CONTRIBUTION TO OUR COMMUNITY.

ALL TOWNHOUSES, CONDOMINIUM, MOBILE, AND TRAILER PARK UNITS IN THE STATE OF FLORIDA CONTRIBUTE \$4.00/UNIT YEARLY. OUR COMPLEX WAS BUILT BACK IN 1973. ALSO \$61.25/BLDG. FOR A FLORIDA DOCUMENT.

LAST YEAR WE HAD, I MEAN TALLAHASSEE HAD OVER \$82,000,000.00 OF OUR MONEY.

DADE COUNTY CONDO OWNERS NEED HELP. WE ARE DESPERATE. THE FRAUD FROM ASSOCIATIONS AND MANAGEMENT COMPANIES IS ALL OVER. STATE REP. ROBAINA GAVE US A BAND-AID TO A 20" STABB. WE ARE BLEEDING TO DEATH AND NOBODY TO TURN TO.

HI MURRAY, I MISSED YOU A LOT, HI MAYOR MARTINEZ WE ALSO MISSED YOU A LOT. MR. DE GRANDE YOU HAVE LOST SOME WEIGHT AND LOOK FIND.

GOD BLESS AND ALLOW ALL OF YOU FIND A SOLUTION TO OUR DESPERATE COMMUNITIES.

ROSA ORTEGA 13881 S.W. 84TH ST., MIAMI, FLA.

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Charter (CMO)

From: SteveNmia@aol.com
Sent: Tuesday, August 14, 2007 7:50 PM
To: Charter (CMO)
Subject: Charter review suggestion on lobbying

I sent this several days ago, however I did not include my address so I am resubmitting. I just tuned in to the cable broadcast so perhaps this was read already.

Steve Hagen, 725 NE 73 Street

Miami-Dade Charter Review Committee:

Lobbying - Changes necessary to assure the public equal access to decision makers and access to information submitted by lobbyists.

All lobbying by a registered lobbyist, or organization or individual directed to the Mayor or Commissioners or administration or staff or family of any of the above shall only be in writing, or voice or DVD recording which shall be submitted to one County office with electronic copies to be made available to all interested parties at the same time it is forwarded to the specific party. No submissions will be accepted less than five business days (to allow for mailing to an interested party who does not have access to the Internet) before an item is to be discussed or voted upon by a subcommittee, committee or the full Commission.

Request for ordinary services shall not be considered as lobbying and the above rules shall not apply, however the rules will apply at such time the request causes a Miami-Dade elected official or employee to begin drafting new legislation or changes to existing legislation. Elected officials and employees must reveal the parties they spoke to or were contacted by which caused new or changed legislation.

There shall be no face to face presentations or other contact by any registered lobbyist including the public to the above parties, in regard to proposed legislation, including Planning and Zoning items except at publicly noticed committee meetings, subcommittee meetings or commission meetings.

All subcommittee, committee and Commission meetings which deal with Planning and Zoning issues or other issues which affect the quality of life of a district, group of districts or of the entire county shall be heard after 6 PM to allow the bulk of the working public the right to be heard in accordance with the Miami-Dade Citizens Bill of Rights.

Alternatively, eliminate all lobbying leading up to legislation and restrict it only in public meetings beginning at 6 PM.

Violation shall be cause for removal from office or from employment with all benefits accrued to be forfeited.

I would appreciate in hearing if any of these areas are addressed in current legislation.

Steve Hagen, 725 NE 73 Street

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10

Charter (CMO)

From: Grace Salazar [graceinmiami@yahoo.com]
Sent: Tuesday, August 14, 2007 8:26 PM
To: Charter (CMO)
Subject: TASK FORCE

Ramon Alzonso
905 SW 1st ST. Miami. FL 33135

TO THE COMMITTEE

I propose to this committee term limits for County Commissioners. As we know as incumbent fund raises much higher than any other candidate. The political based is greater in this district than any person running against them. This makes it difficult and almost impossible to any community leader that is qualified and that has good intentions to be elected.

I strongly believe that term limits for County Commissioners must be regulated.

Ramon Alonso
(305) 303-0526

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**Charter (CMO)**

From: CRAnot@aol.com
Sent: Tuesday, August 14, 2007 8:52 PM
To: Charter (CMO)
Subject: Four Recommendations

I have four (4) recommendations:

1. Reduce number of Commissioners from 13 to 12 or less. (Less politicians to corrupt.)
2. Have 4-5 seats decided on a County-wide basis. (No more fiefdoms.)
3. Institute term limits. (No more permanent jobs. Change is good.)
4. Allow voters to vote for the best candidates. (Do not mandate minority seats.)

Thank you.

David Puterbaugh
Miami

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REPORT ON

MEDIA OUTREACH

&

WEBSITE

MiamiHerald.com 

Posted on Tue, Aug. 14, 2007

County Commission should remain bastion of diversity

By MIGUEL DE GRANDY

L

Like most Southern states, Florida has a shameful history of violations of the rights of minority voters. The enactment of the federal Voting Rights Act in the latter half of the 20th century proved to be the most powerful weapon to attack these discriminatory practices and to provide minority voters with an equal opportunity to participate in the political process.

This was the tool used by a diverse group of plaintiffs in the landmark case of Meek v. Miami-Dade County to challenge the county's at-large voting system for commissioners, which had had the effect of minimizing minority voter strength in local government elections. Indeed, until 1993, when the federal court ruled that the county's at-large system of elections violated the federal Voting Rights Act, the County Commission had only one African-American and one Hispanic member.

Today, as a result of the single-member district plan implemented by the federal court, the commission is truly representative of the ethnic and racial diversity of this community. Of the 13 commissioners, four or 31 percent are African American; seven or 54 percent are Hispanic. This proportional representation mirrors the ethnic and racial percentages of the people in our community.

Our County Charter requires a periodic review of its provisions to study and recommend proposals for change in our governmental structure. As part of this year's charter review, the county's mayor and his representative on the Charter Review Task Force have proposed a change to our electoral system that will result in significant retrogression of the voting rights of African-American electors in our community. The mayor's proposal calls for adding five more commissioners who will be elected at large.

While innocuous on its face, the dilution of African-American voting strength resulting from this hybrid electoral system can be reliably predicted upon analysis of voting patterns in our community. But this type of study would require analytical tools, data and additional time that are not available to the Task Force.

Sadly, Miami-Dade County's voting patterns still evidence a significant degree of racially and ethnically polarized voting. Therefore, African-American voters' ability to impact the political process and elect candidates of choice is effectively negated in countywide elections. One need only look to the results of the countywide mayoral elections to know that African-American voters will not have a significant impact in countywide commissioner elections. While commissioners elected from majority African-American districts today constitute 31 percent of the County Commission and 57 percent of the seven votes needed to pass an item before the commission, in an 18-member commission, they will constitute only 22 percent of the total and 40 percent of the 10 votes needed to pass an item.

The stated purpose of this ill-conceived proposal is the claim that single-member district elections result in commissioners who are too "parochial." In contrast, those who support district elections find nothing wrong with the concept of having elected officials who are responsive to the wishes and desires of the voters who elected them. Indeed, while it may be argued that members of legislative bodies such as the Congress or the Legislature must maintain a more global vision, local government is about serving the needs of cohesive communities and neighborhoods.

Political influence

While not perfect, our current governance structure provides a balance between a neighborhood and a countywide focus, with an election system that selects commissioners from the different areas of the county, and a chief executive who is elected by all voters of the county. As well-intentioned as the mayor's proposal may be, it unquestionably will result in dilution of African-American voting strength. To add insult to injury, the proposal also states that only at-large commissioners may serve as chairpersons of committees. This would further minimize the political influence that commissioners from African-American communities can exert in the political process.

You have a right to voice your opinion. The Task Force will be holding public hearings and workshops this month, beginning today with a meeting at the Stephen P. Clark Government Center located at 111 NW First St.

You can find more information about the Task Force and future meetings at www.miamidade.gov/charterreview/.

Miguel De Grandy, an attorney, was a member of the 2001 Miami-Dade County Charter Review Committee and currently serves on the 2007 Miami-Dade County Charter Review Task Force.

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Fernandez, Margarita (CMO)

From: Torriente, Susanne M. (CMO)
Sent: Monday, August 13, 2007 5:00 PM
To: 'Overton, Jim'
Cc: Fernandez, Margarita (CMO)
Subject: RE: Comments for Task Force

Thank you for your comments Mr. Overton. We appreciate your time.

From: Overton, Jim [mailto:JOverton@coj.net]
Sent: Monday, August 13, 2007 4:54 PM
To: susy@miamidade.gov/charterreview
Subject: Comments for Task Force

Ms. Torriente,

Thank you for the opportunity to comment on potential revisions in the Dade County charter. I have only one. It makes little sense to me that Dade would continue to appoint, rather than elect, the property appraiser. Duval County considered appointing this office in the late 1960's and decided against it, mostly for political reasons. However, the choice turned out to be a good one. Duval is consolidated with the City of Jacksonville, which has a strong mayor form of government. It was thought at the time that the mayor would need to control assessments to some degree in order to regulate the city's finances. That has proved to be false.

Further, and more importantly, an elected property appraiser is independent of the day-to-day financial needs of the larger government and thus is able to fairly and equitably assess property without political influence. This independence provides a check on the power of the larger government and a protection for the taxpayer.

Jim Overton, CFA
Duval County Property Appraiser
231 E. Forsyth Street, Room 270
Jacksonville, Florida 32202-3361
904-630-2014 voice
904-630-2922 fax

Please note that email correspondence is subject to public disclosure under Florida law.

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Monday, August 13, 2007 11:16 AM
To: Charter (CMO)
Subject: Charter Review Task Force

Comments: Dear Task Force Chair and Members,

I have a concern regarding one point of the County's Home Rule Charter. In Section 5.05.D it states, "if because of the merger of a department or division of a municipality with the county, all of the employees of such department or division are unable to be employed by the county ..., the employee possessing the greater amount of service shall be retained in accordance with civil service rules and regulations."

I urge you to consider the removal of this clause in Section 5.05.D. I can understand the principle to reward years of service; however, I hope that being the reasonable and experienced men and women that you are, you can agree with me that choosing the better of two candidates is based on more than just time of service. Case in point, Task Force member Mr. Robert Ginsburg. When he was appointed to be County Attorney in 1980, he had only 10 years of service with the County. While many other attorneys in the County Attorney's Office had more years of service with the County, he was the best qualified for that position. What if in 1979, a situation arose in which the County Attorney's Office had to eliminate several positions, and Mr. Ginsburg was not retained, because the number of attorneys in the County Attorney's Office with greater years of service than Mr. Ginsburg was greater than the number of attorneys needed. Can you fathom the impact of losing Mr. Ginsburg because he was perceived to be less than another attorney solely because his years of service were less?

No one in the County knows when such a situation may arise. I suspect that every department director could point out some employees with only one or two years of service who will be directors and managers in the future.

Furthermore, it is not unreasonable to suppose that the directors may indicate that these same employees with one or two years of service currently provide a better impact on County services than employees with five or even ten years of service.

I understand that Section 5.05.D applies to municipality mergers. In this circumstance or any circumstance requiring reduction in employees, I think this one principle criterion (years of service) to determine who to retain and who to let go is not wise. I feel it would be prudent for the County to develop better criteria for making the difficult decision of which employees to retain; criteria that do not use only the past to make a decision that is only about the future. Why not take into account work ethic, efficiency, competence, and potential for future impact? Do we want a safety net that will allow employees to become complacent and mediocre after they build years of service, or do we want policies that will help everyone stay motivated to "Deliver Excellence Every Day" of their career? I don't dispute the value of experience; however, it is also valuable to have a good balance of experienced and new employees.

If the "civil service rules and regulations" referred to in Section 5.05.D, which seems to be the nexus for this clause, are beyond the County's authority to change, then the County should engage their lobbyists in convincing the governing body that can change those rules and regulations to change them.

Again, I strongly urge you to do all in your power to place a question on the ballot to strike out the aforementioned clause in Section 5.05.D of the Home Rule Charter for the reasons stated above, and to provide the County with more flexibility in personnel decisions to do what is best for the citizens.

Thank you for your time and consideration of this matter.

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Sunday, August 12, 2007 10:24 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Comments: 8/14207theones that areordo worgwillbe egone from usa kkk iasgeorg
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people born here i do notlikeh the people you pe ulling by cubanpredico haisan oitsor let in tini
uan.hate the ones are herethatcame in simmons family the ones that gave birth toyoung gendeneration
0 that need to die and thier familyand a akkk8/14207

Charter (CMO)

From: aweston305@bellsouth.net
Sent: Tuesday, August 14, 2007 9:43 AM
To: Charter (CMO)
Cc: District8
Subject: Allow the Falls Area Residents the Right to Vote!

You provided a process whereby you wrote into the code a method to allow folks to form a city.

The Falls Area Residents followed the code to the letter of the law you wrote!

As part of the process, the Falls Area Residents negotiated an agreement with the County and then the Commission reneged on the agreement and did not allow a vote.

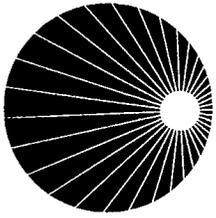
Stand by the negotiated agreement and allow us the right to vote!

Andrew R. Weston
Falls Area Resident

REPORT ON

KNOWLEDGEABLE

MEMBERS



greater
miami
chamber
of commerce

August 14, 2007

Mr. Victor M. Diaz, Jr.
Chairman
Miami-Dade County Charter Review Task Force
111 NW 1st Street, Suite 2910
Miami, FL 33128

Dear Mr. Diaz,

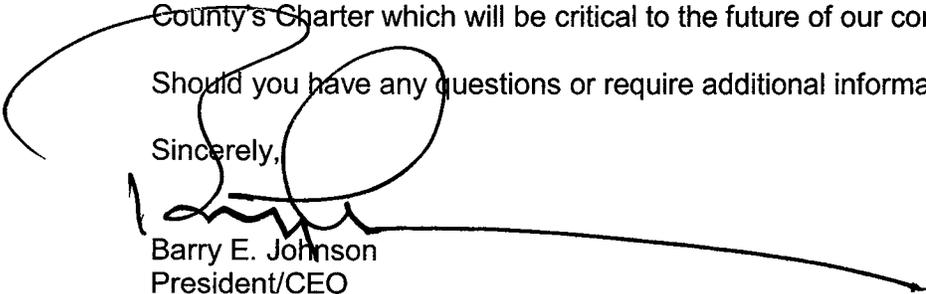
On behalf of the members of the Greater Miami Chamber of Commerce, thank you for the invitation to provide recommendations to the Charter Review Task Force study of improvements to Miami-Dade County's Home Rule Charter.

I am pleased to inform you that our Chamber's Advocacy Group is hard at work analyzing each of the 12 issues to be studied by your Task Force. It is anticipated that our recommendations will be completed soon, and we will present them to Assistant County Manager Susanne M. Torriente, as instructed in your letter.

Again, we thank you for the opportunity to share our recommendations to improve the County's Charter which will be critical to the future of our community.

Should you have any questions or require additional information, please call.

Sincerely,



Barry E. Johnson
President/CEO

GREATER MIAMI CHAMBER OF COMMERCE

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Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

DRAFT

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION NO. R-462-07
RELATING TO THE CHARTER REVIEW TASK FORCE

WHEREAS, the County Commission adopted County Resolution No. R-462-07 (attached hereto) creating the Charter Review Task Force (the "Task Force"); and

WHEREAS, the Task Force has begun its meetings and discussions in earnest; and

WHEREAS, the Task Force voted at its meeting of July 23, 2007 to request a ninety (90) day extension to the reporting deadline established by R-462-07 in order to accommodate a complete review and suggested amendments or revisions of the Home Rule Charter, as well as review and recommendations as to whether the Home Rule Charter should be amended to change the positions of Property Appraiser, Tax Collector, Sheriff and Supervisor of Elections to elected positions, as directed pursuant to County Resolution No. R-504-07; and

WHEREAS, the Task Force will present an initial report by October 31, 2007 and anticipates making certain recommendations at that time; and

WHEREAS, if the extension to submit its written recommendations is granted, the Task Force's final report would be due on or before January 29, 2008,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that County Resolution No. R-462-07 is amended to extend the reporting date for the Charter Review Task Force to submit its final written recommendations on or before January 29, 2008, which is ninety (90) days from the reporting date established by R-462-07.

The foregoing resolution was sponsored by Chairman Bruno A. Barreiro and offered by
Commissioner _____, who moved its adoption. The motion was seconded by
Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|------------------------------------|--------------------|
| Bruno A. Barreiro, Chairman | |
| Barbara J. Jordan, Vice-Chairwoman | |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Joe A. Martinez | Dennis C. Moss |
| Dorin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairman thereupon declared the resolution duly passed and adopted this _____ day of _____, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____

Cynthia Johnson-Stacks

Additional

Materials

TO: Charter Review Task Force
Chair: Victor Diaz Jr.

DATE: August 14, 2007

FROM: Maurice A. Ferre

Attachment: August 15, 2007 Memorandum from Maurice A. Ferre to CRTF

As I was out of town for the August 1 meeting, I did not submit my full recommendations for the CRTF following my July 18, 2007 memorandum. In the July 23 minutes, Chair Diaz granted an extension of time to the League of Cities to present their charter reform positions. I understand that at the August 1 meeting the matter of further input was left open. I had requested through Andy Gazitua, in the Mayor's office, additional time to submit my list.

Enclosed please find my position paper outlining my recommendations for consideration for discussion by the CRTF.

The majority of my areas of interest are already included in your selected lists. The only outstanding issues are:

1. Contracts
2. Zoning
3. UDB
4. MDC County Manger's required appointment, qualifications and responsibilities.
5. Foundations and Trusts
6. New Name for BCC
7. Election Reform
8. County Auditor

My version of the issues and differences with the Mayors July 31 recommendations to you are self explanatory in my memorandum of August 15.

**Recommendations of Charter Review Task Force member Maurice A. Ferré
for changes in governance in the Miami-Dade County Charter.
August 15, 2007**

GOVERNANCE

i. CONSTITUTIONAL OFFICERS

The Tax Collector, Property Appraiser, Supervisor of Elections, and Sheriff are all highly technical positions. There is no way to ensure that the candidates for election to these positions would have the requisite technical skill sets.

Our citizens are better served by the appointment of these constitutional officers from candidates with appropriate qualifications and technical expertise. This logic is equally appropriate for similar reasons to all four positions under discussion.

ii. BOARD OF COUNTY COMMISSIONERS

a. Quasi-Judicial Proceedings

i. Contracts

Under the traditional Council-Manager¹ government structure the Governing Body has final decisions concerning expenditures – such expenditures include the budget and the award of contracts. Under the new Executive Mayor-Council² structure the Governing Body retains the same powers.

As the governing body, the Board of County Commissioners (BCC) may establish processes in the Charter that make the practice of awarding of contracts more transparent and accountable.

¹ The council-manager plan is the system of local government that combines the strong *political leadership* of elected officials in the form of a council or other governing body, with the strong *managerial experience* of an appointed local government manager. The plan establishes a representative system where all power is concentrated in the elected council as a whole and where the council hires a professionally trained manager to oversee the delivery of public services.

² Under this system the Mayor is the chief executive and the council is the legislative governing body. This system provides accessibility to the public of an elected chief executive.

The awarding of contracts could be structured under a *quasi-judicial* process, which provides that Administrative Judges review contract disputes under strict procedures. The review by the BCC should only be on an appellate basis, also under strict procedures, such as no new evidence allowed, no public input (that should be at administrative levels) etc., with a 2/3 vote required to override a decision by an Administrative Judge.

The BCC should monitor and, if necessary, have regular overview hearings on the codified regulations and procedures, but not directly intervene in the original awarding of contracts, that should be done by the administrative side of MDC.

ii. Zoning

The above mentioned format could be mirrored for zoning hearings. Again, the BCC would only be, as it were, a *quasi-judicial* appellate court. This Administrative Judge system works well in zoning hearings in Orlando, Florida and other jurisdictions.

iii. UBD

All UBD changes should require a 2/3 vote. If there is less than a 3/4 vote in favor of the change, the matter should be referred to the electorate at the next Presidential election ballot, i.e. every four years would be the referendum dates.

b. BCC Composition

The BCC composition could be expanded to contain both district and at large members.³ For example, nineteen commissioners, similar to Jacksonville; thirteen commissioners elected from districts; six commissioners elected at large, with two years residency requirements from six equal areas, reconfigured every ten years, after the census. Six at large commissioners would avoid dilution of representation. The at large commissioners would first be elected from the district, subsequently, at the general election, the two top vote getters from the primary election in each at large district would be elected at large, county wide.

³ Prior to the increase in BCC membership, the budget of the BCC should be frozen to the amount of the previously approved budget before enactment for a period of five years, except for an annual CRP adjustment, unless an emergency is declared by a supermajority of the BCC. After five years the BCC will revert back to the regular yearly budget adoption method.

The at large seat holders would chair six standing committees to be designated by the elected chair. All nineteen BCC members would each have one vote to elect a chair every two years. No chairperson can serve as chair for more than four years total, consecutively or broken into two, two year terms. The chair will designate all members of the six standing committees. No member will serve consecutively more than four years in any committee.

c. BCC Term Limits

No commissioner shall serve more than a total of eight years in his/her specific seat. However, a district commissioner could seek an at large seat for an additional eight years or *vice versa*, an at large commissioner can run for an additional eight years as a district commissioner.

d. BCC Salaries

All at large commissioners will serve full time and will be paid a salary commensurate with the formula established by the State of Florida for non-chartered Home Rule counties.

The district commissioners may serve either full time or part time. Full time district commissioners will be paid a salary commensurate with the formula established by the State of Florida for a non Home Rule county. Part time commissioners will be paid 1/3 of the State formula.

Outside income for full time commissioners would follow the same restrictions in place for Members of Congress.

e. BCC New Name

The BCC name shall be changed to the Miami Dade Legislative Council and the members will be referred to as Councilman or Councilwoman. An alternate could be the Miami Dade Legislative Assembly and the members would be referred to as Assemblywoman or Assemblyman. The name change is to emphasize the different nature between the old BCC and the new Legislative Assembly.

iii. INITIATIVE, REFERENDUM AND RECALL.

The Home Rule Charter *must provide the only method* for citizens to initiate referenda.⁴ The Commission cannot act alone in passing a legislative act or administrative rule which concerns the initiative amending process, without Citizen input, since any restriction of the initiative process would strengthen the authority and power of the Commission and *weaken the power of the citizen*.

The Charter dictates that it should be construed liberally in favor of the citizen-initiative process: "This Charter shall be *liberally construed* in aid of its declared purpose, which is to establish effective home rule government in this county *responsive to the people*." Charter, § 9.06(A) (emphasis added). Indeed this liberal-construction canon derives directly from the Constitution.

Therefore, this Taskforce should recommend that the Charter continue to embody the initiatory petition process in its entirety and that no ordinance or regulation can override the Charter in this regard.

iv. UMSA

UMSA (Unincorporated Metro Service Area) should be phased out by 2014. All municipal services should be rendered by incorporated cities under standards established by MDC and the oversight of MDC. Centralized area wide services of both police and fire/rescue services should be maintained by MDC (crime laboratory, organized crime bureau, etc.) as defined by MDC in cooperation with the MDC League of Cities. It is the intent that MDC should concentrate in only regional services, setting municipal standards and overview of municipalities. MDC will define municipal services for all municipalities.

A financing mechanism will be established by 2010 wherein all citizens and taxpayers in UMSA or the municipalities of MDC will pay through a tax increment plan (similar for the plan in existence in St. Paul, Minneapolis, Minnesota for the past 25 years) for those municipalities that cannot financially meet the minimum standards set by MDC (for police, park, etc.). An alternative could be the plan proposed by Eugene Stearns in CRTF 2000, Section "B", page 7 "Municipal Revenue Sharing".

v. MAYOR/MANAGER

⁴ Article VIII, Section 11(1)(i) of the 1885 Florida Constitution, carried forward by Article VIII, Section 6(e) of the 1968 Florida Constitution, states that the Home Rule Charter "[s]hall provide a method for . . . initiative and referendum, including the initiation of and referendum on ordinances . . ." Section 7.01 of the Charter carries out the constitutional directive and lays out a "procedure" for Dade County electors to initiate passage of or referenda on ordinances.

STRONG MAYOR

The Mayor will be the head of the MDC government and will retain the powers given to him/her in the January 23, 2007 Charter Change election that established the current "Strong Mayor" government format.

MANAGER

The Mayor will appoint a Manger with the consent of the BCC as in the current Charter. The title of the Manager will be changed to Chief Administrative Officer (CAO). The CAO will be the Operating Officer of the MDC operating the government day to day under the mayor.

^{CAO}
The appointed ~~Deputy Mayor~~ shall be a person with at least five (5) years of experience as a Chief Executive, COO or comparable, of a public entity, local, State or Federal of at least a third of MDC in yearly budget and/or employees or of equal size in the private sector. The BCC can wave these requirements of the Mayor's appointment of the CAO with a 2/3 vote.

vi. FOUNDATIONS AND TRUST

MDC can delegate any regional function or department to a Foundation/Trust.

The Trusts will be governed by boards that must be appointed by the Mayor with the advice and consent of the BCC. All Directors of Trusts shall be recommended by the Trust Board, but will be selected by the Mayor, with the advice and consent of the BCC.

The budgets of all Trusts must be approved yearly by the BCC, with the veto power of the Mayor.

All Trusts will sunset every 10 years and must be reauthorized by the BCC with the veto of the Mayor, after at least two public hearings.

ETHICS

i. LOBBYIST REFORM DISCUSSION ITEMS

- Full yearly PUBLIC DISCLOSURE of all forms and quantities of payment for services rendered to clients for anyone registered as a lobbyist in MDC.
- No indirectly payment to lobbyist registered and doing work for clients at MDC.
- No success fee payments to lobbyist at MDC; no percent participation as payment for clients business, direct or indirectly; no participation by lobbyists in any deals pertaining to any contract or processing in MDC, currently or promised, directly or indirectly, in the future.
- No paid lobbyist representing MDC can represent third party issues before staff, administration or BCC.
- No citizen who serves in any MDC appointed board, trust or foundation can during the time of the appointed service or for three years after ending service, lobby staff, administration or BCC.
- No lobbyist can represent MDC if he/she also represents another jurisdiction in Florida competing with MDC for funds or grants.
- No lobbyist who represents a client/s against MDC in any court of law or jurisdiction can represent MDC for a period of five years thereafter.
- No lobbyist, person or corporation that directly or indirectly conducts any business with MDC may raise political contributions for any elected person in MDC government or any PAC involved in a MDC election or referendum, directly or indirectly, for a one year period before and/or after that election. This should include vendors, suppliers of goods and services, including lobbyist.
- The BCC will clearly define who is a lobbyist to avoid the usage of professional status as an avoidance of registering as a lobbyist in MDC.

ii. CONFLICTS OF INTEREST

- Should the increased salary provisions be voted favorably upon by the electors of MDC, no elected official or employee of MDC can serve in a paid capacity in any entity, public or private, that conducts business with or receives funding from MDC. No elected official of MDC can work for any other government, agency or NGO that receives any public funding.
- No elected official of MDC can receive any funding, grant, material or services from any person or entity that is regulated by or does business with MDC.

iii. ELECTIONS REFORM

- All MDC primary elections will be held on the Tuesday following the first Monday of October in even years.
- All runoff and general elections will be held on the Tuesday following the first Monday of November in even years, to coincide with U.S. Congressional elections.
- All referendums and Charter reform issues at MDC will be held only at general election dates on even years.
- There shall be public funding of all elected positions in MDC as designated and determined by the BCC.

iv. COUNTY AUDITOR

- Internal auditing of administrative agencies should be removed from the administrative branch and transferred to a newly created Office of County Auditor, whose head would be appointed by the County Commission. The County Auditor would be responsible for both performance and financial audits of all County agencies and would report to the County Commission.

Notes on a Charter Amendment: County Commission Salaries

Robert A. Ginsburg

The Home Rule Charter will create an Independent Committee to Set County Commission Salaries. The Committee shall be comprised of 5 distinguished citizens of Miami-Dade County with no direct ties to the County Commission:

- The Chief Judge of the Eleventh Judicial Circuit
- The Miami-Dade State Attorney
- The President of Miami-Dade College
- The immediate past Chair of the Public Health Trust
- The immediate past Chair of the Community Relations Board

In the event any of the designated individuals is unable to serve on the Committee, the governor of Florida shall make an appropriate substitute appointment.

The Clerk of Courts shall provide secretarial and technical support.

Limitations with respect to Committee meetings:

- The Committee's first meeting shall not take place earlier than 1 year after the adoption of this amendment.
- The Committee shall not meet more often than once in any 5-year period.
- All meetings of the Committee shall be public and shall be recorded and televised. The "Sunshine Law" and the public records laws of the State of Florida shall apply to the Committee.
- No sitting county commissioner shall discuss county commission salaries with any Committee member, except publicly at a Committee meeting. A violation of this limitation shall be deemed to be a violation of the Citizens' Bill of Rights.

Limitations with respect to county commission salaries:

- Minimum salaries: the Committee shall not set county commission salaries at less than \$6,000 per year.
- Maximum salaries: the Committee shall not set county commission salaries at more than the salaries provided by state law for county commissioners from non-charter counties at the time of the Committee's

determination. If the Committee sets county commission salaries at the maximum, then the position of Miami-Dade County Commissioner shall become full time employment; provided, however, that sitting county commissioners shall have 120 days, or until the date of their next elections, whichever comes first, to resign any existing outside employment.

- **Non-discrimination:** all county commissioners shall earn the same salaries; provided, however, that this limitation does not prohibit any county commissioner from declining all or any portion of his or her salary or contributing the same to charity.
- If county commission salaries are increased at any time, the budget for the county commission shall not be increased for the next three succeeding fiscal years.