



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners
Commission Chambers - Stephen P. Clark Center
111 NW 1st Street, 18th Floor
Conference Rooms 3 & 4
Miami, Florida 33128

Meeting Date:
Wednesday, October 17, 2007

Prepared by:
Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Reporter:
Mary Smith-York, Commission Reporter
(305) 375-1598



**CLERK'S SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
October 17, 2007**

The Charter Review Task Force convened in a meeting on October 17, 2007, at 10:00 a.m. in Conference Rooms 3 and 4, on the 18th floor of the Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida. There being present: Chairman Victor M. Diaz, Jr. and members Ms. Lynn Dannheiser, Mr. Miguel DeGrandy, Mayor Carlos Diaz-Padron, Mayor Shirley Gibson, Commissioner Carlos A. Gimenez, Mr. Murray Greenberg, Mr. Larry Handfield, Ms. Elizabeth Hernandez, Mr. John Hogan, Mr. Richard Kuper, Mr. Jorge Lopez, Mayor Raul L. Martinez, Mr. H. T. Smith, Ms. Yvonne Soler-McKinley, and Mr. Ignacio Vasquez; (Mayor David Dermer, Mr. Maurice A. Ferre, Mr. Robert A. Ginsburg, Mr. Robert Holland, and Mr. Francois Illas were absent).

1. CALL TO ORDER

Chairman Diaz called the meeting to order at 10:22 a.m.

2. ROLL CALL

Chairman Diaz advised that Mayor David Dermer informed that he would be absent from today's meeting.

The following staff members were present: County Manager George Burgess; Office of Strategic Business Management Director Jennifer Glazer-Moon, Assistant to the County Manager Margaret Fernandez; Assistant County Attorneys Cynthia Johnson-Stacks, Wilfredo Ferrer, and Monica Rizo; and Deputy Clerks Diane Collins and Mary Smith-York.

3. MINUTES AND REPORTS

A. Approval of September 19, 2007 meeting minutes

It was moved by Mr. Smith that the September 19, 2007 Charter Review Task Force meeting minutes be approved as presented. This motion was seconded by Mayor Gibson, and upon being put to a vote, passed unanimously by those members present.

B. Approval of October 3, 2007 meeting minutes

Chairman Diaz asked that the minutes of October 3, 2007 be corrected on page 9, paragraph 2, line 4, to insert the language, "he was concerned that" before the words "the only way to achieve Countywide incorporation was by...;" and in line 7, the language, "he was not satisfied" be deleted and replaced with "he was concerned that."

It was moved by Mayor Gibson that the October 3, 2007 meeting minutes be approved with the requested corrections. This motion was seconded by Ms. Dannheiser, and upon being put to a vote, passed unanimously by those members present.

4. OLD BUSINESS

A. Election of Property Appraiser

Chairman Diaz advised that last week (10/12) the Governmental Operations and Environment Committee (GOE) approved a resolution calling a special election on whether the charter should be amended to provide for an elected Property Appraiser. He noted this resolution would be considered by the County Commission in November for final adoption.

Mr. Greenberg commented that rather than devoting extensive discussion to whether the property appraiser should be elected, the Task Force should discuss the Commission's opinion regarding this group. He pointed out that the Task Force's ability to make recommendations was restricted by the criteria established by the Commission. Mr. Greenberg expressed concern with the level of discussion among this group exceeding the mandates of the commissioners and suggested the Commission be asked to either disband the Task Force or let it do its job.

Chairman Diaz stated members were encouraged to maintain constant dialogue with their respective appointing commissioner, keeping them apprised of the Task Force's progress. He noted his efforts to keep the community informed with a meeting with the Miami Herald's Editorial Board (10/16), a scheduled meeting with the Chamber of Commerce (11/7) and an appearance on "This Week in South Florida" with Michael Putney on Channel 10 (11/4). Chairman Diaz stated that while Mr. Greenberg raised a valid concern, he would encourage members to engage the community's support for the Task Force's recommendations on the issues.

Mayor Martinez reminded the Task Force members of their acceptance of the Commission's mandate at the time of their appointment and conceded that the group's task was too large for the amount of time allowed. Acknowledging public outcry for tax reform, he suggested the Task Force vote the property appraiser issue up or down today and submit the result to the Commission for its consideration.

Mr. Vazquez informed that he believed in transparency in government and emphasized that the Task Force should convey to the Commission that citizens wanted their say in regards to the constitution and their elected officials.

Mayor Gibson concurred that the Task Force had a secondary duty to get the message out to the people of the community so they may be more informed about their government representatives. She noted, for the record, that she was appointed by the City of Miami Gardens; not by a commissioner.

It was moved by Mr. Kuper that the Task Force recommend to the Board of County Commissioners that the Property Appraiser be an elected position. This motion was seconded by Commissioner Gimenez.

Chairman Diaz noted the property appraiser was constrained by state statutes and must follow state law when assessing the value of property. He expressed concern with the cost of holding a countywide election and questioned whether the election process would dilute professionalism and encourage corruption.

Mr. Kuper requested his motion be amended to include certain qualifications based on criteria introduced in the previous Task Force meeting (10/3).

Mayor Martinez spoke in opposition to attaching qualifications to an elected property appraiser, noting other elected positions did not include qualification criteria. He noted he felt that elected officials were not influenced by campaign contributions.

Chairman Diaz read into the record, the current minimum qualifications of the Property Appraiser's position as follows: A Bachelors degree in Business Administration, Public Administration or a related field; and a minimum of six to ten years of progressively responsible managerial and/or administrative experience in property appraisal to include supervisory experience are required.

Discussion ensued among Task Force members regarding whether to attach qualifications. They also discussed whether the Task Force would determine the level of discretion the Property Appraiser could exercise when assessing property.

Mr. Lopez recommended rather than having the Property Appraiser selected entirely through the elections process, that the Mayor's appointment of the property appraiser be ratified by the Board of County Commissioners, subject to approval by the voters. He also proposed that term limits be established for the position.

Mr. Greenberg asked Task Force members to consider the huge expense involved in running the property appraiser's office, which required lawyers. He advised that an independent property appraiser might choose not to use the County Attorney's Office.

Mr. Kuper proffered an amendment to the foregoing motion to include that the elected property appraiser be limited to two four-year terms. Commissioner Giminez, the seconder to the main motion, did not accept the amendment.

Mr. Lopez proffered an amendment to the foregoing motion to include the merit retention method for the property appraiser. Mr. Kuper, the mover of the main motion, did not accept the amendment.

Following additional discussion, the Task Force voted on the motion moved by Mr. Kuper that the Task Force recommend to the Board of County Commissioners that the Property Appraiser be an elected position. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 12-4 (Mayor Diaz-Padron, Mr. Greenberg, Mr. Lopez, and Chairman Diaz voted no); (Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

5. NEW BUSINESS

A. Review of Preliminary Recommendations & Draft Charter Review Interim Report

Issue No. 2: Mayor and Board of County Commissioners (Board) Compensation

Issue No. 3: Study of Term Limits – Board or other elected officials

It was moved by Mr. DeGrandy that the Task Force ratify all the votes in the preliminary recommendations on Issues 1 through 4, as interim recommendations to the Commission.

Chairman Diaz advised that he had received requests for verification on Issue No. 2: Mayor and Board of County Commissioners (Board) Compensation, regarding the language contained in the friendly amendment offered by Mr. Holland. He read into the record the Florida Statutes that already provided for forfeiture of retirement benefits relating to certain offenses. Chairman Diaz questioned whether the Task Force wished to expand beyond those statutes.

Mr. Handfield recommended the State Statutes remain as provided in regard to compensation, which Mr. DeGrandy accepted.

Chairman Diaz noted he had also received inquiries concerning perks in regard to compensation and asked Task Force members whether they wished to impose restrictions pertaining to salaries/perks.

Mr. Handfield recommended the Task Force not consider imposing limits on the perks of public servants.

It was moved by Mr. DeGrandy that the following preliminary recommendations be amended to delete the fourth recommendation and ratified as the Task Force's interim recommendations to the Board of County Commissioners relating to Issue No. 2: Mayor and Board of County Commissioners Composition; and Issue No. 3: Study of Term Limits – Board and other elected officials:

- Commissioners would receive a population based salary provided by Florida's Statutory formula (approx. \$89,000);
- Commissioners' terms in office shall be limited to two, four-year terms; and
- Commissioners would be prohibited from having outside employment.

This motion was seconded by Mayor Diaz-Padron, and upon being put to a vote, passed unanimously by those members present (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, Mr. Illas, and Mayor Martinez were absent).

Issue No. 1: Public Safety Director (Sheriff)

Chairman Diaz read the preliminary recommendation for Public Safety Director into the record.

It was moved by Commissioner Gimenez that the preliminary recommendation be amended and ratified as the Task Force's interim recommendation to the Board of County Commissioners relating to Issue No. 1: Public Safety Director (Sheriff) being elected as follows:

- Public Safety Director shall be appointed by the Mayor for a period of four (4) years, subject to reevaluation;
- That the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission;
- That the Public Safety Director could be removed by the Mayor, subject to a simple majority vote of the County Commission;

- That the County Commission can remove the Public Safety Director by a super majority (two-thirds) vote; and
- Once appointed, interference by the Mayor would be cause for termination/removal from office.

This motion was seconded by Mr. DeGrandy.

Discussion ensued among Task Force members regarding the meaning of the term “interference” and determining if it was consistent with the language provided in the Charter. Additional issues discussed included the Strong Mayor’s authority over all departments, including public safety and the potential for political interference in criminal investigations, if the public safety director was appointed.

Following discussion, Commissioner Gimenez clarified the intent of his motion was that the Office of the Mayor shall not direct the operations of the Police Department.

Mr. DeGrandy, the seconder of the motion, concurred.

Discussion ensued among Task Force members whereupon Mr. Greenberg proposed that the foregoing motion be amended to include the language, “...the Mayor shall not, in any way, initiate, direct, terminate or otherwise interfere with any potential, future, or existing criminal investigation...”

After stating his concerns with the language in Mr. Greenberg’s proposed amendment, Commissioner Gimenez withdrew his motion.

It was moved by Mr. Hogan that the preliminary recommendation be ratified as the Task Force’s interim recommendation to the Board of County Commissioners relating to Issue No. 1: Public Safety Director (Sheriff), as amended to include the following language:

- Public Safety Director shall be appointed by the Mayor for a period of four (4) years, subject to reappointment;
- That the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission;
- That the Public Safety Director could be removed by the Mayor, subject to a simple majority vote of the County Commission;
- That the County Commission can remove the Public Safety Director by a super majority (two-thirds) vote;
- The Mayor shall not, in any way, initiate, direct, terminate or otherwise interfere with any potential, future, or existing criminal investigation.

This motion was seconded by Mr. Handfield, and upon being put to a vote, failed to carry by a vote of 7-8 (Mr. DeGrandy, Mayor Gibson, Commissioner Gimenez, Mr. Kuper, Mr. Lopez, Mayor Martinez, Ms. Soler-McKinley, Mr. Vazquez voted no) (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

It was moved by Mr. DeGrandy that the Task Force recommend to the Board of County Commissioners that the Public Safety Director be an elected position. This motion was seconded by Ms. Hernandez. Upon being put to a vote, the motion failed to carry by a vote of 6-9 (Mayor

Diaz-Padron, Mayor Gibson, Commissioner Gimenez, Mr. Greenberg, Mr. Handfield, Mr. Hogan, Mr. Lopez, Mr. Smith, and Chairman Diaz voted no); (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

It was moved by Mr. Hogan that the preliminary recommendation be amended to remove the phrase "...the Mayor shall not, in any way, initiate, direct, terminate or otherwise interfere with any potential, future, or existing criminal investigation..." and ratified as the Task Force's interim recommendation to the Board of County Commissioners relating to Issue No. 1: Public Safety Director (Sheriff) being elected, as follows:

- Public Safety Director shall be appointed by the Mayor for a period of four (4) years;
- At the expiration of each term, the Public Safety Director shall be subject to reappointment;
- That the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission;
- That the Public Safety Director can be removed by the Mayor, subject to a simple majority vote of the County Commission;
- That the County Commission can remove the Public Safety Director by a super majority (two-thirds) vote; and
- Once appointed, that person shall carry out the functions and duties of the office independent of the County Commission and the Office of the Mayor, except for budget and funding requests.

This motion was seconded by Mr. Lopez.

Following further discussion regarding the Public Safety Director having the ability to appoint his/her assistants and support staff, Mr. Lopez withdrew his second.

The motion was then seconded by Mayor Diaz-Padron, and upon being put to a vote, passed by a vote of 10-5 (Mayor Gibson, Mr. Kuper, Mr. Lopez, Mayor Martinez, Mr. Vazquez voted no); (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

Issue No. 1: Supervisor of Elections

It was moved by Mr. Handfield that the preliminary recommendation be amended and ratified as the Task Force's interim recommendation to the Board of County Commissioners relating to Issue No. 1: Supervisor of Elections as follows:

- that the Supervisor of Elections remain an appointed position for a period of four (4) years;
- at the expiration of such term, the Supervisor of Elections shall be subject to reappointment;
- that the appointment can be vetoed by a super majority (two-thirds vote) of the County Commission;
- that the Supervisor of Elections can be removed by the Mayor, subject to a simple majority of the County Commission;
- that the County Commission can remove the Supervisor of Elections by a super majority (two-thirds vote); and

- that once appointed, that person shall carry out the functions and duties of the office independent of the County Commission and the Office of the Mayor, except for budget and funding requests.

This motion was seconded by Mr. Hogan, and upon being put to a vote, passed by a vote of 10-5 (Mr. Kuper, Mr. Lopez, Mayor Martinez, Mr. Vazquez, and Mayor Gibson voted no); (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

Issue No. 1: Tax Collector

It was moved by Commissioner Gimenez that the recommendation, “that the Tax Collector position remain an appointed position,” be ratified as the Task Force’s interim recommendation to the Board of County Commissioners. This motion was seconded by Mr. Greenberg, and upon being put to a vote, passed by a unanimous vote of those members present (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

Issue No. 4: Mayor and Board of County Commissioners (Board) Composition

It was moved by Mr. DeGrandy that the preliminary recommendation, “that the Composition of the Board of County Commissioners be kept as it is currently with 13 single-member Commission Districts,” be ratified as the Task Force’s interim recommendation to the Board of County Commissioners. This motion was seconded by Mr. Smith, and upon being put to a vote, passed by a majority vote of those members present (Mr. Greenberg voted no); (Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Mr. Holland, and Mr. Illas were absent).

Mr. Smith noted for the record, that at the time the Task Force voted on its preliminary recommendations, it had not received any proposals from the Haitian-American community addressing the composition of the Board of County Commissioners. He noted, subsequently a proposal to increase the composition of the Board by two seats was received, however, this proposal had been voted down by the County Commission in the past.

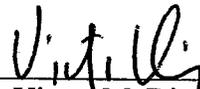
Having concluded consideration of the preliminary recommendations, discussion ensued among members of the Task Force regarding the composition/layout of the interim report to the Board.

There being on objection, Chairman Diaz proposed that a committee comprised of several members of the task force hold an advertised meeting for the purpose of revising the Task Force’s interim report. Members of the Task Force provided input on what should be included in the report.

Following discussion, it was moved by Mr. DeGrandy that the interim report include language in the Executive Summary or Introduction indicating that “Dissenting opinions are attached.” This motion was seconded by Mr. Smith and upon being put to a vote, passed by a majority vote of those members present (Mr. Lopez and Mr. Kuper voted no); ((Ms. Dannheiser, Mayor Dermer, Mayor Ferre, Mr. Ginsburg, Ms. Hernandez, Mr. Holland, Mr. Illas, and Mayor Martinez were absent).

6. ADJOURNMENT

There being no further business to come before the Task Force, the meeting was adjourned at 1:32 p.m.



Victor M. Diaz, Chairman
Charter Review Task Force