



Delivering Excellence Every Day

Charter Review Task Force Meeting

Tuesday, November 20, 2007

10:00 am

Stephen P. Clark Government Center

111 NW 1st Street

Mayor's Conference Room – 29th Floor

Miami, Florida

AGENDA

1. Call to Order
2. Roll Call
3. Approval of Minutes
 - A. Approval of October 31, 2007 meeting minutes
4. Old Business
 - A. Discussion of Issue 5 - Study of Municipalities and Unincorporated Municipal Service Area (UMSA)
 - Creating/Abolishing Municipalities
 - Separation of Powers or Responsibilities between the County and municipalities
 - Annexation/Incorporation in effort to eliminate UMSA
 - B. Discussion of Issue 6 - Study of Initiative, Referendum, Petition & Recall
5. New Business
 - A. Report on Board of County Commissioners Action related to Charter Revisions
 - B. Review and Prioritization of Pending Issues of Study
 - C. Procedure for Workshop Requests/Public Hearings
6. Adjournment – Next Meeting: Wednesday, November 28, 2007
10:00 am
Vizcaya Village "Garage"
3250 South Miami Avenue
Miami, Florida

**Charter Review Task Force
November 20, 2007**

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.

3-A



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners
Historical Museum of Southern Florida
101 West Flagler Street
Miami, Florida 33130

October 31, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Akira Spann, Commission Reporter
(305) 375-2510



CLERK'S SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
OCTOBER 31, 2007

The Charter Review Task Force convened in a meeting on October 31, 2007, at 10:00 a.m. in the Historical Museum of Southern Florida, 101 West Flagler Street, Miami, Florida. The following members were present: Chairman Victor M. Diaz Jr. and members City of Miami Beach Mayor David Dermer, former City of Miami Mayor Maurice Ferre, City of Miami Gardens Mayor Shirley Gibson, Mr. Robert Ginsburg, Mr. Murray Greenberg, Ms. Elizabeth Hernandez, Mr. Francois Illas, Mr. Richard Kuper, Mr. Jorge Luis Lopez, Mr. H.T. Smith, and Mr. Ignacio Jesus Vazquez; (Mr. Miguel De Grandy, former City of West Miami Mayor Diaz-Padron, Commissioner Gimenez, and Ms. Yvonne Soler-McKinley were late); (Ms. Lynn Dannheiser, Mr. Larry R. Handfield, Mr. John M. Hogan, Mr. Robert W. Holland, and former City of Hialeah Mayor Raul L. Martinez were absent).

1. Call to Order

Chairman Diaz called the meeting to order at 10:12 a.m.

2. Roll Call

The following staff members were present: Assistant County Manager Susanne M. Torriente; Assistant County Attorney Wilfredo Ferrer; Assistant County Attorney Mandana M. Dashtaki; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Doris Dickens and Akira Spann.

Chairman Diaz noted that a quorum was present and the Task Force proceeded with today's (10/31) agenda.

3. Minutes and Reports of Statements

A. Approval of October 17, 2007 meeting minutes

It was moved by Mayor Gibson that the October 17, 2007 Charter Review Task Force meeting minutes be approved. This motion was seconded by Mr. Vazquez, and upon being put to a vote, passed by a vote of 12-0 (Ms. Lynn Dannheiser, Mr. Miguel De Grandy, former City of West Miami Mayor Diaz-Padron, Mr. Larry R. Handfield, Mr. John M. Hogan, Mr. Robert W.

Holland, Commissioner Gimenez, former City of Hialeah Mayor Raul L. Martinez and Ms. Yvonne Soler-McKinley were absent).

4. Old Business

A. Review and Approval of Interim Report to the Board of County Commission

Mayor Ferre questioned whether Task Force members who were absent when the final vote was taken at the October 17, 2007, Charter Review Task Force meeting would have an opportunity to record their vote(s).

Mayor Gibson questioned whether the option to vote on the Task Force recommendations would be extended to those members absent when the vote was taken.

Mr. Ginsburg noted that Mayor Ferre could express how he would have voted on the final recommendations to Study Issues 1-4, which would be reflected in today's (10/31) minutes.

Mayor Ferre asked that the minutes be corrected to reflect that he voted "No" on the motions that the Public Safety Director (i.e. Sheriff, Police Chief) shall be appointed position; that the position of the Property Appraiser becomes an elected position; and that the County Commissioners shall receive a population based salary. He also asked that the minutes be corrected to reflect that he voted "Yes" on the motion that the Supervisor of Elections shall be an appointed position.

Chairman Diaz noted that Board of County Commission (BCC) Chairman Barreiro expressed appreciation on behalf of the BCC to Task Force members for completing the Interim Report timely. He stated that Chairman Barreiro and Commissioner Seijas, as the Chair of the Government Operations and Environment (GOE) had agreed to waiver the County Commission's rules and procedures and allow initial report of this Task Force to be forwarded for consideration by the County Commission on the November 6, 2007. Chairman Diaz urged all Task Force members to attend this meeting in order to reflect that this report was a collective opinion of this body.

Chairman Diaz clarified that the Initial Report reflected the Task Force final recommendations made to date. He noted Task Force members would continue to work on the remaining issues, particularly considering the request to extend the deadline to January 29, 2008 was granted. The Task Force would submit its final report with any additional recommendations on remaining issues by January 29th, and a new meeting schedule had been developed and would be presented for approval later, Chairman Diaz noted.

Chairman Diaz noted the Independent Body to Establish County Commission District, and the Discussion of Issue 5—Study of Municipalities and Unincorporated Municipal Service Area (UMSA) were pending Agenda Items to be considered by the Task Force today (10/31). He said the Task Force could consider the feasibility of re-prioritizing the remaining Issues of Study based on the amount of discussion for each issue.

Mayor Dermer encouraged Chairman Diaz to emphasize during his presentation that this Task Force continued to work on the remaining Issues of Study for reform..

Chairman Diaz noted that he would be sure to include that in his presentation before the Board of County Commission (BCC) meeting on Tuesday November 6, 2007.

9:22:18 A.M.

It was moved by Mr. Illas that the Initial Report and Recommendations of the Charter Review Task Force be approved. This motion was seconded by Mr. Smith, and upon being put to a vote passed by a vote of 12-0 (Ms. Lynn Dannheiser, Mr. Miguel De Grandy, former City of West Miami Mayor Diaz-Padron, Mr. Larry R. Handfield, Mr. John M. Hogan, Mr. Robert W. Holland, Commissioner Gimenez, former City of Hialeah Mayor Raul L. Martinez and Ms. Yvonne Soler-McKinley were absent).

Chairman Diaz noted that no dissenting opinions were submitted for inclusion in this report.

Responding to Mr. Lopez's question regarding how much time would be allotted to allow Task Force members to submit their dissenting opinions for inclusion in this report, Chairman Diaz noted that this report was issued on Friday October 26, 2007 for review and members were invited to submit their dissenting opinions. He stated that this Task Force was obliged to submit this report today (10/31); however, he did not see a problem with inserting language stating that dissenting opinions would be prepared and submitted by Task Force members. Chairman Diaz noted that any dissenting opinions should be submitted to staff timely enough to be included in the presentation before the County Commission.

Chairman Diaz encouraged on-going meetings between Task Force members and the County Commissioner who appointed them with respects to this report.

B. Independent Body to Establish Commission Districts

Chairman Diaz noted that the independent body to establish Commission Districts would hold public hearings in the community and would collaborate with other experts. He stated this body would address the sentiments expressed to this Task Force regarding disenfranchisements of

certain groups and how the district boundaries were drawn with regards to preserving the integrity of those districts.

Chairman Diaz suggested that this proposed panel of individuals could be composed of law faculty or appointees from the University of Miami and Florida International University. He also suggested that the BCC, the County Attorney's Office, and the County Mayor could appoint an individual to the proposed panel. Chairman Diaz noted that the body of individuals should be nominated and the BCC retained the authority to approve or ratify the appointments as a group.

Responding to Mr. Vazquez's question regarding the make-up of the current County Commission Districts, Mr. Greenberg noted that the County Commission failed to act when given the opportunity to redistrict; therefore the Commission Districts were set up by the Courts. He stated that the only legal requirement was that the districts be equal in population and the boundaries be contiguous; but beyond that there was an unwillingness to redistrict because incumbents would have to run against each other or an incumbent would lose a large percentage of support in their district. Mr. Greenberg noted that he felt an independent body should redraw the Commission Districts.

Mr. Greenberg noted that the Court believed that legislative body could consider incumbency but weren't required to give credence to incumbency. He questioned whether a ten (10) percent deviation from one district to another would hold.

It was moved by Mayor Dermer that this Task Force consider appointing a three person panel made up of Federal Judges to redraw the Commission Districts; that County Staff assist them in the demographic make-up of the new make-up of those districts; and that the Board of County Commission not have final approval of the new demographic make-up of the Commission Districts. This motion was seconded by Mayor Ferre.

Chairman Diaz noted that a formal legal opinion of the Office of the General Council for the Conference of Judges was required to determine whether sitting Federal Judges would be allowed to sit on the proposed independent body.

Mayor Gibson suggested that the demographic results of the 2010 Census also be considered by the proposed appointed panel of Federal Judges to make their recommendations on the Commission district lines.

Chairman Diaz noted that this recommendation could be amended to provide for that information be put together at the time of the 2010 Census.

Responding to Mr. Smith's comments claiming that the impact of this motion, Chairman Diaz noted that discussion between this Task Force and the public must occur with vigorous input in a

very open and public process. He stated that this Task Force should give the community an opportunity to know that their voices would be heard.

Following additional comments from Task Force members, Chairman Diaz noted this was an initial recommendation that required a great deal of fine tuning due to legal issues.

Mr. Ginsburg noted that the 1990 and the 2000 Census were grossly unfair to this community with regards to how they were conducted and counted. He stated that he informed the Haitian American community that they must vigorously participate in the Census if they wanted representation on the County Commission. Mr. Ginsburg noted that this County must ensure an accurate count of the 2010 Census demographic results. He stated that the current County Commission was a good diverse that should be preserved at all cost.

Discussion ensued among the Task Force pertaining to the issue of the independent panel upsetting the Board of County Commission.

Mr. Illas noted that the Commission Districts could not be redrawn unless a drastic change occurred in the County's population.

Chairman Diaz asked Mayor Dermer to restate his motion.

It was moved by Mayor Dermer that the Task Force recommend to the County Commission request that a panel of three (retired or sitting) Federal Judges be appointed to redraw district boundaries for the 13 County Commission Districts based on the demographics of the 2010 Census; to hold public hearings throughout the community to include input and feedback from the citizens; and to submit this plan for review and input from the County Commission, with the provision that Federal Judges would make the final decision on how the boundaries would be drawn. This motion was seconded by Mayor Ferre for discussion.

Hearing no further questions or comments, the Task Force proceeded to vote. The motion passed with a vote of 9-7 (Mr. De Grandy, Mr. Ginsburg, Mr. Illas, Mr. Kuper, Mr. Lopez, Mr. Smith, and Mr. Vazquez voted "No"); (Ms. Dannheiser, Mr. Handfield, Mr. Hogan, Mr. Holland, and Mayor Martinez were absent).

Following further discussion, it was moved by Mr. Ginsburg that the Task Force recommend that the County Commission request that the same panel of (retired or sitting) Federal Judges appointed to redraw the County Commission District boundaries also establish all municipal boundaries where municipalities have districts. This motion was seconded by Mr. Lopez.

Mr. Ginsburg subsequently withdrew the foregoing motion.

Discussion of Issue 5—Study of Municipalities and Unincorporated Municipal Service Area (UMSA)

Creating/Abolishing Municipalities

Separation of Powers or Responsibilities between the County and Municipalities

Annexation/Incorporation in effort to eliminate UMSA

Mayor Ferre noted that he made a previous motion that the Unincorporated Municipal Service Area (UMSA) would no longer exist and would be divided into municipalities. He questioned whether that decision was reversed.

Mr. Ginsburg noted that the Board of County Commission (BCC) rescinded that resolution.

Chairman Diaz noted that in November 1997 the BCC considered an intent resolution to incorporate or annex the remaining unincorporated areas by December 2007, but no action was taken. He stated that in April 2002, the BCC considered another intent resolution incorporate or annex the remaining unincorporated areas by January 2018, but failed by a vote of 5-6.

Responding to Mayor Gibson's question regarding County staff actively corresponding with unincorporated areas despite the failure of the intent resolution, Ms. Jennifer Glazer-Moon, Office of Strategic Business Management Director, noted that the BCC directed that they survey all municipalities to determine whether they were interested in annexing the areas rather than incorporating them. She stated that they anticipate presenting a report to the BCC in December 2007, but all municipalities have yet to respond.

Responding to Mayor Gibson's question whether revenues would be withheld if certain areas were annexed, Ms. Glazer-Moon noted that they have not received a clear direction from the BCC pertaining to that issue.

Chairman Diaz noted that there were important advantages that needed to be addressed pertaining to dramatically shifting the focus of County Government to regional issues. He stated that additional testimony was needed regarding problems that existing municipalities were having in interfacing with County Government. Chairman Diaz suggested that the following questions should be considered:

- 1) Would the creation of all municipalities' increase or decrease lobbyists?
- 2) Would politics be localized better with the creation of all municipalities?

- 3) Would fewer opportunities for good government exist with the creation of all municipalities?
- 4) What impact would creating all municipalities have on taxes?

It was moved by Mr. De Grandy that the Task Force recommend that the County Commission request that a panel of Federal Judges or an Independent Body to appointed to submit a comprehensive plan for County-wide annexation and/or incorporation to be completed by 2009 and placed on the ballot for approval by the voters in the form of a referendum in 2010. This motion was seconded by Commissioner Gimenez.

Discussion ensued among Task Force members regarding the intent of Mr. De Grandy's motion.

Mr. De Grandy noted that two major impediments to bring the County into municipal mode included piece meals, which never worked because the people voted against it; and having the Board of County Commission enforce annexation or incorporation, which would run afoul with the people's right to decide. He stated that his motion would provide input from everyone.

Chairman Diaz noted that foregoing motion was on the table and would be considered at the next Charter Review Task Force meeting scheduled on Wednesday November 14, 2007.

5. New Business

A. Approval of Future Meeting Schedule

Chairman Diaz asked that all Task Force members examine the future meeting schedule.

6. Adjournment

There being no further business to come before this body, the Charter Review Task Force was adjourned at 1:00 p.m.

Victor M. Diaz Jr., Chairman
Charter Review Task Force

4-B

Memorandum



Date: September 4, 2007

To: Victor M. Diaz, Chairman
Charter Review Task Force

From: Susanne M. Torriente
Assistant County Manager

Subject: Information Package for Charter Review Task Force – Issue 5/6

At its August 1, 2007 meeting, the Charter Review Task Force (CRTF) approved a list of issues, in priority order, for study during this process.

Per your direction, research on Issue 5, the Study of Initiative, Referendum, Petition & Recalls has been performed. Specifically, staff has conducted general research regarding the use of initiatives and recalls in the United States. The attached presentation includes information regarding the history and major pros and cons of these processes, as well as specific strategies used by communities to improve them. Additionally, we have attached detailed findings regarding provisions for initiative and recall in seven Florida counties and thirteen large counties nationwide.

I would like to thank Amy Horton-Tavera, Paul Mauriello, Cara Tuzeo, John Murphey and Tracie Auguste for pulling this data together. Staff will continue to research this issue, as well as the other issues approved by the Task Force.

c: Charter Review Task Force Members and Staff

Direct Democracy: Initiative and Recall

Prepared for the Miami-Dade County Charter Review Task Force

September 2007

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Selected References

Primary References:

- Cronin, Thomas E. Direct Democracy: The Politics of Initiative, Referendum and Recall. 1989: Harvard University Press, Cambridge, MA
- National Conference of State Legislatures Initiative and Referendum in the 21st Century: Final Report and Recommendations of the NCSL I&R Task Force, 2002.

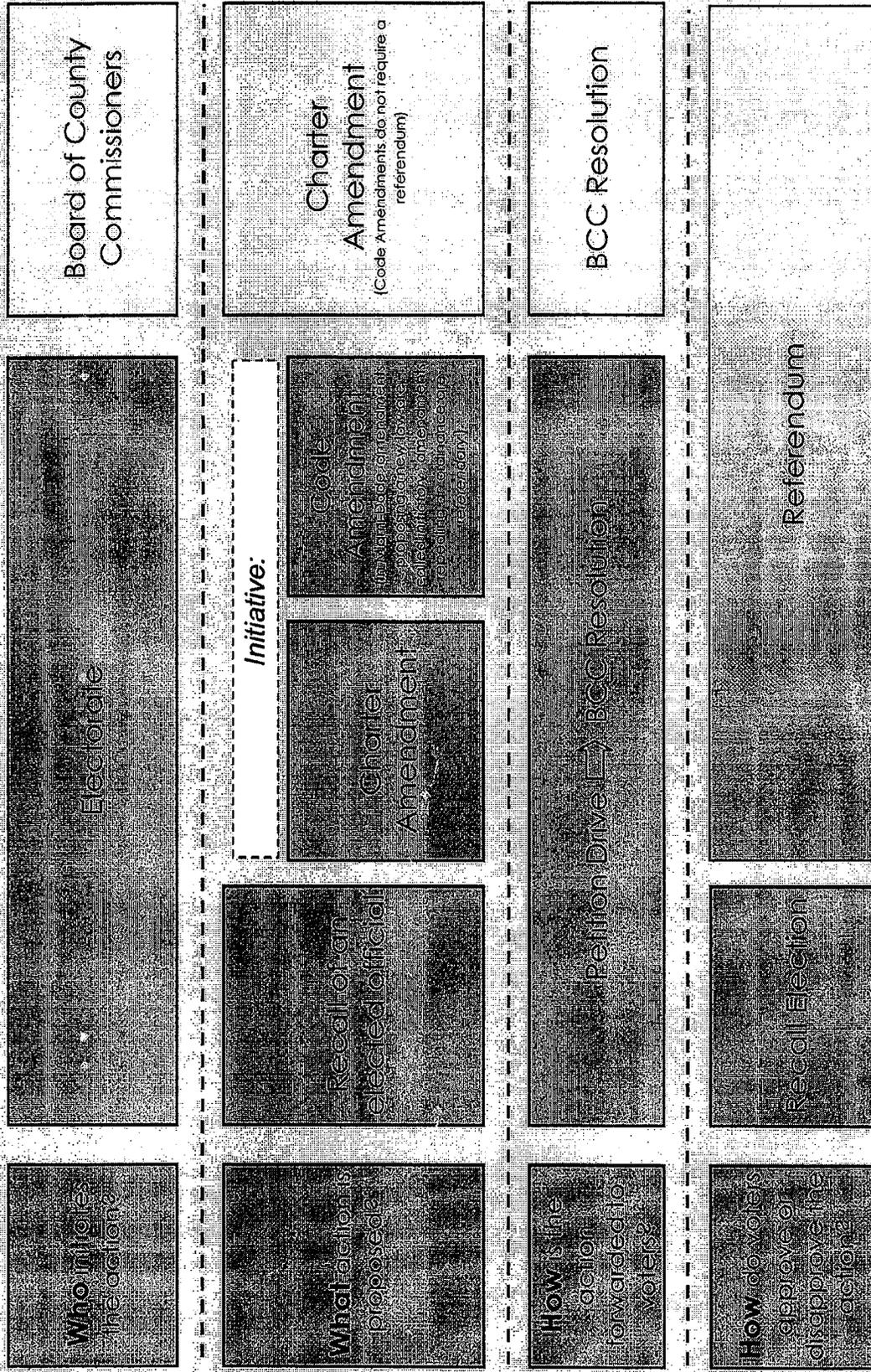
Supplementary References:

- International City/County Management Association Municipal Form of Government Survey, 2001
- Greenblatt, Alan Total Recall, Governing Magazine, September 2003
- Drage, Jennifer Taming the Initiative Beast, State Legislatures Magazine, September 2000

Websites consulted:

- National Conference of State Legislatures, www.ncsl.org
- Initiative and Referendum Institute, www.iandrinstitute.org

Overview of Direct Democracy Mechanisms



Terminology and procedures may vary somewhat by jurisdiction. Chart reflects the most common use of the terms initiative, recall and referendum.

In some jurisdictions, the legislative body may adopt Code amendments proposed by initiative in lieu of placing them on the ballot.

A Brief History of Referenda and Initiatives

- The notion of direct lawmaking by the people dates back to colonial times, when laws were often crafted through town hall meetings.
- During the 18th century, some colonies and later states provided for “binding representation” whereby legislators were required to vote in accordance with majority wishes.
- The modern referendum process developed during the 19th century, when many states required popular approval of state constitutions and some states began to require referenda to incorporate municipalities, establish schools, or incur debt.
- The citizen initiative process was championed by the Populist Party in the late 19th century and in 1898 South Dakota became the first state to establish an initiative process.

The Initiative Process Today

- There is no national initiative process.
- As of 2002, 21 states provided for statutory initiative and 18 states (including Florida) provided for state constitutional initiative.
- According to a survey conducted in 2001 by the International City/County Management Association, 58% of responding municipalities had initiative provisions.

Initiative: Major Pros and Cons

- Today's proponents of the initiative process argue that:
 - The initiative is a direct form of democracy and provides an mechanism by which the people can petition their government for redress of grievances.
 - The initiative provides a necessary tool for the people when the legislature is corrupt or unresponsive.
- Initiative critics argue that:
 - The initiative process undermines representative democracy and lacks its traits of deliberative debate and compromise.
 - Voters frequently lack the information necessary to make educated decisions.
 - Results are frequently unduly influenced by wealthy special interests.

Benchmarking Highlights - Initiative

- Staff conducted benchmarking research on the initiative process in 7 Florida counties and 13 large national counties. Our findings reflect the provisions of the respective county charters or, for non-charter counties, the county code.
- All 7 Florida counties provide for an initiative process. 11 of the 13 national counties also allow initiatives.
- All Florida counties require signatures from between 7% and 10% of registered voters. Three Florida counties (including Miami-Dade) place restrictions on the number of signatures that can come from a geographic area.
- Of the national counties, 3 base signature requirements on the number of registered voters; requirements range from 5 to 20% of voters. Eight counties base signature requirements on the number of voters participating in the last General Election. Requirements range from 8% to 20% of voters.
- Of the Florida counties, 5 restrict the time frame for signature gathering. In 4 of these counties, the limit is 180 days; in Miami-Dade County the limit is 60 days.
- Many of the national counties limit the time frame for signature gathering; limits range from 90 days to 1 year.

Benchmarking Highlights – Initiative cont.

- Only two of the 20 counties surveyed (Miami-Dade and Broward) impose a specific time requirement within which a referendum must be called; most require the referendum to be held at the next countywide election.
- Many counties impose a waiting period between the time a petition is verified and when the referendum is held; waiting periods range from 30 to 135 days.
- Many counties specifically provide that the council may adopt the proposed legislation in lieu of calling a referendum (generally for code amendments only).
- We identified three counties (including Miami-Dade) that restrict the council's authority to modify legislation approved by referendum within a certain time period. The California counties surveyed provide that legislation proposed by initiative, but enacted by the council, may only be overturned by popular vote.
- Three of the 7 Florida counties (Broward, Orange and Pinellas) impose restrictions on the subject matter of initiatives, such as budget issues, employee compensation, and functioning of the courts or constitutional officers.
- We identified 2 national counties with similar subject matter restrictions.

The Initiative Process: Issues and Community Responses

Issues are frequently expressed concerns; community responses are policies that have been implemented by governments and/or proposed by various organizations or community groups

Issue	Community Responses
<p>The Initiative process lacks the deliberation, debate and compromise characteristic of representative democracy</p>	<p>Allow for an advisory initiative process (Straw ballot)</p>
<p>Voters often lack adequate and transparent information needed to make educated decisions</p>	<p>Provide for an indirect initiative process (After proponents gather required signatures, initiative is referred to the council, which may enact, defeat or amend the measure.)</p> <p>Require public hearings on initiative proposals</p> <p>Allow councils to place alternative proposals on the ballot</p> <p>Require sunset provisions on initiative measures</p> <p>Provide all voters with user-friendly information on initiative measures, including arguments in favor of and against the proposed measure</p> <p>Require fiscal impact statements on ballot</p> <p>Require public hearings on initiative proposals</p> <p>Provide voters with a list of individuals and organizations endorsing or opposing initiative measures</p>

The Initiative Process: Issues and Community Responses cont.

Issue	Community Responses
<p>The Initiative process is often a tool of special interests whose supporters and motives may not be known</p>	<p>Require financial disclosure by individuals or organizations contributing money over a threshold amount</p> <p>Require signature gatherers to file statements of organization</p> <p>Make financial disclosure requirements for initiative campaigns consistent with requirements for candidates for elected office</p> <p>Lower signature requirements for all-volunteer campaigns</p> <p>Provide drafting assistance to proponents</p> <p>Prohibit the use of public funds or resources to support or oppose an initiative measure</p> <p>Require signature gatherers to file statements of organization</p> <p>Prohibit payment in exchange for signatures</p> <p>Require signature gatherers to disclose whether they are paid</p> <p>Institute criminal penalties for fraud or misrepresentation</p>
<p>Organizing a successful petition drive is costly, so only wealthy interests have access to the process</p>	
<p>The signature gathering process is vulnerable to fraud</p>	

The Initiative Process: The Initiative Process: Issues and Community Responses cont.

Issue	Community Responses
<p>Some matters, such as budgetary and employee issues, or issues surrounding the court system, should not be subject to a popular vote</p>	<p>Prohibit or restrict (e.g. though supermajority provisions) initiatives on certain subjects</p>
<p>Initiatives can create unfunded mandates for governments</p>	<p>Prohibit or restrict (e.g. though supermajority provisions) initiatives that appropriate revenue or change fees</p>
<p>Initiative proponents elect to amend the charter rather than code to prevent the council from amending or repealing the proposal</p>	<p>Require fiscal impact statements on ballot</p>
<p>Lengthy legal battles can impede the initiative process</p>	<p>Limit the council's authority to amend legislation approved by initiative</p>
	<p>Establish a review process and opportunity for public challenge of technical matters</p>
	<p>Impose time limits on technical challenges</p>

A Brief History of Recall

- A Constitutional recall provision was considered but ultimately rejected by the Founding Fathers.
- The Populist and Socialist Labor parties urged states and cities to adopt the recall in the late 19th century.
- In 1903, Los Angeles became the first major city to approve the recall in its charter.
- Oregon was the first state to adopt the recall in 1908.

The Recall Process Today

- At least thirty-six states permit the recall of local officials. Most recall states, including Florida, have established specific recall requirements and procedures.
- According to research conducted in 2001 by the International City/County Management Association, 61% of U.S. counties and cities have a recall process. From 1996 to 2001, recall elections took place in almost 10% of cities.
- Local recalls are more prevalent in smaller cities and school boards than in large cities and counties.
- The “success rate” for recall elections is under one-third at the local level.
- There is no national recall process.

Recall: Major Pros and Cons

- Today's proponents of the recall process argue that:
 - It provides for continuous accountability of elected officials
 - The threat of recall helps provide a check against undue influence by special interests
 - Recall provides a "safety valve" for intense opposition and is a sensible alternative to impeachment
- Recall critics argue that:
 - The recall process undermines basic principles of representative democracy and constrains the independence of legislators
 - Recall elections can be unduly influenced by wealthy special interests
 - Recall elections can be polarizing and confusing to voters
 - Recall makes elective office less appealing to potential candidates

Benchmarking Highlights - Recall

- Staff conducted benchmarking research on the recall process in 7 Florida counties and 13 large national counties. Our findings reflect the provisions of the respective county charters or, for non-charter counties, the county code.
- In general, recall procedures tend to be regulated by state law.
- All 7 Florida counties provide for recall of local elected officials. Eight of the 13 national counties provide for recall.
- In 6 of 7 Florida counties, recall petitions must be signed by 5% of registered voters for large jurisdictions. In Miami-Dade County, the signatures of 4% of registered voters are required.
- Nationally, signature requirements vary and may be based on the number of registered voters or on the number of votes cast in the previous general election. In either case requirements range from 10 to 25%.
- Florida Statute 100.361 provides that officials may be recalled for "malfeasance; misfeasance; neglect of duty; drunkenness; incompetence; permanent inability to perform official duties; or conviction of a felony involving moral turpitude."
- We identified 1 national county (Wayne, MI) that places restrictions on the reasons for recall.

The Recall Process: Issues and Community Responses

Issues are frequently expressed concerns; **community responses** are policies that have been implemented by governments and/or proposed by various organizations or community groups

Issue	Community Responses
Some recall campaigns are groundless or constitute "sour grapes"	<ul style="list-style-type: none"> Restrict permissible reasons for recall Restrict the time frame within which a recall can be undertaken Impose high signature requirements
The recall process is often a tool of special interests whose supporters and motives may not be known	<ul style="list-style-type: none"> Require financial disclosure by individuals or organizations contributing money over a threshold amount Require signature gatherers to file statements of organization Make financial disclosure requirements for recall campaigns consistent with requirements for candidates for elected office
The signature gathering process is vulnerable to fraud	<ul style="list-style-type: none"> Require signature gatherers to file statements of organization Prohibit payment in exchange for signatures Require signature gatherers to disclose whether they are paid Institute criminal penalties for fraud or misrepresentation
Recall elections can be polarizing and confusing to voters	<ul style="list-style-type: none"> Require public hearings and/or preliminary trial by citizen jury Require "cooling off" period prior to a recall election

Initiative and Recall - Benchmarking Results
Prepared for the Miami-Dade County Charter Review Task Force

County	Population	Charter	Recall	Initiative	Referendum	Amendment	Other
Miami-Dade	2,376,000	CHARTER: 10% of total registered voters ORDINANCE: 4% of total registered voters, with no more than 25% coming from any single commission district.	60 days	Board must call an election within 60-120 days of the date the certified petition is presented; special election must be called if no general election is scheduled to occur within 60-120 days. In the case of an ordinance, the Board may adopt the ordinance as submitted (in an initiative petition) or repeal the ordinance (in a referendum petition) within 30 days.	An ordinance adopted by the electorate through initiative proceedings cannot be amended or repealed by the Board for a period of one year after it was adopted, but thereafter it may be amended or repealed like any other ordinance.	No - however, any reduction or elimination of existing revenue or any increase in expenditures not provided for by the current budget or by existing bond issues shall not take effect until the beginning of the next succeeding fiscal year.	Must be in office at least 1 year. Requires 4% of registered voters' signatures. BCC must hold recall election 45-90 days after certified petition is submitted.
Broward	1,778,000	CHARTER/ORDINANCE: 7% of the total number of registered voters in the County, with no more than 25% shall come from any single district	180 days	Once the petition is validated, the Commission must call a special election at least (90) days after the determination of the validity of the petition, or if the petition contains 10% of the registered voters in the County at the date of the last general election, the election shall take place preferably in an already scheduled election or at least (60) days and no later than (120) days from validity of petition	Not Specified	The Initiative power shall not extend to the proposing of any part or all of the annual budget or capital programs or fixing ordinance making or repealing any appropriation of money fixing the salaries of County officers or employees or authorizing or appealing the levy of taxes.	In accordance with F.S. 100.361, which requires signatures from at least 15% of registered voters. The recall election must be scheduled by the Chief Judge between 30 and 60 days following certification of signatures.
Palm Beach	1,289,000	CHARTER: 7% of the total number of registered voters in the county.	Not specified	Once the petition is validated, the Commission holds public hearings on the proposed ordinance according to law and votes on the proposed ordinance. If the Board fails to adopt the proposed ordinance, they shall place the ordinance for referendum on the ballot at the next general election at least after (30) days after the Commissioner's vote.	Not Specified	Each amendment shall be limited to a single independent subject.	F.S. 100.361
Hillsborough	1,132,000	8% of all registered voters in the county	6 months to get the required signatures before petition becomes in valid		Not Specified	Not Specified	F.S. 100.361
Orange	1,023,000	CHARTER: Petitions must be signed by 10% of the total registered voters in the county. ORDINANCE: Petitions must be signed by 7% of the registered voters in the county.	180 days	Once the petition is validated, the Board must call a referendum to be held at the next primary, general election or special election at least (45) days after the adoption of such resolution.	Not Specified	Initiative power does not include ordinances relating to administrative or judicial functions of county government, including, but not limited to, county budget, debt obligations, capital improvement programs, salaries of county officers and employees and the levy and collection of taxes.	F.S. 100.361
Pinellas	928,000	CHARTER: Petitions must be signed by 10% of the total registered voters of the county, with no more than 40% residing in any one at-large district and no more than 30% residing in any one single-member district.	180 days	In order for petitions to be placed on the ballot in the general election, they must be certified by the supervisor of elections at least 90 days before the election.	Not Specified	Proposed amendments may not affect the status, duties, responsibilities of the county officers (clerk of the circuit court, property appraiser, Tax collector, sheriff, and supervisor of elections).	F.S. 100.361
Duval / City of Jacksonville	826,000	Petitions must be signed by 10% of the total registered voters of the county.	Not Specified	A public referendum is held once a validated petition is presented. Unless otherwise scheduled by the Council, the referendum is held as a part of and at the same time as the next consolidated government, school board, state or federal election in which all qualified voters of Duval County are entitled to participate, but not less than thirty (30) days from the validation of the petition.	Not Specified	Not Specified	F.S. 100.361
Los Angeles, CA	9,635,000	10% of the number of votes cast within the County for all Governor candidates in most recent election	180 days	The Board of Supervisors has 3 options: 1) Adopt the ordinance without alteration at the regular meeting or within 10 days of being presented with certified petition. 2) Submit to voters in next general election (petitions signed by 20% of voters go to special election) or 3) Order a report at the regular meeting at which certified petition is presented. When the report is presented to the Board, it shall either adopt the ordinance within 10 days or order an election.	An ordinance proposed and adopted by initiative petition may not be repealed or amended except by referendum, unless otherwise indicated in the original ordinance.	Recall may commence after 90 days in office, but not if officer has 6 months or less left in term. No specific grounds are required. Time for gathering signatures is 40 - 160 days (depending upon the size of the jurisdiction). Signature requirement varies between 10% to 30 %, according to the number of registered voters in the jurisdiction	Not Specified

Findings reflect the provisions of the respective county charters or, for non-charter counties, the county code. Charter counties may have additional provisions for initiative and recall processes within the code.

Initiative and Recall - Benchmarking Results
Prepared for the Miami-Dade County Charter Review Task Force

County	Number of Registered Voters	Initiative	Recall	Referendum	Amendment	Other
Felipe, VA	1,007,000	All election laws for counties are in accordance with Virginia state law. The petitions are signed by qualified voters of the county or city equal in number to 20% of the total vote cast in the county or city for presidential elections in the last preceding presidential election.	90 days	Upon filing of a valid petition, the court orders a referendum to be held at the next general election for members of the governing body of the county or city held at least sixty days after the date of the order.	Not Specified	Not Specified
Montgomery County, MD	930,000	CHARTER ORDINANCE: Petitions must be signed by 5% of the registered voters in the county or 10,000 signatures.	Not Specified	Once the petition is validated, the question is submitted to the voters of the county at the next general or Congressional election.	Not Specified	Not Specified
Fulton County, GA	818,000	There are no citizen initiatives; there has to be a supporting act of legislation, such as a sales tax referendum required by the state to put on the ballot.	N/A	N/A	N/A	N/A
Macklenburg, NC	786,000	10% of total registered voters or 5,000, whichever is less.	Not Specified	The date of the special election is fixed at not more than 120 nor fewer than 60 days after receipt of the petition. An ordinance adopted by referendum is not be subject to a referendum petition.	An ordinance adopted by the electorate through initiative proceedings cannot be amended or repealed by the Board for a period of 1 1/2 years after the election, but thereafter it may be amended or repealed like any other ordinance.	Not Specified
Baltimore, MD	786,000	CHARTER: 20% of the registered voters of the county, or 10,000 or more of registered voters in case 20% of the number of registered voters is greater than 10,000.	Not specified; but the county executive must publish the notice in at least to newspapers for 5 consecutive weeks prior to the election.	When proposed, whether by council or by petition, the question is submitted to the voters at the next general or Congressional election. If passed, the amendments become part of the Charter after the thirtieth day following the election.	Amendments to the Charter may be proposed by act of the county council approved by a majority plus one of the total number of county council members established by the Charter and such act shall be exempt from executive veto.	Not Specified

Findings reflect the provisions of the respective county charters or, for non-charter counties, the county code. Charter counties may have additional provisions for initiative and recall processes within the code.

Additional

Materials

Merrett R. Stierheim

November 1, 2007

**Mr. Victor M. Diaz Jr., Chairman
Miami-Dade Charter Review Task Force**

Dear Victor:

Thank you for your personal invitation to share with you and your Task Force my views on needed changes to our Miami-Dade Home Rule Charter. Our citizens crave fair, ethical, efficient, representative, and responsive government. Why shouldn't that be everyone's goal and attainable, rather than a thing of the past?

As someone who never thought of himself as an historian I have, by the inevitable passage of time, become one. I came to a segregated Miami in 1959, a year after the county charter was first approved and before the first Cuban exodus. I arrived on July 15th and walked up the steps of Miami's Dinner Key City Hall as a Wharton graduate intern and stayed over 8 years, mostly as an assistant city manager. In 1996, 37 years later, I went back as Miami city manager and submitted a detailed financial recovery plan to avoid the City's near-term bankruptcy. For almost five decades I have served in various professional public capacities including almost 13 years as Miami-Dade county manager on two separate occasions and superintendent of Miami-Dade public schools for three years.

To be completely candid, after chairing a county charter review commission in 1989/90 and watching them come and go, before and since, I don't have much hope for substantive and meaningful change, no matter how badly needed or justified. In deference to your request, however, and feeling a long standing sense of civic responsibility, I share the following thoughts and recommendations.

FUNDAMENTAL PROBLEMS

To begin with there are three fundamental flaws in the structure and functioning of county government. These are:

- **Single member districts which have disenfranchised voters who elect only one of thirteen single member district commissioners, the frustration of which is historically exemplified by the Boston tea party, and played out in our community through the conflict of micro versus macro focus;**
- **The strong mayor form, which has often balkanized county government into hostile, counter-productive camps. Essentially, it appears to be two camps struggling for power with conflicting agendas; and**
- **Under the radar and unreported is a third problem that can only be improved through meaningful and significant charter changes. It has to do with professionalism, a healthy administrative environment, and employee morale. Because of long standing political influence and administrative**

political involvement stemming from the commission committee system-- (which was originally created in the early 1980's to involve the commission in the formulation of POLICY as opposed to ADMINISTRATION) -- and the raw power, both existing and potential, of the strong mayor form, the county's professional staff has steadily moved towards a bunker mentality. That can best be defined as "keep your head down and don't take risks", which is a demoralizing, unhealthy and less productive atmosphere within which to work.

If doubted, it can be confirmed through a guaranteed, anonymous survey of management staff similar to what was done with over 700 county executives at Terminal 12 at the seaport in 1998 or 99. That survey is a matter of public record and was done with assistance from FIU to assure accuracy and integrity. It was administered after I went back as county manager the second time to provide a snap shot of the administration and to help clean up what the mayor described as a "scandal a month". Such a survey cannot be accomplished without guarantees of total anonymity for executives because of the fear of being discovered, and it would be a meaningless survey without direct questions related to the conditions I have stated above.

BLACK REPRESENTATION

The inescapable need that must be addressed before meaningful charter change can be considered is fair and proportionate black representation on the county commission. The good news is that there are legal ways to achieve that goal without disenfranchising the public, (as we are today), which is in the plan outlined below. What is in serious doubt is whether the county commission and your task force has the courage to subordinate personal agendas and power to do the right thing and take a major step in righting the county's ship of state.

SIZE OF COUNTY COMMISSION

Contrary to the Mayor and Mr. Ferre's proposals, I strongly favor reducing the number of commissioners to eight, elected from four districts. A smaller commission means that commissioners become much more recognizable and publicly accountable. A smaller commission also accentuates and supports the likelihood of electing people with statesmanship, courage and a more global vision of the county, which the original framers of our home rule charter envisioned. A smaller commission also dilutes the ability of the strong mayor to influence and control a larger commission dependant on his or her support.

Having a larger commission dilutes black representation and creates a mini legislature. It serves to obscure commissioners who become, by sheer numbers, anomalies and a confusing mass to the voter. It would also encourage a continuation of county-wide frustration and blanket condemnation of the county by a confused, public (which we certainly have today) rather than the more identifiable personal and political accountability that a smaller, more broadly based elected county commission would generate.

RECOMMENDED PLAN

My proposal would call for a plan to allow seated commissioners to complete their terms of office. I recognize and acknowledge that some seated commissioners are understandably fearful about facing county-wide voter approval and the potential loss of power but, with all due respect, it should be the responsibility of the Charter Task Force to make recommendations that are in the public interest as opposed to preserving the status quo. That notwithstanding, here is how my proposal would work:

1. Divide the county into four equally populated districts which could roughly be defined as:
 - The beaches including Key Biscayne, downtown Miami and the northeast;
 - Overtown to Miami Gardens including Liberty City, Opa-locka, Little Haiti etc.;
 - The northwest and central west including Hialeah and part of Miami; and
 - A central/south Miami-Dade district.

2. Elect one single member commissioner from within each district. In addition, hold a primary election in each district for one at-large seat. The two top candidates from each district's primary election would then run county-wide for that at-large seat. These elections would assure two commissioners from each district; one single member and one at-large commissioner. This process would result in eight county commissioners with assurance that there would be a minimum of two black commissioners. Of course, there could be more if a black candidate were to be elected from another district. Eight commissioners, at least two of whom are black, would provide 25% black representation which is fair and equitable because our population is very close to 25% black.

3. County elections for four year terms would be held once every two years. We would elect two countywide commissioners plus two single member district commissioners at each election, which would put greater focus on each candidate's personal qualifications, judgment, experience, etc. Much more focus, I would add, than today with 13 commissioners, or more as has been suggested. With four year terms I would recommend an election in each of the four districts every two years for either a single member or an at large commissioner and then reverse the order in the next election. At large commissioners would have a much more global, countywide perspective because they would be elected by ALL voters. They would and should be sensitive to the needs of ALL our citizens from every area, race and ethnicity. Single member commissioners would represent OVER THREE TIMES as many citizens as presently and would be much more global as well.

4. An alternative solution would be to hold primary elections for all eight seats, two in each of the four districts. The two leaders from each primary would face each other in a county-wide runoff election. That way, they could all be at large seats with two commissioners residing in each district and still keep a minimum of 25% black representation.

THE ROLE OF THE MAYOR

You may be questioning why I have suggested an even number of commissioners. The answer is to bring the mayor back where he or she belongs as the chair of the county commission regardless of whether it is a strong mayor or an executive mayor. Personally and professionally, I recommend the latter and would like to see the charter changed accordingly. Informed citizens would have to admit, however grudgingly and no matter whom they blame, that the gulf between the commission and the strong mayor has been counter productive and disappointing.

For almost thirty years this community was served extremely well by professional county managers until ethnic politics, weak management, misuse of the committee system, the influence of lobbyists, and abuses of political power created the present system, which is objectionable to thinking citizens and to dedicated county employees who crave fair, ethical, efficient, representative, and responsive government. To repeat, why shouldn't that be everyone's goal and attainable, rather than a thing of the past?

COUNTY MANAGER

If you leave the strong mayor in place, change the charter and strike "county manager" and call it a "deputy mayor" or "managing director". While I commend Mayor Alvarez for supporting George Burgess; the next mayor may not be so disposed. A county charter, like our U.S. constitution, is not framed around individuals but must stand the test of time. It is really a sham to the manager profession to refer to the position as "county manager" because, with all due respect to Mr. Burgess, the position has NO charter power or authority WHATSOEVER.

COMMISSION CHAIR

Under this proposal the mayor would chair the county commission. He or she would have no vote unless there was a tie, but would be required to vote on zoning, changes to the master plan, and special taxing districts. With four at large and four single member district commissioners, the charter should provide that only those elected countywide plus the mayor would vote on zoning, special taxing districts, amendments to the master plan, etc. If we elected all eight county commissioners at-large, then they would all vote on zoning changes to the master plan and special taxing districts. Thus, a private citizen can vote for or against EVERY elected official deciding a zoning issue that affects them instead of one out of thirteen, as it is today.

The mayor should have a veto power on all other issues, which could be overturned by a super majority of the commission. Obviously, when breaking a tie vote the

mayor determines the outcome of the issue. The mayor should have other powers regarding the appointment of committee members, chair persons of boards, etc. Depending on the status of the mayor and county manager, he or she should nominate the county manager (deputy mayor/managing director), police chief, property appraiser, tax collector, supervisor of elections, and could fire each of them with both actions requiring a vote of the county commission by super majority to overturn.

COMMISSION COMPENSATION

I have always supported tracking state law on commission salaries.

APPOINTED VERSUS ELECTED DIRECTORS

As for the sheriff (Public Safety Director), tax collector, property appraiser and supervisor of elections, I urge that we keep them professional. It would be a tragic step backwards to politicize those offices and to have incumbents beholden to campaign contributors and/or political parties. The charter should be specific that these directors should be appointed based on demonstrable professional experience, competency and integrity by either the strong mayor or a real county manager and confirmed or not confirmed by the county commission after one year in office.

INITIATIVE PROVISION

The recent changes to the initiative process are too restrictive and should be amended to meet the criteria of reasonableness. The initiative process should not be so easy as to become frivolous or too difficult by time and number restraints to derail legitimate causes.

LOBBYISTS

I am in favor of strong requirements for lobbyists, including financial disclosures, political fund raising restrictions, etc. etc. For example I think registered lobbyists should be precluded from being politically appointed to any public board where it gives them a platform to articulate or promote self serving positions. Your charter task force membership is certainly no exception!

CHARTER REVIEW TASK FORCE

The charter should generally spell out the composition of Charter Review Task Forces. Seated commissioners, lobbyists, and the mayor should not serve. The purpose of the task force is to have an independent, dispassionate and constructive review of the charter with recommended changes that are deemed necessary and in the public interest. The most desirable Task Force is one that is independent. The composition should be specified in the charter or we will be back to the whims of political manipulation in the future. Membership should include: recognized community, business or civic leaders; membership should be representative and reflect the Miami-Dade community; members should be independent thinkers and not beholden, etc., etc.

ETHICS COMMISSION

The ethics commission is a paper tiger. It should have more clout. While the appointment procedures for its membership have integrity it is imperative that the commission be vested with enough power to have meaningful, hopefully painful effects on wrong doers. That is certainly not the case today. The Ethics Commission derives its power from the county commission, so while its membership is appointed independently its power can be, and currently is shackled.

INSPECTOR GENERAL

I have been a strong supporter of an Inspector General, both operationally and financially. I believe in the office and the need for its independence, adequate resources, professionalism and integrity. For protection the office should be included in the charter, with no dilution of its authority and responsibility.

MITIGATION FEES

The mitigation fee system for existing and future incorporated cities should be maintained. I am certainly NOT OPPOSED TO FURTHER INCORPORATION -- as some claim-- but the alternative to the elimination of mitigation fees is inadequate funding for much needed police and other minimal services in the poorer unincorporated areas. This condition occurs because of a declining unincorporated tax base through the continued incorporation of affluent donor areas into new, independent cities. Because of very strict legal restrictions on double taxation and no other way to pay for needed services, doing away with mitigation is a train wreck just waiting to happen. Obviously, the mistake was made by previous county administrations and commissions, before I came back as manager in 1998, because Aventura, Key Biscayne, Pinecrest, and Sunny Isles had been allowed to incorporate without any strong management checks and balances as to cause and effect.

I have consistently and repeatedly said, that “two wrongs don’t make a right” and, as county manager, I stepped in front of that train, recommended mitigation and will continue to do so, even from the sidelines. (I live in Pinecrest, and as a member of it’s original charter committee over ten years ago, while not the county manager, I made a motion to be included in the city charter that we spend a small percentage of our revenue outside of our city limits on “kids at risk” and couldn’t get a second.) Pinecrest has one of the county’s lowest ad valorem tax rates. I leave it to you to form your own conclusions as to the motivation for the anti-mitigation push; and I leave it to your good thinking and conscience as to how we fund critical services in the poorer neighborhoods of the unincorporated area without mitigation fees.

CONCLUSIONS

I realize that I am a voice in the wilderness, or more specifically, a voice in the current political landscape. I also know that I am saying things that many current leaders don’t want to hear. But I say to them that I sincerely believe that what I have suggested would bring order, in a few years, to the disorder we now call county government. Because I truly understand, and perhaps know better than most, having worked in the public trenches and on the firing line for so many years and

because I speak from the heart as much as the brain with no personal agenda, it grieves me greatly to be a witness to the decline in the county's stature and the level of public disrespect and discord. I can't go anywhere without people venting their frustrations. With all that negativism, exposés, and the high level of public frustration and distrust, there is an inescapable, demonstrable need for the restoration of public trust and confidence and healing.

I sincerely hope and pray that there can and will be better days ahead for Miami-Dade County. If I can be of further assistance please call upon me.

Sincerely,

Merrett R. Stierheim

**Cc: Mayor Alvarez, Chair and Board of County Commissioners
Constitutional Officers
County Manager
County Attorney
Charter Task Force**

LINC
Let's Incorporate Now Coalition
Representing the incorporation movements of:
North Central Dade Doral Cutler Bay Biscayne Gardens
Miami Gardens Miami Lakes Palmetto Bay Redland Kendall
Redland Edge Northeast Dade The Falls West Kendall

To: Members of the Charter Review Task Force – August 14, 2007

THE CITIZENS' RIGHT TO VOTE

There are a multitude of reasons that many communities want to form cities, but mainly, they serve the purpose of bringing government closer to the people. LINC has been in existence since 1997 and, as stated above in the header, has been involved in the incorporation process of five new cities since the year 2000, and eight others that are currently involved in trying to form new cities.

What is being requested that the County Charter be revised to guarantee the rights of citizens to vote on incorporation:

1. We respectfully demand that in the process of studying municipal incorporation, once a citizens' advisory committee (or MAC) establishes a pro forma municipal budget that has been approved as viable by managers or their designees from two (2) other municipalities in Miami-Dade County, an up-or-down vote (referendum) on this incorporation SHALL take place in the proposed community without further delay or impediment.
2. That the percentage required from registered voters to mount a petition drive for incorporation be rolled back to 10%, from the 25% required now. This is an insurmountable burden in most communities. Florida is not a strong public access state, and the "town centers" now are at many shopping malls and large grocery stores, which usually restrict access for petition drives they deem politically divisive. Also, many people refuse or are afraid to open their doors at home to petition workers or volunteers, making the signature-gathering process all but impossible and too expensive for many communities to hire petition workers. This rollback from 25% to 10% should apply to all petition drives in the county.
3. An alternate process for municipal incorporation approval should be established similar to the process currently in existence for residents residing in other counties in Florida, whereby the State Legislature approves a municipal incorporation petition and allows a vote on the formation of a new city by the petitioning residents.
4. No additional moratoria on municipal incorporation should be approved. Annexation should definitely be explored by existing cities, but it should NOT be at the expense of areas already seeking incorporation. Cherry-picking lucrative areas from UMSA will only result in unviable shells, impossible for the county to service in the future, and preventing self-sustaining communities to ever exist.

Thank you for your time and attention to these points.

Bev Gerald
LINC Chair
(305) 255-3638
bevgerald@hotmail.com

Related News Articles **& E-mails**

Fernandez, Margarita (CEO)

From: Citizen_Email
Sent: Saturday, November 10, 2007 3:09 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **David Copeland**

Street Address: **121 N. Hibiscus Drive**

City: **Miami Beach**

State: **FL**

Zip: **33139**

Comment: **I'm with Michael Putney on this: change the number of commissioners. Be bold and really fix the system which appears rotten to the core.**

Fernandez, Margarita (CEO)

From: Citizen_Email
Sent: Saturday, November 10, 2007 2:08 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **Doretha G Nicholson**

Street Address: **2190 NW 135th Street**

City: **Miami**

State: **FL**

Zip: **33167**

Comment: Thanks and sincere appreciation to the chair and members for the tremendous work accomplished, so far. My interest and comments related specifically to issue #4: BOCC Composition. I believe this issue significantly impacts -and is impacted by- issue #5. The BOCC, as currently composed, leaves local governance of unincorporated areas almost exclusively to the respective district commissioner. This creates an uneven and inequitable level of county attention to certain communities. At the same time, no commissioner can execute community development without the support of six other commissioners. These commissioners often are not familiar with community's needs and priorities. Nor do they interact with the district constituency to give in depth attention to issues. Along with the Charter Review Task Force recommendation to keep the current composition of 13 district commissioners, there needs to be some recommendation to correct the lack of a two-tier government model that was intended by the original formation of Dade County government. The record will attest to the inability of the BOCC to serve the regional, county-wide interests and, at the same time, address municipal issues of specific unincorporated communities. To leave the system as it is continues the negative effect of taxation without representation. Residents of UMSA pay a "municipal" tax just as do residents of cities, yet we have no governing body that plans and advocates for the specific and distinct communities (ex. North Central). The interim structure of community councils have not fulfilled the need, especially in light of the fact that BOCC systematically "neutered" the Councils by repeated ordinances to restrict and impede their ability to function. I believe the current system is unfair, and this charter review process is our best opportunity to have the matter addressed. I respectfully urge the TaskForce to continue to look at this issue as it proceeds with the Study of UMSA, annexation & incorporation, and fair representation for taxpayers in unincorporated areas.

11/13/2007

Fernandez, Margarita (CEO)

From: Citizen_Email
Sent: Wednesday, October 31, 2007 9:07 AM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **Christopher F. Kurtz**

Street Address: **8845 S.W. 125th Terrace**

City: **Miami**

State: **FL**

Zip: **33176**

Comment: I am unable to attend today's (10/31/07) meeting but I want to provide my comments regarding the issue of incorporation of unincorporated areas of the county. I agree that the county "is consistently and persistently in reactive and resistant mode when it considers incorporation and annexation." In addition, the county changes the rules of the game arbitrarily if it doesn't like how the process is proceeding. A case in point: the attempt at incorporating the area known as "The Falls" in the East Kendall area. The county's rules allowed for a petition process; the organizers gathered the required numbers of petitions (under the then-current rules), they went through the required budget/planning process and the issue was presented to the board to "allow" the citizens in the area to vote on whether they wanted to incorporate. However, it died on a 4-4 tie vote, due primarily to the fact that a group of residents opposed to incorporation presented a large number of petitions to the board opposing incorporation. These petitions influenced those commissioners who voted against "allowing" the citizens to vote, despite the fact that there was no provision in the county rules for allowing, or much less accepting, opposition petitions to the incorporation process (this was supposed to be decided at the ballot box, not through petitions). There must be a charter change that allows for unincorporated areas to incorporate, with consistent and fair rules that apply equally to all areas (prime example: mitigation fees that only recent incorporated areas have to pay). I urge this committee to recommend such a charter revision.

Fernandez, Margarita (CEO)

From: Jean Lafortune [hagc2020@yahoo.com]
Sent: Tuesday, October 30, 2007 3:15 PM
To: Fernandez, Margarita (CEO); Charter@miamidadecharterreview.gov
Cc: muslima lewis; karen andre; Moore, Shania (COC); Marleine Bastien; steve forester; gepsie metellus
Subject: Re: Urgent Amendement to HAGC Proposal; Fw: PLease distribute to all Charter Review Task Force members for consideration -Hard copy to be fowarded under different cover

Dear Chairman Diaz,

Attached is a revised version of the Haitian-American Grassroots Coalition Proposal that was sent to you and Task Force Members via Staff on October 2nd, 2007. We are reintroducing this document again this time with an important revision relative to the creation of an independent redistricting entity with authority to adjust boundary lines and increase the number of single-member commission district.

----- Forwarded Message -----

From: "hagc2020@yahoo.com" <hagc2020@yahoo.com>
To: charter@miamidadecharter.gov
Sent: Wednesday, October 3, 2007 12:03:59 PM
Subject: Fw: PLease distribute to all Charter Review Task Force members for consideration -Hard copy to be fowarded under different cover

Sent via BlackBerry by AT&T

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

From: Jean Lafortune <hagc2020@yahoo.com>
Date: Tue, 2 Oct 2007 08:18:05
To: FMAGGIE@miamidade.gov
Cc: Shaniem@miamidade.gov, Marleine Bastien <mbastien@fanm.org>, hagc2020@yahoo.com, gepsie metellus <gepsiem@bellsouth.net>, muslima lewis <mlewis@aclu.org>, Kandrejustice@yahoo.com, steveforester@aol.com, brad brown <jabaribrad@aol.com>
Subject: Re: PLease distribute to all Charter Review Task Force members for consideration -Hard copy to be fowarded under different cover

The Haitian-American Grassroots Coalition Fair Representation Project
Proposal to the Miami-Dade County Charter Review Task Force

The Haitian American Grassroots Coalition (HAGC) consists of 15 organizations dedicated to securing justice for the Haitian community. Its Fair Representation Project is designed to promote representation and inclusion of Haitian-Americans in elected and policy-making decisions at the local, state, and federal levels. It reflects the community's concern about inadequate allocations of federal, state, and local resources due to significant census undercounts in areas with high concentrations of Haitians. Fair and direct representation is our right as American citizens.

The Fair Representation Project seeks to accomplish the goals of the Haitian-American community through a

11/13/2007

fair electoral process. Since the object of districting is to establish fair and effective representation for all citizens, single-member districts have been highly regarded as an effective method of achieving minority electoral success. Researchers have thoroughly documented the significant increase in minorities elected to office after the 1990's redistricting, due to the increase in majority-minority districts. In *Meek vs. Metro-Dade County Commission* (1993), the federal court ordered the implementation of a single-member commission district formula to increase fairness in the electoral process and allow minorities to elect candidates of choice.

HAGC proposes that the Miami-Dade County Charter Review Task-Force recommend an increase in the number of single-member districts in the County Commission to insure fair representation for all minority groups.

Miami-Dade elections continue to produce government that fails to fully reflect the diversity of its citizens. In particular, our county commission continues to under-represent various minorities. Today, Haitian-American presence is not reflected in local government despite our growing numbers as more and more Haitians become U.S. citizens.

The Haitian American Grassroots Coalition (HAGC) embraces and adheres to traditional redistricting principles. We believe that a fair redistricting plan that increases the number of single-member districts and complies with the Voting Rights Act will be a positive step toward inclusion and will increase the opportunity for Haitian Americans to elect a candidate of their choice. We need a plan that creates a more inclusive county government reflective of our diversity, one that would make Miami-Dade County Commission elections fairer, provide voters with more meaningful choices, and produce a government more truly representative of the public.

The goals suggested herein were met by the county commission district boundaries which existed prior to 2002. An unfortunate result of redistricting at that time was to dilute Haitian-American voting strength; one way to meet the policy goals suggested herein would be to make every effort to revert to the district lines which existed before that date.

Most importantly, if an independent body is created to redraw district lines, we recommend that such a body's mandate and authority should include increasing the number of single-member districts and all other means of effectuating the fair representation goals suggested herein.

These goals cannot wait. For the future, we also recommend establishment of an independent redistricting body to redistrict every ten years upon conclusion of the census. As the Charter Review Task Force proceeds to its October 31, 2007 deliberations, we respectfully reiterate our support for the creation of such an independent body to effectuate the goal of fair representation for all.

HAGC proposes that the Miami-Dade County Charter Review Task-Force oppose the plan to create At-Large Seats on the Miami-Dade County Commission.

The proposed addition of four at-large county commission seats would have the effect of diluting the representation of minority voters in Miami-Dade County. The history of voting rights in the United States is replete with evidence demonstrating the flaws of at-large election systems and their adverse effect on minority voting strength. At-large voting systems and the racially polarized voting that usually accompanies such systems have an extremely dilutive effect on minority communities. Returning to at-large seats would turn back the hands of time with respect to minority gains, rights, and representation, especially at a time when Miami-Dade County is growing increasingly diverse and is heralded as a model of ethnic diversity for the country. For these reasons, the Fair Representation Project is opposed to an at-large system that will dilute the diversity of voices on the County Commission and potentially violate the rights of minority voters.

When Miami Dade County was created nearly in 1959, County Commissioners were elected on an at-large

formula. In 1993, in Meek vs. Metro-Dade County Commission, the federal court ordered the implementation of a single commission district formula which provided ethnic minorities with fair representation. Fifteen years later, Dade County has grown so much relative to foreign born individuals that its population is made up of half of those individuals, many of whom are increasingly expressing their lack of representation in the political system because of their language and cultural differences.

We urge the Charter Review Task Force of 2007 to distinguish itself with bold, progressive and visionary formulas that respect, honor and celebrate our representative democracy.

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Miami Today – Week of November 1, 2007

Charter review's cave-in needn't be a permanent collapse

By Michael Lewis

Nothing was more predictable than the Miami-Dade County Charter Review Task Force's unwise cave-in to support election of a property appraiser.

The charter review, which should have been independent, was forced under the county commission's heavy thumb from day one. With the commission clawing for power against a newly strengthened mayor, it was clear that review of the county's constitution would become a convenient battleground.

In this case, commissioners forced the task force to recommend election of a job Mayor Carlos Alvarez had filled less than a month before, pulling the rug from under him. Election of a complex technical post now seems headed to voters.

Commissioners tried to ensure that last month, when Natacha Seijas quarterbacked a committee move to put the question on the ballot, bypassing the charter review and pressuring the task force — which had deadlocked — to get in line. It misguidedly did two weeks ago, 12-4.

The overt subversion of the charter review incensed Murray Greenberg, retired county attorney and task force member. "It shows what the commission really thinks about this group," he said.

But that disregard was evident from day one, when commissioners decided to control membership — naming 13 of the 21 — and study time, initially just three months and now six. Commissioners also kept a firm grip on what's to go to voters — nothing without commission OK.

Commissioner Katy Sorenson, recognizing the problems, had suggested that commissioners appoint from lists nominated by outsiders and let the task force work 18 months.

Instead, commissioners decided to name their own teams, the impact of which was evident when Miguel DeGrandy, Ms. Seijas's pick, defended her move to bypass the task force on electing an appraiser.

"We failed to move the ball," he told members. "The commission was within its rights to proceed" — though the task force hadn't yet decided anything; it just hadn't hastened to do Ms. Seijas's bidding.

Task force chairman Victor Diaz Jr. then announced the job ahead is to keep in closer touch with commissioners — no doubt to be sure the review yields predetermined results.

So much for an independent review. The word spineless comes to mind.

The task force had already caved in by rubberstamping commission structure, the county's greatest flaw. No commissioner is now elected countywide, and the charter team says none will be, so parochial views will linger.

Nothing, however, points up charter review failures more clearly than the buckling to commission pressure on electing an appraiser.

That job today has stringent county requirements: at least a bachelor's degree in real estate, business administration, public administration or a related field, plus 10 years of progressively responsible management in property appraisal.

The appraiser supervises 283 employees and is responsible for more than 955,000 personal property parcels in the state's largest assessment roll, with a taxable value of \$245.3 billion.

Were the office to become elective, anyone who could muster the votes would be

solely responsible for "planning and directing all tax-roll functions in conformance with Florida statutes and Department of Revenue rules and regulations, establishing and installing departmental policies, directing complex divisional property-appraisal operations, supervising fiscal activities and preparation of the annual departmental budget," and far more.

How many good vote-getters would also be skilled enough to handle this complex job?

On Sept. 26, Mayor Alvarez appointed Marcus Saiz de la Mora, who'd been acting in the job since Jan. 1 after receiving four major promotions in the appraisal department, which he had joined in 1984. He has a bachelor's in economics with a minor in finance from Florida International University, is a licensed real estate broker, a certified Florida appraiser and an accredited senior appraiser. He is also past president of the National Association of Hispanic Public Administrators.

Compare those qualifications with this county's average political candidate and quake in your boots.

We should elect posts that require general oversight and policymaking, appoint to jobs requiring expertise. We can't allow this job to become a popularity contest, where election is a recipe for disaster. But that's what our county commission has pushed the charter review task force to recommend.

Why contemplate this perilous step? Because an elected appraiser, no matter how weak, would not report to the mayor. The commission can slice up the mayor's power and hang the consequences.

Bad as all this sounds — you'd be justified to throw up your hands in disgust — it remains possible that the charter review could do the right thing on the property appraiser, election of county commissioners and more.

"I just feel like I'm wasting my time. I think we all are," Mr. Greenberg told task force members two weeks ago. "Maybe they should just disband us."

Or maybe task force members should decide, what the hell, let's do the right thing regardless. What do we have to lose? Forget the pressure, recommend what's best and send it forward. Let commissioners do their own hatchet jobs, rather than having the task force be the bad guys so commissioners can get their way but still look clean.

Force commissioners to act on good recommendations and something worthwhile might actually make it onto the ballot. That's better than a task force quietly caving in to the worst county commission instincts.

South Florida Business Journal - November 5, 2007
<http://southflorida.bizjournals.com/southflorida/stories/2007/11/05/story11.html>

South Florida BUSINESS JOURNAL

Friday, November 2, 2007

Miami-Dade's Home Rule Charter may have elected property appraiser

Task force also recommends term limits, raise for commissioners

South Florida Business Journal - by [Oscar Pedro Musibay](#)

Miami-Dade County commissioners will soon get a chance to vote themselves an \$83,000 raise - along with term limits and full-time job status - if they adopt recommendations of the Home Rule Charter Review Task Force.

Voters have rejected a salary increase in the past, but they were never paired with term limits and full-time status, which may be a palatable combination, task force Chairman Victor Diaz said.

The 21-member task force also is suggesting that the county's property appraiser be elected, instead of appointed. The position is elected in both Broward and Palm Beach counties.

The task force was motivated to convert the property appraiser's post to an elected position because of public interest and accountability.

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MiamiHerald.com

Posted on Wed, Nov. 07, 2007

Start with changes at the top

By MICHAEL PUTNEY

When William Safire wrote a smart and immensely readable Op-Ed column for The New York Times, he often talked about MEGOs. And what, you ask, is a MEGO? Safire defined it as a "Mine Eyes Glaze Over" story -- an exploration of a dense, difficult and often esoteric subject that a columnist fixates on because he or she thinks it's important, even if it's tough to explain.

The MEGO I'm fixated on here is the Miami-Dade Charter Review Task Force. It's conducting a once-every-five-year review of the county charter -- our local version of the Constitution -- and recommending changes to fix its problems. And, boy, do we ever have problems.

Piecemeal changes to the charter in recent years, mainly executive mayor morphing into strong mayor and a 1993 court decision mandating single-member districts, caused the principal problems. Those charter changes helped produce, most recently, debacles like the Housing Agency scandal where millions of taxpayer dollars were misspent on affordable housing that never got built. Or the Poinciana Biopharmaceutical Park in Liberty City that never get off the ground. That project got millions from the Dade Empowerment Trust, an anti-poverty agency that mainly helped itself and selected cronies and insiders.

Those disgraceful episodes, and many more, happened in part because the 13 county commissioners are willing to set aside qualms about funding such projects in order to feather their own nests. They vote for other commissioners' pet projects, however ill-advised, in the name of collegiality when they're simply ensuring support for their own. Such a skewed system creates parochialism of the most toxic kind along with self-interested commissioners whose top priority is protecting his or her own turf. That turf, all too often, begins and ends at each commissioner's district boundaries.

The task force could stop or reduce this practice, but gives no indication that it will. What a wasted opportunity if it doesn't. I attended a task force meeting last week and came away disappointed and depressed. There are several knowledgeable people among its 21 members, but they're being drowned out by others who reflect the short-sighted self-interest of the people who appointed them.

Thirteen task force members were appointed by county commissioners and two of them, lawyers Miguel de Grandy and Jorge Luis Lopez, are extremely successful Miami-Dade lobbyists. At the meeting I attended they pretty much framed the issues and drove the discussion. Not surprisingly, both argue against any substantive charter changes.

But changes are badly needed, starting with the number of county commissioners and how they're elected. Mayor Carlos Alvarez suggests adding five commissioners, all elected countywide. Former County Manager Merrett Stierheim, who understands the Miami-Dade government better than almost anyone, suggests cutting back to eight commissioners with four elected countywide. Under his plan, the mayor would be a voting member of the commission to break ties. Stierheim

would also have the mayor vote on zoning matters, changes to the master plan and special taxing districts.

Yes, I know we're deep into MEGO country, but stay with me for another minute. Neither Stierheim's proposal nor Alvarez's is going anywhere because the task force has already voted to leave the number of commissioners unchanged at 13. Indeed, the only dissenting vote on the number of commissioners was cast by just-retired County Attorney Murray Greenberg, whose knowledge of county government rivals Stierheim's. When I asked Greenberg if the Federal Voting Rights Act would allow for some commissioners to be elected countywide in addition to those elected from districts, he snapped, "Of course it would." He also says that if the task force doesn't get its act together it should be disbanded.

It needn't come to that. A very able attorney, Victor M. Diaz Jr., chairs the task force, and I'm convinced he wants the panel to act boldly and produce some meaningful recommendations. A series of preliminary recommendations was sent to the County Commission last week -- electing the county appraiser is the only newsworthy item -- but the task force's final report isn't due till next January. You can see what the task force has done (or failed to do) thus far at www.miamidade.gov/charter review.

I'd urge anyone interested in fixing the problems with Miami-Dade government to call or write Diaz and the task force members. Or attend their next meeting Nov. 20, 10 a.m., at County Hall. Get in their face. Remind them that they have a unique opportunity. It would be a shame to blow it.

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Posted on Thu, Nov. 08, 2007

County leaders seek pay raises with a price

BY MATTHEW I. PINZUR

After eight consecutive rejections by voters, Miami-Dade commissioners are again pushing for a more than 1,400-percent salary bump -- but with strings attached.

Emboldened by recent recommendations from a task force reviewing the county charter, commissioners are writing ballot questions for the Jan. 29 election that would increase the long-held \$6,000 pay to nearly \$92,000. That figure, derived from a formula used in all other counties, would fluctuate with the county's population.

In exchange, the task force said commissioners should accept a limit of two four-year terms and a ban on outside employment -- rules that do not exist on Broward's commission.

For years, the adoption of the salary formula has enjoyed broad and bipartisan support among political insiders, who believe it is crucial to attract candidates in races that are often uncontested.

"A lot of folks cannot run for office," said Commissioner Carlos Gimenez, who appointed himself to the task force. "What job is going to allow you the time really needed to be a county commissioner?"

But that popularity has not been shared by voters -- in 2006 less than 42 percent voted for it.

"Asking for \$6,000 and one cent will fail at the polls," said Robert Ginsburg, a task force member and former county attorney.

The commissioners would ask for the raise just as their popularity hits a nadir. According to a September poll conducted by the Metropolitan Center at Florida International University, only 36.7 percent of likely voters approve of their performance -- a slight uptick from 36 percent a month earlier, but otherwise the lowest opinion since FIU began tracking in 2002.

"Do not underestimate the very low opinion that the public has of local government and specifically the County Commission," said former Miami mayor Maurice Ferré, a task force member. "The only way you're going to pass this is if you give something significant."

After the 2006 defeat, commissioners discussed tying the raise to a ban on outside employment.

Their argument: it would allow them to earn a salary without the perceived conflicts that follow some commissioners -- a few work for nonprofit groups that also receive grants from the county.

"We need full-time commissioners, they need to be paid well and they need to get any potential conflicts of interest set aside," said Gimenez, who lives on his pension from a career working in Miami city government.

Commissioners have drafted at least four versions of the proposal: Gimenez echoed the task force's call for two terms, Commissioner Bruno Barreiro sponsored a three-term version and Commissioner Rebeca Sosa wrote one without term limits.

There is little evidence that term limits significantly impact government's effectiveness, but they tend to strike a chord with voters.

"Every time you poll it, people say they want to see it," said Francis Illas, a campaign consultant and task force member.

Mayor Carlos Alvarez has endorsed the two-term limit and the raise.

In a set of recommendations he wrote in July, he said commissioners should be barred from working for any organization that does business with or receives money from county government -- he did not go so far as to call for an overall ban on outside employment.

A commission committee will likely settle on one version Tuesday, and the full commission must approve it by the end of the month in order to place it on county's jam-packed Jan. 29 ballot.

That same day, Floridians will vote in presidential primaries and a referendum about property-tax cuts. In Miami-Dade they will also be asked about legalizing slot machines and whether to make the property appraiser job an elective office. The commission could also add other questions, including controversial measures that would let voters -- rather than the county mayor -- choose the police chief, election supervisor and tax collector.

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Miami Today – Week of November 8, 2007

Voters will decide elected property appraiser question

By Wayne Tompkins

Voters will be asked whether they want to directly elect Miami-Dade County's property appraiser, after county commissioners voted 8 to 3 Tuesday to put that question on the Jan. 29 ballot.

The commission's vote assures that at least one recommendation of the county's Charter Review Task Force will make it to the voting booth. The 21-member task force, which is reviewing and recommending changes to the county's charter, presented its interim report and initial recommendations to commissioners at Tuesday's meeting.

While the task force is recommending the direct election of the property appraiser — Miami-Dade is the only Florida county that appoints the position — the commission was actually voting on a similar resolution sponsored by Commissioner Natacha Seijas. Public anger over high property taxes is fueling the debate.

"The residents of Miami-Dade County have been asking for generations to have what other counties have: to have the property appraiser elected directly by the people," Commissioner Rebeca Sosa said. "Trust the people. When they make decisions, we have to abide by decisions they make because that is democracy."

She said an elected property appraiser will have to be more responsive in explanations and educating the public about how taxes happen and the setting of policies and formulas. "They'll have to respond to the public."

Carlos Gimenez, the only commissioner on the Charter Review Task Force, said his decision came down to "the appointed property appraiser, the loyalty lies to the government. The elected property appraiser, the loyalty lies with the people."

Chairman Bruno Barreiro said he would vote to allow people to vote on the issue — but will be campaigning against it.

"It's a hotly debated issue in our community due to the boom in property values in our county," he said. "I believe our property appraisers are professionals that have gone by the laws and rules of the state in appraising property. An election would interject very little. But the public, I believe, has spoken very loudly in having their ability to make that determination."

Commissioners Sally Heyman, Dennis Moss and Katy Sorenson voted against the proposal. Javier Souto and Barbara Jordan were absent.

"I don't think it really changes much," Mr. Moss said. "We have property appraisers who are elected throughout the state of Florida, and people are still raising Cain about their property appraisals and what they are paying in taxes."

Ms. Sorenson said that whether the property appraiser is appointed or elected is largely irrelevant, since all state property appraisers are required to follow rigid state guidelines.

"Property Appraiser is an administrative position. I think elections work best when people are electing policymakers, not administrators. We don't have elected heads of libraries, we don't have an elected fire chief. They shouldn't be politicized."

Ms. Heyman said she did not want to see the task force's package of recommendations voted on piecemeal.