



# **MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE**

Board of County Commissioners  
Miami Art Museum  
101 West Flagler Street  
Miami, Florida

May 7, 2012  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Christopher Agrippa, Division Chief  
Clerk of the Board Division

Karen Harrison, Commission Reporter  
(305) 375-1296



**CLERKS SUMMARY AND OFFICIAL MINUTES**  
**CHARTER REVIEW TASK FORCE PUBLIC HEARING MEETING**  
**May 7, 2012**

The Charter Review Task Force (CRTF) convened on May 7, 2012, at 5:30 p.m. in the Miami Art Museum, 101 West Flagler Street, Miami, Florida. The following members were present: Vice Chairwoman Honorable Evelyn Langlieb Greer, and Task Force members Ms. Yolanda Aguilar, Representative John Patrick Julien, Mr. Carlos Manrique, Mr. Terry Murphy, Mr. Hans Ottinot, Mr. Lawrence Percival, Ms. Pamela Perry, Dr. Walter T. Richardson, Mr. Don Slesnick, Professor H.T. Smith, Representative Carlos Trujillo (Senator Rene Garcia, Mr. Joe Arriola, Mayor JC Bermudez, Mr. Armando J. Bucelo Jr., Esq., the Honorable Luis Gonzalez, and the Honorable Isis Garcia-Martinez were absent).

In addition to the Chairman and members of the Task Force, the following staff members were present: Assistant County Attorney Oren Rosenthal, Ms. Inson Kim, Director, Policy and Legislative Affairs, Mayor's Office; and Deputy Clerk Karen Harrison.

- **Welcome and Introduction**

Vice Chairwoman Greer called the meeting to order at 5:35 p.m., and welcomed members of the Task Force as well as all persons present. She explained that the purpose of this meeting was to invite the public to make recommendations for the Charter amendments.

Vice Chairwoman Greer opened the public hearing and called for persons wishing to be heard.

- **Public Hearing**

Ms. Esperanza Reynolds, 8465 Menteith Terrace, Miami Lakes, appeared before the Task Force. She read, into the record, her concerns regarding Section A of the Citizen's Bill of Rights, which indicates this government was created to protect the governed. She questioned why County Commissioners insisted on serving more than a two four-year term. Ms. Reynolds suggested that ballot questions involving proposed Charter amendments be written in a manner that the voters could easily comprehend. She also suggested that the membership of the Task Force include private citizens as well as professionals, and noted she was hopeful that final recommendations of this Task Force were clear, and worded in a way that was easily understandable to the voters. In conclusion, she said she believed that the voters were disenfranchised.

Hearing no other persons wishing to appear, Vice Chairwoman Greer asked Task Force members to consider a date(s) for the next CRTF meeting, noting the importance of scheduling this meeting as soon as possible.

Following comments by Ms. Kim regarding the most suitable date(s) for the next meeting, Vice Chairwoman Greer noted based on the consensus of Task Force members, the next CRTF meeting would be scheduled on Thursday, May 17, 2012 at 9:00 a.m.

Mr. Don Slesnick concurred with Mr. Lawrence Percival's recommendation that members of the Task Force should be prepared to stay longer at the upcoming meetings in order to accomplish more and to limit the number of meetings.

In response to Mr. Carlos Manrique's concerns regarding whether Task Force meetings were properly and/or sufficiently advertised, Ms. Kim explained that all meetings were advertised in The Miami Today Newspaper, on CBS Television Station, Channel 4, and were posted on the County's Website at miamidade.gov, which included an announcement of today's meeting in addition to media press releases.

Discussion ensued among the members of the Task Force regarding the feasibility of broadening the media outlets for future meetings and providing advertisements in Spanish and Creole to increase public participation and involvement in this process.

Ms. Kim assured the members of the Task Force that more effort would be made to reach out to the residents of this community.

Task Force members discussed the feasibility of scheduling meetings within the various communities to increase public participation and working with the mayors to post on their respective municipalities' Websites and in published newsletters.

Following further discussion, Mr. Don Slesnick noted he opposed scheduling a Task Force meeting on a Friday night.

It was moved by Mr. Slesnick that the May 11, 2012 CRTF meeting be rescheduled to Monday, May 14, 2012 at 5:30 p.m. This motion was seconded by Mr. H.T. Smith, and upon being put to a vote, passed unanimously by those members present.

Mr. Trujillo asked that the May 14, 2012 Task Force meeting be posted on Websites and published by individuals from the various media outlets present at today's meeting.

In response to Ms. Pamela Perry's question whether the Task Force had an online blog, Ms. Kim advised an email address was displayed on the front page of the CRTFs Webpage to receive feedback.

Mr. Ron Fulton, 539 NE 210 Terrace, appeared before the Task Force and expressed concern regarding the lack of follow-up on issues discussed at previous CRTF meetings.

Following further comments by Mr. Fulton, Vice Chairwoman Greer explained that the intent of today's meeting was to allow residents of the community to make recommendations for proposed Charter amendments or revisions, rather than to discuss specific issues.

Ms. Renita Holmes, a local resident, appeared before the Task Force and noted she was an experienced community activist who had worked on various community projects in an effort to educate people. She presented the following recommendations for consideration by Task Force members:

- That Task Force members work closer with community action agencies;
- that future Task Force meetings be scheduled later in the evening to accommodate people who work late and those with children;
- that Task Force meetings be scheduled at different locations;
- that the language in the Charter be worded clearly and at a level understandable to the common reader;
- that public speakers be allowed more time to speak during public hearings before the County Commission; and
- that Task Force members collaborate and involve members of the Community Relations Boards in the process.

Vice Chairwoman Greer noted Task Force would schedule public hearings throughout the County to solicit public input and feedback.

Ms. Holmes pointed out that the average citizen would not know how to make recommendations for Charter amendments. She suggested Task Force members find a way to target and involve individuals from various communities who could truly inform the process. She noted the membership of the Task Force should include individuals who understood the mindset of the common people in order to maximize participation and improve the governance and political structure.

Florida House Representative Carlos Lopez-Cantera appeared before the CRTF and noted he was speaking on behalf of him, as a resident of this community, and he would reserve his comments until later. He noted; however, that he did have some concerns regarding proposals to place proposed Charter amendments directly on the ballot such as County Commissioners' salaries, voting requirements, and other issues.

Vice Chairwoman Greer clarified that Task Force members were merely discussing these issues; and they would solicit public input in the form of memorandums, letters or written statements.

Representative Cantera suggested Task Force members should discuss questions as to whether the County's Sheriff and Tax Collector should be elected.

In response to Mr. Manrique's question regarding whether this information was on the Bill, Mr. Cantera noted it was not.

Mr. H.T. Smith noted that this was a matter relating to the constitution, and one of his concerns was how frequently these issues were placed on ballots.

Vice Chairwoman Greer asked that Representative Cantera provide a copy of the Bill for review by Task Force members. She also asked Mr. Cantera to submit a memorandum outlining his recommendations/suggestions for amendments to the Charter

In response to Mr. Hans Ottinot's comments regarding a recent case ruling by the Supreme Court, Assistant County Attorney Oren Rosenthal advised that the Miami-Dade County was

governed by the Home Rule Charter, and was excluded from analysis such as the Jacksonville case mentioned by Mr. Ottinot.

Ms Kathy Charles appeared before the Task Force and read the following recommendations and concerns into the record:

- **Section 1.07** - Remove the language...*"appointed person may succeed themselves unless otherwise prohibited by the Charter..."*
- **Section 1.08** – Add the following language: *"The commission may determine the Rules of its proceedings discipline its members for disorderly behavior, and with the concurrence of two-thirds, censure its members through a formal resolution of disapproval."*
- **Section 3.01** – Add the following language to the heading: *"...and Mayor"*
- **Section 6.05** – Remove language from first sentence: *...and only the Board...and..."*

Also, add the following language following the first paragraph: *"The electors of the County shall have the power to propose the creation of new municipalities in the unincorporated areas of the County by petition. The petition process shall be identical with that for an initiatory or referendary petition, except that:*

1. *The Clerk of the Circuit court shall approve the form of the petition.*
2. *The person or persons circulating the petition must obtain signatures of electors of the Commission District, concerned in numbers at least equal to four percent of the registered voters in the subject Commission district(s) on which the petition is of Election.*
3. *The signed petition shall be filed with canvassed and certified by the Clerk of Circuit Court.*
4. *The Board of County Commissioners must provide for a election not less than 90 nor more than 120 days after the certification of the petition.*
5. *The question of establishment of a municipality shall be placed on the ballot in a manner that will give the electors a clear choice for or against the creation of the municipality. The result shall be determined by a majority vote of the electors voting on the question."*

Mr. Terry Murphy noted the Bill was a problem and the Ethics Commission was unable to enforce the law without looking at the probable cause. He also noted the penalty included removal from public office which was severe. He noted this was an excellent issue for this Task Force to address.

Vice Chairwoman Greer noted the need to seek advice from the County Attorney's Office. She asked Mr. Murphy to take the lead in developing recommendations and proposed Charter language in this area.

Mr. Murphy noted he would welcome Ms. Charles' assistance with any further recommendations.

Mr. Smith noted Task Force members should be reminded to consider individuals who could provide input and invite them to participate in this process.

Vice Chairwoman Greer concurred with Mr. Smith, and suggested Mr. Gene Sterns and Mr. Wilbur Bell be invited.

Vice Chairwoman Greer noted the need to increase communication. She asked that a draft of proposed Charter amendments be placed online also with the recommendations.

In response to Vice Chairwoman Greer's question regarding whether or not the question regarding term limit should be placed on the ballot, Assistant County Attorney Rosenthal advised the terms of office for County Commissioners were two-four years, excluding terms prior to this year. He also advised that the terms would have to be consecutive or the incumbent would have to come back after sitting out for a term. Assistant County Attorney Rosenthal noted that he would provide the appropriate language for review by Task Force members.

Mr. Lawrence Percival asked whether a proposal of an alternative language was appropriate.

Assistant County Attorney Rosenthal advised that having two different sets of languages on the ballot would complicate the process and it would be difficult to draft proposals as they would be based on those that received the most votes. He noted other recommendations could be discussed.

Mr. Percival questioned whether Task Force members could present an alternative language could be presented to public once reviewed by the County Attorneys, Mr. Rosenthal said this was possible; however, the language would have to meet the requirements of the Courts.

Following discussion among Task Force members, Mr. Robert Hyde, 444 NE 34<sup>th</sup> Street, appeared before the Task Force and emphasized the importance for Task Force members to improve communications with residents of the community in their language to increase participation.

Vice Chairwoman Greer noted she appreciated Mr. Hyde's comments, and reassured him that Task Force members were committed to improving communications with the community residents.

Ms. Kathy Charles appeared before Task Force members and recommended that individuals throughout the community be invited to submit ideas.

Mr. Amy Causwell, a County employee appeared before the members of the Task Force and noted that many people would be willing to make comments provided they were not made public.

Ms. Inson Kim noted, for the record, that these meetings were public record and the names and addresses of all participants must be included as part of the record.

Vice Chairwoman Greer suggested an email address be created that would not require participants to list their names and addresses, noting this Task Force could benefit from more ideas and recommendations.

Mr. Murphy noted he opposed the idea of receiving anonymous emails, and people should be willing to identify themselves so that everyone could be aware of the origin of specific recommendations.

Members of the Task Force pointed out that the value of recommendations would not be diluted by allowing the name(s) of individuals who submitted them to remain anonymous. They discussed concerns that County employees would not speak out because they would concerns about potential problems with superiors.

Following further discussion among Task Force members regarding these issues, Assistant County Rosenthal advised that the names and addresses of individual participants must be identified as part of the public record in accordance with the Public Records Laws, Section 119. He further advised Task Force members that the laws protected employees from being punished or reprimanded for their comments; however, each employee must use his/her individual discretion.

It was moved by Ms. Pamela Perry that the Task Force create an online blog that would allow anonymous comments. This motion was seconded by Mr. H.T. Smith, and upon being put to a vote, the vote passed 11-1, Mr. Terry Murphy voted No.

Ms. Renita Holmes reappeared before the Task Force and recommended that council members be prohibited from representing community boards due to potential Conflicts of Interests.

There being no further business to discuss, the Charter Review Task Force meeting was adjourned at 7:15 p.m.



Honorable Evelyn Langlieb Greer, Vice Chairwoman  
Miami-Dade County Charter Review Task Force



**Board of County Commissioners**  
**Charter Review Task Force – Public Hearing**  
**May 7, 2012**

Prepared by: Jovel Shaw

**EXHIBITS LIST**

NO.	DATE	ITEM #	DESCRIPTION
1	5/7/2012		2012 Charter Review Task Force Public Hearing Sign-in Sheet
2	5/7/2012		Meeting Agenda
3	5/7/2012		A copy of proposed Charter amendments and recommendations
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# 2012 Charter Reform Task Force

## Public Hearings

MAM

May 7, 2012 at 5:30pm

Name	Email	Telephone	Address
ESPERANZA "Hope" Reynolds	hope.reynolds@comcast.net	558-5870	8465 Newfield Trail Miami Lakes FL 33016
Samuel Wilson II	wilson@middle.cu	305-375-4732	
B ZABRTE			
M. SABINA			
Katie Halloran	KTPearl@yahoo.com		6709 Biscayne Blvd
Robert Hyde	rosmus@jshdo.com	786-326-0351	PO Box 403544 N.B. Fl. 33140
Rosita Homs	homs@boulton.com	786/265-2409	Miami DO
Amy Causwell	amy2e@midstate.gov	305-375-1408	111 N.W. 1st Street 1014 Floor.
Kathy Charles			
Adolph Kachan			

**Miami-Dade County Charter Review Task Force  
Public Hearing Meeting  
Monday, May 7, 2012  
Miami-Dade County Miami Art Museum  
101 West Flagler Street  
5:30 p.m.**

**Agenda**

- **Welcome and Introduction**
- **Public Hearing**
- **Adjournment**

12. **Quarterly Budget Comparisons.** The County Mayor shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

13. **Adequate Audits.** An annual audit of the County and each municipality shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. A summary of the results, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy.

14. **Regional Offices.** Regional offices of the County's administrative services shall be maintained at locations in the County for the convenience of the residents.

15. **Financial Disclosure.** The Commission shall by ordinance make provision for the filing under oath or affirmation by all County and municipal elective officials, candidates for County and municipal elective offices, such employees as may be designated by ordinance, and such other public officials, and outside consultants who receive funds from the County or municipalities, within the County and who may legally be included, of personal financial statements, copies of personal Federal income tax returns, or itemized source of income statements. Provision shall be made for preparing and keeping such reports current from time to time, and for public disclosure. The Commission shall also make provision for the filing annually under oath of a report by fulltime County and municipal employees of all outside employment and amounts received therefrom. The Mayor and any City Manager may require monthly reports from individual employees or groups of employees for good cause.

16. **Representation of Public.** The Commission shall endeavor to provide representation at all proceedings significantly affecting the County and its residents before State and Federal regulatory bodies.

17. **Commission on Ethics and Public Trust.** The County shall, by ordinance, establish an independent Commission on Ethics and Public Trust comprised of five members, not appointed by the County Commission, with the authority to review, interpret, render advisory opinions and enforce the county and municipal code of ethics ordinances, conflict of interest ordinances, lobbyist registration and reporting ordinances, ethical campaign practices ordinances, when enacted, and citizens' bill of rights.

**Comment [k1]:** 1996 Amend the Citizen Bill of Rights

(B). The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of Dade County. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the County. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C). **Remedies for Violations.** In any suit by a citizen alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the Court. Any public official or employee who is found by the Court to have willfully violated this Article shall forthwith forfeit his office or employment. In any complaint alleging a violation of this Article by a citizen filed with the Commission on Ethics and Public Trust and the subsequent finding by Ethics Commission that a person has violated this Article shall subject said person to an admonition or public reprimand and/or a fine(s) or appropriate restitution. Assessment of penalties and recovery of cost shall be governed by adopted County administrative orders and rules of procedure promulgated by the Ethics Commission.

(D). **Construction.** All provisions of this Article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Article shall be declared invalid, it shall not affect the validity of the remaining provisions.

#### SECTION 1.07. VACANCIES.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election; appointed person may succeed themselves unless otherwise prohibited by the Charter. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 45 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

#### SECTION 1.08. ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES.

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

The Commission may determine the Rules of its proceedings, discipline its members for disorderly behavior, and, with the concurrence of two-thirds, censure its members through a formal resolution of disapproval.

The Commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the Commission may appoint its members or authorize the Chairperson to appoint committee members. Commission committees may conduct public hearings, as authorized by ordinance of the Commission. The Clerk of the Circuit Court or a deputy shall serve as clerk of the Commission. No action of the Commission shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.

## SECTION 6.05. CREATION OF NEW MUNICIPALITIES.

The Board of County Commissioners ~~and only the Board~~ may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries.

The electors of the County shall have the power to propose the creation of new municipalities in the unincorporated areas of the county by petition. The petition process shall be identical with that for an initiatory or referendary petition, except that:

1. The Clerk of the Circuit Court shall approve the form of the petition.
2. The person or persons circulating the petition must obtain signatures of electors of the Commission district, concerned in numbers at least equal to four percent of the registered voters in the subject Commission district(s) on the day on which the petition is approved, according to the official records of the County Supervisor of Elections.
3. The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.
4. The Board of County Commissioners must provide for a election not less than 90 nor more than 120 days after the certification of the petition.
5. The question of establishment of a municipality shall be placed on the ballot in a manner that will give the electors a clear choice for or against the creation of the municipality. The result shall be determined by a majority vote of the electors voting on the question.

The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter can only be changed if approved by an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office, prior to a vote of qualified municipal electors.

Comment [k2]: 2000 Election 14,509 to 13,263

## **Article - 3**

### **Elections**

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#### **SECTION 3.01. ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS AND MAYOR**

A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections.

B. A candidate must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, beginning with the elections in 2004, the terms of office of the Mayor and County Commissioners shall commence on the second Tuesday next succeeding the date of the general election in November.

D. Notwithstanding any other provision of this Charter, effective with the term of Mayor scheduled to commence in October, 1996, no person shall be elected as Mayor for more than two consecutive four-year terms. Neither service as Mayor or County Commissioner prior to the terms scheduled to commence in October, 1996, nor service of a partial term subsequent to October, 1996, shall be considered in applying the term limitation provisions of this section.

STATE OF FLORIDA                    )  
  ) SS:  
COUNTY OF MIAMI-DADE            )

I, HARVEY RUVIN, Clerk of the Circuit and County Courts, in and for Miami-Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of the May 7, 2012, Board of County Commissioners' Charter Review Task Force (CRTF) meeting minutes, as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 21<sup>ST</sup> day of May, A.D., 2012.



HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By:   
Deputy Clerk