



# **MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Charter Review Task Force**

## **Board of County Commissioners**

South Dade Regional Library  
2<sup>nd</sup> Floor Auditorium  
10750 SW 211 Street  
Miami, Florida

Thursday, May 10, 2012  
As Advertised

Harvey Ruvlin, Clerk  
Board of County Commissioners

Christopher Agrippa, Division Chief  
Clerk of the Board Division

Scott Rappleye, Commission Reporter  
(305) 375-5108



**CLERK'S SUMMARY AND OFFICIAL MINUTES  
CHARTER REVIEW TASK FORCE PUBLIC HEARING  
May 10, 2012**

The Charter Review Task Force convened in a meeting on May 10, 2012, at 5:30 p.m. in the 2<sup>nd</sup> Floor Auditorium of the Miami-Dade County South Dade Regional Library, 10750 SW 211 Street, Miami, Florida. The following members were present: Chairman Rene Garcia, Vice-Chairwoman Evelyn Greer, and members Ms. Yolanda Aguilar, Mr. Carlos Manrique, Mr. Terry Murphy, Ms. Pamela Perry, Mr. Walter Richardson, and Mr. H.T. Smith.

- Welcome and Introduction

Chairman Rene Garcia called the meeting to order at 5:42 p.m.

Chairman Garcia explained that the purpose of this meeting was to provide the public access to Task Force members and to allow individuals to voice their comments/concerns regarding amendments to the Home Rule Charter. He noted the Task Force would start deliberating on proposed recommendations and revisions to the Charter May 17, 2012.

Following Chairman Garcia's comments, the Task Force members in attendance formally introduced themselves.

- Public Hearing

Chairman Garcia opened the public hearing.

Ms. Melissa Llahues, 200 S Biscayne Boulevard, Latin Builders Association, noted the previous Charter Review Task Force recommended to the County Commission that any application requesting to move the Urban Development Boundary (UDB) require approval by a three-fourth majority vote of the County Commission or 10 affirmative votes, as opposed to a two-third majority or nine affirmative votes; that an independent body be constituted every five years to conduct studies to show exactly where the UDB should be, and that any recommended changes by the independent body be approved by a majority of the County Commission and subsequently by the voters. She pointed out that the Community Planning Act implemented by the Florida Legislature prohibited all referendums on comprehensive plan amendments, which prevented this recommendation from being placed on the ballot in 2012.

Ms. Llahues requested that the 2012 Charter Review Task Force not make any recommendations to change the process for moving the UDB. She noted the existing process worked as evident by the fact that the UDB was moved only five times in the last 20 years. She clarified that these five changes impacted 1,900 acres, and that only one application was approved to allow a residential use. Ms. Llahues noted that the UDB line was not immovable, and that the Comprehensive Development Master Plan (CDMP)

clearly states the factors that should be considered before approving an application to move the UDB.

Discussion ensued between Mr. Murphy and Ms. Llahues regarding specific applications to change the UDB line.

Ms. Greer noted the Community Planning Act had not been tested in the courts, and that the Act could violate the County's right to control its own Zoning process through the Home Rule Charter. She pointed out the UDB applications that were not approved generated a significant amount of public opposition.

Ms. Llahues noted the reason UDB applications were not approved was not always a result of public outcry, noting some applications were approved by the County Commission, and subsequently denied by the Department of Community Affairs.

Ms. Greer noted the County Commission should listen to public opinion and not move the UDB.

Mr. Murphy noted he would research whether County staff filed an application to move the UDB in a manner that would result in hundreds of acres of land to go from inside to outside the UDB.

Mr. Richardson requested Ms. Llahues advise the Task Force regarding the Latin Builders Association's position on term limits and a salary increases for commissioners.

Ms. Llahues noted the Latin Builders Association did not support term limits due to the potential to deplete the institutional knowledge among commissioners. She noted; however, that members of the Latin Builders Association had not discussed the salary for commissioners.

Mr. Jeff Bercow, 200 S Biscayne Boulevard, pointed out that Yankee Town, Florida had filed litigation to challenge the Community Planning Act.

Mr. Bercow noted the fact that the UDB applications that generate heavy opposition were not approved supported Ms. Llahues' argument that Task Force should not recommend any changes to the UDB process. He noted the existing process worked, and noted he agreed with Ms. Llahues that this Task Force should not recommend any changes to the current UDB rules. He explained that the UDB process was effective for the following reasons:

1. The County accepted applications to move the UDB once every two years;
2. the County required substantial fees to file an application to move the UDB;
3. the County Commission had to approve an application to expand the UDB by two-third majority vote;
4. the CDMP had stringent policies to allow periodic expansion of the UDB, particularly Policy LUAF;

Mr. Bercow expressed concern that adding more language to the Charter regarding the UDB would further politicize it and detract from its intended use, which was a land use planning tool.

Ms. Perry questioned whether the courts could rule against the County Commission if the Commission approved an application to expand the UDB that did not meet the established criteria.

Mr. Bercow noted the State of Florida Department of Community Affairs (DCA) overruled an application approved by the County Commission for failure to demonstrate that commercial land did not exist in that area. He explained that following the DCA decision, the application went to an Administrative Hearing Officer, as well as the Governor's cabinet and ultimately, the State of Florida First District Court of Appeals.

Chairman Garcia questioned who set up the current UDB process.

Mr. Bercow explained the UDB was part of the CDMP as well as the County Code of Miami-Dade, as established by the County Commission.

Ms. Greer expressed concern that the County Commission had the authority to change the UDB process with an ordinance, and that the DCA no longer existed. She pointed out that many residents did not have confidence that the County Commission would not change the UDB process.

Mr. Bercow pointed out that, pursuant to the DCA being dissolved, a State of Florida land planning agency had regulatory oversight of the CDMP process Statewide, and that would review all decisions made by local governments.

Ms. Greer noted the Task Force would have to discuss ways to improve public confidence that the County Commission would change the UDB process.

In response to Mr. Manrique's question why he opposed having an independent body review the UDB every five years, Mr. Bercow noted he did not think it was necessary. He also noted this independent body would be subject to the same lobbying and political pressures as the County Commission.

Mr. Manrique asked Mr. Bercow why he believed having an independent body to review the Charter every five years would cause concern.

Mr. Bercow noted the current process required the County's planning staff to conduct such a review every seven years. He pointed out that a most recent study concluded the land supply in the County would be depleted by 2021.

Mr. Smith requested Mr. Bercow and Ms. Llahues provide the Task Force members with an argument to support the existence of another entity, besides the County Commission, to provide oversight on UDB expansion.

Chairman Garcia explained he understood the argument to be that the UDB process had worked without being part of the Charter. He clarified that some government processes do work and not every issue could be deliberated by the Task Force.

Mr. Smith stressed the importance of the UDB on quality of life in the County.

Chairman Garcia suggested the Task Force identify residents who supported changes to the UDB process and hear their arguments.

Mr. Murphy pointed out the requirement for approval by a 2/3 majority of the County Commission halted expansion of the UDB for residential projects.

Ms. Perry clarified the requirement for approval by a two-third majority was part of the Code and could be amended to revert back to requiring a simple majority.

Mr. Bercow noted polls indicated that 70 percent of County residents opposed moving the UDB. He explained that the issues of disenfranchisement were the most concerning to County residents at this time.

Mr. Wilbur Bell, 18271 SW 109 Avenue, Vice-Chair, Community Council 14, noted Community Council 14 had approved several applications to expand the UDB. He explained the UDB was not a current issue. Mr. Bell explained he wanted the Perrine area west of highway US 1 to be incorporated.

Mr. Richardson asked Mr. Bell what changes could be made to the Charter to ensure that groups seeking to incorporate could do so.

Chairman Garcia pointed out the speakers at the May 9th public hearing expressed concern that the County Commission could impede incorporation.

In response to Mr. Richardson's inquiry regarding proposals to impose term limits and increase commissioners' salaries, Mr. Bell noted he supported two, four-year term limits, and he believed the proposal to increase commissioners' salaries should be determined by the voters.

Ms. Greer pointed out the County Commission prevented the area of Perrine and Richmond Heights from incorporating, and that this area would benefit by removing the existing language in the Charter delegating power to the County Commission to stop the incorporation and annexation processes.

Mr. Kent Forbes, 25121 SW 120 Place, spoke in support of the incorporation Countywide. He explained that natural boundaries should be used to set boundaries for

areas that annex or incorporate. He expressed concern that the unincorporated areas were underserved and opportunities to secure state and federal grant funding was limited.

Mr. Smith urged Mr. Bell and Mr. Forbes to identify specific hurdles preventing incorporation and to prepare Charter recommendations or revision for review by Task Force members.

Mr. Forbes noted the only hurdle his community faced was the moratorium on incorporations put in place by the County Commission.

Mr. Ramon Ramos, 9897 SW 4th Street, appeared before the Task Force and noted he supported the proposal to limit the terms of office to two full terms. He explained that a commissioner could serve more than eight years if he or she replaced a commissioner between elections. He noted this limit should apply retroactively to incumbent commissioners. He noted he also supported Countywide incorporation, the proposal to increase commissioners' salary consistent with the State formula and that outside employment be prohibited.

In response to Ms. Perry's inquiry regarding the potential to lose institutional knowledge as a result of term limits, Mr. Ramos noted he did not feel institutional knowledge was critical.

Ms. Aguilar noted the learning curve was several years, particularly considering the complex issues facing the County. She explained she was not convinced that eight years was the best limit.

Chairman Garcia noted losing institutional knowledge was inevitable with new commissioners; however, new commissioners would be more likely to ask questions that incumbent commissioners did not ask.

Mr. Ramos noted he thought the positives of term limits outweighed the negatives.

Mr. Murphy expressed concern that commissioners would be less accountable to the public in their final term.

Mr. Manrique pointed out the County Commission had already approved placing a question on the ballot asking voters whether commissioners' terms of office should be limited to two, four-year terms. He noted the institutional knowledge would remain with staff in the case of term limits, and staff would take over. He explained that in order to impose term limits successfully, they must be imposed in a way that institutional knowledge resided on the County Commission, and not only County staff.

Mr. Ramos noted the commissioners relied on staff's recommendations now, and term limits were not in place.

Mr. Forbes noted he supported proposal to impose term limits, increase commissioners' salaries, and restrict on outside employment for commissioners. To avoid losing institutional knowledge, Mr. Forbes suggested the incumbent commissioners be allowed to serve one more term after completing two full, four year terms.

Mr. Alfonso McCray, 18040 SW 104 Avenue, suggested the incorporation process be amended to require areas wishing to incorporate to submit a proposal to the County Commission; that the County Commission direct staff to conduct the necessary research, and that question be placed on the ballot for approval by the electorate. Mr. McCray suggested that questions to amend the Charter be placed on the ballot for general elections only. He spoke in support of allowing the voters in each County Commission District to decide whether the respective commissioner's salary should be increased; and the commissioners' terms of office be limited, although he did not support term limits. He suggested the language contained within the Charter relating to commissioners salaries be removed and established by ordinance.

Mr. Michael Rosenberg, 13030 N Calusa Club Drive, appeared before the Task Force and spoke in opposition to term limits for commissioners. He expressed concern regarding the disparity in campaign funds for incumbent commissioners and their challengers. He noted the chief of staff for each commissioner better understood the flaws in County Government and would be the best persons for the Task Force to solicit input for revisions to the Charter.

Mr. Rosenberg noted he was President of the Kendall Federation of Homeowner Associations (KFHA). He presented a resolution from the KFHA urging the Task Force to consider the following recommendations:

1. Establish a two term limit for County commissioners;
2. change the composition of the County Commission to a mix of single-member districts and at-large districts;
3. increase the salary for commissioners by \$10,000 the first year in office, and increase by \$5,000 annually up to \$50,000, and that no outside employment be allowed once the salary reached \$50,000;
4. require a  $\frac{3}{4}$  majority of commissioners to approve changes to the UDB, and that an independent body review the UDB every five years;
5. have an independent board oversee the Inspector General;
6. remove the County Commission's ability to block incorporation elections, and that such elections should not be scheduled by special elections;
7. restore the 10 percent threshold required for registered voters' signatures on incorporation petitions; and
8. prohibit the County from requiring mitigation from newly incorporated cities.

Mr. Richardson questioned why the KFHA did not recommend the state formula be used to set commissioners' salaries.

Mr. Rosenberg explained that the public did not support salary increases for commissioners.

Mr. Richardson noted a speaker at the May 9<sup>th</sup> public hearing suggested that the commissioners receive a salary based on the State formula, that commissioners be prohibited from outside employment, and that an Ethics Commission be established to ensure compliance. He questioned how KFHA might view this proposal.

Mr. Rosenberg noted the idea of an independent Ethics Commission was a good idea, however, he expressed concern that it may not be practical in terms of monitoring outside employment.

Mr. Murphy suggested the idea of a salary increase for commissioners could be more favorable to voters if it would not be effective until after the next election.

Mr. Manrique questioned whether retirement pensions would violate the provision to hold no outside employment.

Mr. Rosenberg noted the boundaries for what constituted outside employment were difficult to define.

Ms. Kathy Charles, 15471 SW 152 Court, noted Article 4 - County Manager in the Charter would become a reserved article in November 2012 when the language regarding the County Manager would be stricken. She suggested Article 4 become an article regarding conflict of interest, ethics and lobbying. She explained that ethics couldn't be legislated, however, minimum standards could be clearly stated.

Ms. Charles suggested that Section 4.01 be titled *Voting Conflicts*, and that it include the same language currently found in Article 5 Section 5.03 of the Charter with a small amendment to apply the language to County commissioners.

Ms. Charles suggested that Section 4.02 be titled *Enactment of Conflicts of Interest Code and Implementation of a Code of Ethics*, and that the existing language from the Code of Ethics in the Miami-Dade County Code be used.

Ms. Charles suggested that Section 4.03 be titled *Examination of Matters Related to Ethical Conduct and Lobbying*, and that the language in this section would give the Commission on Ethics and Public Trust the authority to examine matters related to the Code of Ethics and conflict of interests.

Ms. Charles suggested that Section 4.04 be titled *Use of Public Property*, and that the language in this section would require the approval of the electorate to use tax dollars for the benefit of private individuals, partnerships, or corporations. She noted this section was aimed at avoiding another controversy like the stadium for the Miami Marlins.



Regarding the UDB line, Ms. Charles noted the language already existed in the Charter that required periodic review of the UDB. She suggested the Charter be amended to provide specific calendar dates for those reviews.

Mr. Murphy noted the County Manager made recommendations to the County Commission for County contracts if the Mayor had a conflict of interest. He questioned, in the absence of a County Manager, who should make the recommendation when the Mayor had a conflict of interest.

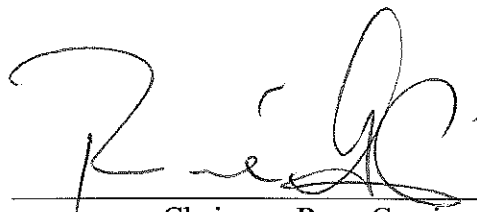
Ms. Charles suggested the Mayor designate a person.

Mr. Murphy noted the Charter did not include a provision for this scenario.

Chairman Garcia expressed appreciation to those in attendance for their participation.

- Adjournment

There being no other business to come before the Task Force, the meeting adjourned at 7:34 p.m.



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Chairman Rene Garcia  
Miami-Dade County Charter Review Task

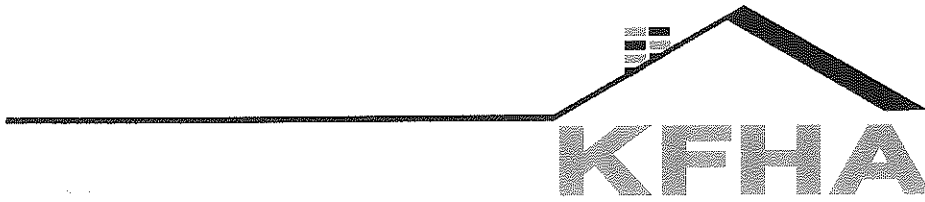


**Board of County Commissioners  
Charter Review Task Force – Public Hearing  
May 10, 2012**

Prepared by: Jovel Shaw

**EXHIBITS LIST**

NO.	DATE	ITEM #	DESCRIPTION
1	5/10/2012		Kendall Federation of Homeowner Associations Resolution
2	5/10/2012		Proposed language for Article 4 of the Charter suggestion submitted by Mrs. Kathy Charles
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## RESOLUTION

*WHEREAS, the Kendall Federation of Homeowner Associations, (KFHA) representing an area of over 400,000 Miami-Dade County citizens, stands with all citizens that yearn for a more effective, ethical and transparent government that is accountable and accessible to the people it is supposed to serve; and*

*WHEREAS, the KFHA recommends that Commissioners' terms in office be limited to two full consecutive, four-years terms (retroactive); and*

*WHEREAS, the KFHA recognizes the need to secure a diverse and representative board yet is cognizant of the parochial tendencies of the current system, therefore recommends that the composition of the Board of County Commissioners be a combination of single-member districts with a high percentage of at-large districts in order for the majority of Miami-Dade voters/residents to be able to contact and influence the County Commissioners; and*

*WHEREAS, the KFHA acknowledges that the current compensation structure for County Commissioners under-compensates the members of the Board for what is essentially a full-time job yet takes into consideration that there is a strong public sentiment that any salary increase for County Commissioners should be accompanied by some*

*countervailing restrictions on the other prerogatives of this office, the KFHA recommends that if and only if the referendum for retroactive term limits passes, all Commissioners' salaries will be increased by \$10,000 the first year in office and \$5,000 increments per each year successively until \$50,000, at which point no outside employment will be allowed; and*

*WHEREAS, the KFHA recommends that any Comprehensive Development Master Plan application requesting that the Urban Development Boundary (UDB) line be moved must be approved by a vote of at least three-fourths of the County Commissioners then in office and that the line should be reviewed by an independent body every five years; and*

*WHEREAS, the KFHA strongly supports an independent Inspector General, overseen by an independent board and recommends that the IG should have more control over its budget; and*

*WHEREAS, the KFHA recommends that Incorporation elections, after the study is completed, shall not be blocked by the Board of County Commissioners and shall not be scheduled by special elections; and*

*WHEREAS, the KFHA recommends to restore the prior 10% threshold required for registered voters' signatures on incorporation petitions and eliminate the 25% level that is now required as no other voter petition process in the county requires such a high barrier to the democratic right to petition; and*

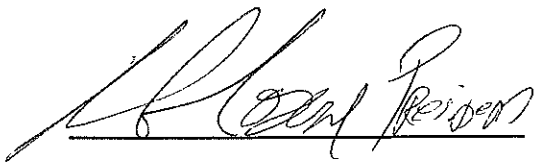
*WHEREAS, the KFHA recommends that municipal*

*boundaries should be determined by the residents of the proposed new city and not imposed arbitrarily by the County Commission; and*

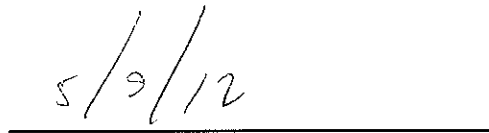
*WHEREAS, the KFHA strongly supports that no mitigation shall be required of any newly incorporated city as this was determined to be unconscionable by the a unanimous vote of the Florida Legislature;*

*NOW THEREFORE, the Kendall Federation of Homeowner Associations adopts this Resolution and strongly urges the 2012 Charter Review Task Force to consider these recommendations.*

*Resolution STRONGLY Approved by KFHA Board Of Directors On May , 2012.*

A handwritten signature in cursive script, appearing to read "Alan Reiser", written over a horizontal line.

signature

A handwritten date "5/9/12" written in cursive script, positioned to the right of the signature line.

\* \* \*

## ARTICLE - 4

### **RESERVED-CONFLICTS OF INTEREST, ETHICS AND LOBBYING**

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#### **SECTION 4.01. VOTING CONFLICTS**

Any >>County Commisioner <<county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Willful violation of this Section shall constitute malfeasance in office, shall effect forfeiture of office or position, >> as outlined in the Citizen Bill of Rights (C) Remedies for Violations<<and render the transaction voidable by the Board. (Note: Language comes from Article 5 Section 5.03. Financial Administration.)

#### **SECTION 4.02. ENACMENT CONFLICTS OF INTEREST CODE AND IMPLEMENTATION OF A CODE OF ETHICS**

The County Commission shall enact, by ordinance, a Conflict of Interest section in the County Code that requires Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities to avoid even the appearance of impropriety in the performance of their duties and responsibilities. The County Commission shall also enact, by ordinance, a Code of Ethics that shall apply to Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities that establishes minimum standards of ethical conduct for County and municipal elected officials, employees, members of advisory boards and quasi-judicial bodies and designated County contract workers. In the ordinances enacted pursuant to this sub-section, the County shall provision governing lobbying by those seeking to influence legislative action or administrative policy.

#### **SECTION 4.03. EXAMINATION OF MATTERS RELATED TO ETHICAL CONDUCT AND LOBBYING**

The Commission on Ethics and Public Trust shall provide procedures for the examination of matters related to the ethical conduct of Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities. The Ethics Commission shall also investigate any person engaged in lobbying activities who may be in violation of enacted Conflict of Interest and Code of Ethics provisions. In the event that a violation is found to have been committed, the Ethics Commission may assess penalties, prohibit registration as a lobbyist or prohibit lobbying by such person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein set forth in enacted Code provisions.

#### **SECTION 4.04. USE OF PUBLIC PROPERTY**

The County shall prevent the use of public property or its taxing power for the benefit of private individuals, partnerships or corporations, in violation of the restrictions imposed by Article VII, Section 10. of the Florida Constitution, or by the laws of the State of Florida, ....., without the approval of electors. (Not sure if this will address Stadium issue.)

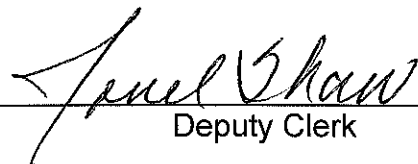
STATE OF FLORIDA                     )  
  ) SS:  
COUNTY OF MIAMI-DADE            )

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 10, 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