

MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners Wilde Community Center 1701 W. 53rd Terrace Hialeah, Florida

> May 14, 2012 As Advertised

Harvey Ruvin, Clerk Board of County Commissioners

Christopher Agrippa, Division Chief Clerk of the Board Division

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



CLERK'S SUMMARY AND OFFICIAL MINUTES CHARTER REVIEW TASK FORCE PUBLIC HEARING May 14, 2012

The Charter Review Task Force convened a meeting on My 14, 2012, at 5:30 p.m. in the Wilde Community Center, 1701 W. 53 Terrace, Hialeah, Florida. The following members were present: Chairman Rene Garcia, Vice Chairwoman Evelyn Greer, and members Honorable Juan Carlos Bermudez, Honorable Isis Garcia-Martinez, Honorable Luis Gonzalez, Mr. Carlos Manrique, Mr. Terry Murphy, Mr. Hans Ottinot, Ms. Pamela Perry, Mr. Don Slesnick, and Representative Carlos Trujillo.

In addition to the members of the Task Force, the following staff members were present: Assistant County Attorney Jess McCarty; Commission on Ethics Director Joseph Centorino; Office of the Mayor staff Inson Kim, Lorna Mejia, Jeve Clayton, and Les Pantin; and Deputy Clerk Mary Smith-York.

Chairman Garcia recognized the following elected officials who were present at today's meeting: Commissioner Xavier Suarez (Dist. 7); City of Hialeah Council Members Paul Hernandez and Vivian Casals-Munoz; and City of Sunny Isles Beach Vice Mayor Lewis Thaler.

WELCOME AND INTRODUCTION

Chairman Rene Garcia called the meeting to order at 5:41 p.m. and stated the purpose of tonight's meeting. He noted the purpose of this meeting was to provide a forum for the citizens of this community to voice opinions, comments, concerns, and recommendations regarding amendments to the Charter. Chairman Garcia advised that the Task Force would begin deliberations on proposed amendments/revisions to the Charter on May 17, 2012.

Following Chairman Garcia's remarks, each of the Task Force members formally introduced themselves.

PUBLIC HEARING

Chairman Garcia opened the public hearing and the following individuals appeared before the Task Force:

1. Honorable Michael Pizzi, Mayor, Town of Miami Lakes, appeared and expressed concern regarding the additional restrictions on the primary, basic right of the people, which is the right to petition their government. He explained that over the years, the County Commission changed the initiative petition process to impose a 15-day withdrawal period as well as penalties for false statements, and limiting the font size and limiting the number of signatures per page to one, which made it more difficult for people to petition the government. Mayor Pizzi recommended that the Charter be amended to incorporate clear language prohibiting any governmental body from enacting legislation that makes it significantly more

difficult for the average citizen to engage in the petition process. Additionally, Mayor Pizzi expressed concern that citizens presentations and other items heard before the County Commission were not secheduled for a time certain, and recommended Task Force members craft appropriate language to strengthen right of the people to be heard, i.e., a provision similar to that contained within certain municipal charters that guarantees right to access by setting public hearings at a specific time.

2. Honorable Nelson Hernandez, Councilman, Town of Miami Lakes, appeared and expressed concern regarding new incorporation within Miami-Dade County. He recommended a mechanism be included in the Charter to facilitate and encourage incorporation of the County's unincorporated areas to increase the level and efficiency of services. Mr. Hernandez explained that this would enable the County to serve as a regional government and focus on the Port of Miami and the Airport, while municipalities focus on the daily functions of government.

In response to Mr. Marique's request for clarification as to whether Mr. Hernandez was referring to incorporation and annexation, Councilman Hernandez noted he supported both.

Mr. Marique questioned the Councilman's position on the proposal to reduce the percentage of signatures from registered voters on petitions from 25 percent to ten percent; and on the proposal to create a task force to determine the boundaries for proposed annexation/incorporation areas.

Councilman Hernandez said he fully supported reducing the signature requirement, and that he supported the creation of a task force to maintain order, gather input, and determine the desired level of services for different areas of the County.

Honorable Evelyn Greer, Mayor, Village of Pinecrest, noted the Town of Miami Lakes and all other areas that incorporated were the result of Citizens' Initiative Petitions. She noted the residents from many areas did not want to incorporate and were opposed the notion of a task force deciding they should incorporate. She further noted some grassroots organizations were willing to work with the residents from areas that did want to incorporate. Mayor Greer explained that a Countywide task force might impose incorporation on people who did not want it and prevent those who wanted to incorporate from organizing on a grassroots basis.

Mr. Terry Murphy inquired about whether Task Force members should consider granting additional authority to the County Commission to determine whether or not to annex unincorporated areas into a city of municipalities such as the area surrounded by the City of Hialeah.

Honorable Luis Gonzalez, Councilman, City of Hialeah, noted this would require an an agreement with the neighboring city/municipality and a body must be created to finalize some of the stages in the process of incorporation.

Mr. Hernandez noted the Charter should include a procedure to educate citizens and make it easier for them to incorporate.

City Attorney Hans Ottinot, Esq., City of Sunny Isles Beach, asked whether the decision to incorporate or annex should be citizen-driven or County Commission-driven, noting he favored a citizen-driven process.

Councilman Hernandez noted the citizens' should make the final decision; however, an easier platform needed to be created to bring them to that point.

- 3. Mr. Alexander Ariano, 8465 Menteith Terrace, Miami Lakes, appeared and expressed concern that recommendations submitted by the previous Task Force were not implemented by the County Commission, and noted he was hopeful that all the recommendations presented by this Task Force would be placed on the ballot and approved or disapproved by the voters.
- 4. Ms. Esperanza Reynolds, 8465 Menteith Terrace, Miami Lakes, appeared and read into the record a statement in support of County Commission Chairman Joe Martinez, Property Appraiser Pedro Garcia, and Mayor Michael Pizzi, which she noted was prepared by Mr. Humberto Acosta, an ex-political prisoner from Cuba (See Exhibit No. 1)
- 5. Mr. Manny Lopez, 8004 NW 154 Street, Miami, appeared before the Task Force and noted he supported giving the people the right to vote. He stated the moratorium on incorporation and annexation was lifted, and the people needed the right to vote.
- 6. Ms. Truly Burton, Government Affairs Director/Executive Vice President, Florida Atlantic Building Association (FABA), appeared and noted she supported the good planning and adherence to the Code. She stated the Urban Development Boundary (UDB) had not been extended more than four or five times within the past 30 years. Ms. Burton spoke in support of the Charter as it pertains to the super majority vote and the seven year VAR plan review by professional staff. She noted the City of Doral was currently experiencing a water and sewer crises, and capital improvements was a long-term planning issue and must be the focus of the planning department. Ms. Burton stated the recent reorganization of the planning department would probably not affect its ability to perform.

Mr. Marique commented that a representative from the Latin Builders Association (LBA) appeared at the last meeting and suggested that the 2/3 majority vote requirement be enacted as a Charter amendment rather than an ordinance. He also suggested that a body be created to determine whether the UDB should be extended every five years.

Ms. Burton noted positions of the FABA and the LBA regarding those issues were the same.

7. Mr. Otto Castillo, 11205 SW 99 Court, Miami, representing the Government Supervisors Association of Florida, appeared and read a prepared statement, into the record, regarding the Mayor's veto power to resolve collective bargaining impasse disputes (See Exhibit No. 2).

Mr. Joseph Centorino, Executive Director, Commission on Ethics, noted he was present to answer any questions from members of the task force might have. Mr. Murphy referred to comments made by a speaker last week that the language contained within Section C of the Citizens' Bill of Rights be amended to include a provision stating that the Ethics Commission or the appropriate jurisdiction would have the ability to reprimand and impose sanctions.

Mr. Centorino noted the Charter currently did not contain any penalties; however, he would support a recommendation to incorporate language in the Charter imposing a range of penalties that was enforceable.

Mr. Marique noted another speaker appeared before the Task Force and proposed aht commissioners' salaries be increased and the outside employment be prohibited and the the Ethics Commission monitor outside employment to prevent violations.

Mr. Marique asked Mr. Centorino to address concerns regarding Article IV, relative to Conflicts of Interests.

Mr. Centorino noted he would not comment on issues concerning the County Commission; however, the Ethics Commission currently had oversight authority in terms of enforcing the Code of Ethics on Conflicts of Interests.

Upon concluding the foregoing, Chairman Garcia called the next speaker and the following persons appeared before the Task Force.

- 8. Ms. Barbara Hagan, 7336 Bay Hill Drive, appeared and noted she resided in an enclave area, and she would like for her area to be annexed into North Pointe. She noted she also supported the proposal to reduce the signature requirement for registered voters on petitions from 25 percent to 10 percent.
- 9. Ms. Maribel Balbin, President, 8346 Dundee Terrace, Miami Lakes, representing the League of Woman Voters, presented a list of recommendations, which she read into the record (See Exhibit No. 3).
- 10. Honarable Lewis Thaler, Vice Mayor, Sunny Isles Beach, Fl, appeared and recommended that the terms of office for the Mayor and members of the County Commission be limited to eight years or two, four year terms.
- 11. Ms. Anne Cates, 13939 NW 1 Avenue, Miami, appeared in support of the recommendation to reduce the signature requirement for registered voters on petitions from 25 percent to 10 percent. She spoke in opposition to the

annexation of the area in which she resides based on the projected increase in millage rate. Ms. Cates requested language be included in the Charter delegating subpoena power and to include more stringent criteria for granting tax exemption to religious organizations and institutions.

Mr. Marique questioned the millage rate paid by residents in the area where Ms. Cates lived. He asked that staff review and confirm those rates and provide a report at the upcoming May 17th meeting.

12. Honorable Paul Hernandez, Councilman, City of Hialeah, 501 Palm Avenue, appeared and expressed appreciation to Hialeah and Miami Lakes officials for hosting this public hearing.

There being no other persons wishing to appear, Chairman Garcia closed the public hearing.

Chairman Garcia asked Task Force members to identify the recommendations/topics they wished to discuss. He noted the minutes from the previous meetings would be submitted for review before the May 17th meeting.

Vice Chairwoman Greer pointed out that pursuant to the enabling ordinance, this Task Force must hold public hearing after the recommendations were presented to the County Commission. She suggested that the public hearing be scheduled as the same location and that public input and participation be facilitated via video conferencing, email, and that other communication channels.

The proposed dates for future meetings were listed as May 23, May 30, and June 6, at 9:00 a.m.

Chairman Garcia read, into the record, a letter from Mr. John Rivera, President, Dade County Police Benevolent Association, Inc., in which he apologized that he was unable o attend and urging the Task Force to recommend the creation of a Public Safety Taxing District and that the Sheriff be an elected position.

There being no further business to come before the Task Force, the meeting adjourned at 7:11 p.m.

Chairman Rene Garcia Miami-Dade Charter Review Task Force



Board of County Commissioners Charter Review Task Force – Public Hearing May 14, 2012

Prepared by: Jovel Shaw

EXHIBITS LIST				
NO.	DATE	ITEM #	DESCRIPTION	
1	5/14/2012		Written statement submitted by Humberto Acosta	
2	5/14/2012		Written statement submitted by Otto Castillo	
3	5/14/2012		Letter from League of Women Voters' of Miami Dade County	
4	5/14/2012		Letter from Dade County Police Benevolent Association, Inc.	
5	5/14/2012		Copies of 11 Speaker's Card	
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Buenas noches, mi nombre es Humberto Acosta y estoy de visita en Town of Miami Lakes.

Tengo 85 años y solamente quiero decirles que a gran costo personal que resultó en el sacrificio de mi juventud, luché por la libertad de Cuba y hoy encuentro la gran necesidad de participar en todo lo relacionado a nuestro gobierno para prevenir que nuestra nueva patria tome un curso que nos lleve la repetir los errores del pasado.

Por esto, pedi que me trajeran para ver y conocer como es que funciona el gobierno en el Sur de la Florida...

Con permiso, Esperancita repetira lo que he dicho en Ingles...

Good evening,

His name is Humberto Acosta, ex political prisoner from the Island of Cuba, a man recognized yesterday at Versailles by the likes of Miami Dade County Commissioner Joe Martinez, Property Appraiser Pedro Garcia and Town of Miami Lakes Mayor Michael Pizzi...

He is 85 years old and only wanted to share with you that at great personal cost that resulted in the sacrifice of his youth, he did much to ensure freedom for Cuba and to at least demonstrate courage against tyranny, he now feels the great need to participate in government to prevent these United States from repeating historical mistakes of the past.

That is why he asked us to bring him with us, so we could see first hand... how government operates in South Florida...

Mr. Chairman and Task Force Members:

I am Otto Castillo, Vice President of the Government Supervisors Association of Florida and a Utilities Supply Supervisor in the County's Water & Sewer Department. Our union represents the Supervisory and Professional employees throughout County government – almost five thousand employees. We appreciate the opportunity to address the task force and hope that in your deliberations you remember that Miami-Dade County employs one of the largest work forces in South Florida which is made up of your fellow citizens who devote their life to public service by providing essential services to our community.

Let me call your attention to one provision of the Charter which has recently caused great concern for all unions that represent county employees. The use of the veto power by the Mayor to "trump" the action of the Commission in resolving collective bargaining impasse disputes in accordance with the provisions of Florida Statutes, Chapter 447 (the "Public Employees Relations Act"). That statute calls for the Commission (as in other Florida jurisdictions) to act as the final "court of appeal" when the negotiations between a union and the Mayor break down. When the Mayor uses his veto to negate the decision of the Commission, his act undermines the essence of the dispute resolution system established by the Florida Legislature.

Article 2, Section 2.02. E. already contains certain prohibitions on the use of the veto – we strongly suggest that labor contract disputes being resolved by the statutorily-prescribed method be added to that list of exceptions.

On behalf of our President, Greg Blackman, and our entire membership which spans every department in the County – we thank you for your consideration.

11 the League of Women Votess of Milami-Dade County

TO:	Miami-Dade County Charter Review
FROM:	The League of Women Voters of Miami-Dade County
RE:	Public Hearing Comments – (Meeting of May 14 th . 2012)

The League of Women Voters of Miami-Dade County (League) would like to submit the organization's existing positions regarding the Miami-Dade County Charter, re-adopted at the 2012 Annual Meeting.

- Proposed Charter amendments should be placed on the ballot either by a resolution adopted by the County Commission or by petition.
- Support of removal of specific figure for salaries from the Charter, with salaries set as recommended by state scale.
- The Florida Legislature should not be given the authority to place proposed Charter amendments on the Miami-Dade County ballot.
- Support of a formal mechanism for citizen input into the Miami-Dade County budget prior to printing of the proposed budget document.
- Support of procedures for recall requiring:
 - A statement of grounds on the petition
 - A statement of grounds and a rebuttal on the ballot

The League will review the recommendations coming from this Committee and will provide comments on those recommendations at the appropriate time.

Presented on behalf of the League of Women Voters of Miami-Dade County by:

Maribel Balbin, President 8346 Dundee Terrace Miami Lakes, Florida



THE VOICE OF LAW ENFORCEMENT

DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC.

May 14, 2012

Senator Rene Garcia, Chair Miami-Dade Charter Review Task Force 1490 West 68 Street, Sulte 201 Miami, FL 33014

RE: Miami-Dade Charter Review

Dear Chairman Garcia and Task Force Members:

On behalf of the Dade County Police Benevolent Association (PBA) and the men and women of law enforcement that we represent, let me begin by thanking you for accepting the challenge of reviewing Miami-Dade's Charter and coming up with solutions to better serve our community and those employees who devote themselves to public service. Our members live in this community, work in this community and all too often die protecting this community.

I understand that today is the last public hearing before the Charter Review Task Force. Unfortunately, we have been unable to attend any of the public hearings as we were not notified until late last week and we have been, and currently still are, out of town for the Law Enforcement Memorial, held in Washington D.C., honoring those men and women in law enforcement who paid the ultimate sacrifice while serving and protecting their community. Sadly, some of the officers' names being added to the Memorial are from right here in Miami-Dade County.

I regret not being able to appear before you on this important issue of reforming the Charter, but please accept this correspondence as our position and for your consideration. I urge you to create a public safety taxing district and an elected sheriff in order that government be able to fulfill its first responsibility of providing safety to its people without political interference. This community supports funding public safety and the ability to fund it appropriately should not be left to the whim of politics and politicians seeking to grandstand.

Notwithstanding any legal position and/or argument regarding the Mayor's ability to veto a labor contract dispute that is resolved by the statutorily prescribed method in State Statute, I would also urge you to consider adding labor contract disputes to the list of prohibitions on the use of the Mayoral veto contained in Article 2, Section 2.02.E. of the Charter, thereby further clarifying that it is the Commission, the legislative body, who makes the final decision when negotiations between a collective bargaining agent and the Mayor break down.

Thank you for your consideration

Sincerely.

John Rivera President

Today's Date: 5-/4-12 BCC Mtg. Date:	
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Name: <u>ANNE CATES</u>
Address: 13939 N.W. 15 AV5. Migni 2210
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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 14, 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 21ST day of May, A.D., 2012.



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

By:

Board of County Commissioners Miami-Dade County, Florida