



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners
Stephen P. Clark Center
Commission Chambers
111 N.W First Street
Miami, Florida 33128

June 26, 2012
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Christopher Agrippa, Division Chief
Clerk of the Board Division

Flora Real, Commission Reporter
(305) 375-1294



**CLERK'S SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE PUBLIC HEARING
June 26, 2012**

The Charter Review Task Force convened on June 26, 2012, at the Stephen P. Clark Center, 111 N.W. First Street, Rooms 18-3 and 18-4, Miami, Florida, at 9:00 a.m. There being present Chairman Rene Garcia and members Mayor Juan Carlos Bermudez, Mr. Victor Diaz, Mr. Louis Martinez, Mr. Terry Murphy, Mr. Hans Ottinot, Mr. Lawrence Percival, Ms. Pamela Perry, Reverend Walter Richardson, Mayor Donald Slesnick, and Mr. H.T. Smith (Mr. Armando Bucelo was late; and Vice Chairwoman Evelyn Greer, Ms. Yolanda Aguilar, Mr. Joe Arriola, Councilwoman Isis Garcia-Martinez, Councilman Luis Gonzalez, Representative John Patrick Julien, Mr. Carlos Manrique, Representative Carlos Trujillo were absent).

The following staff members were present in addition to Task Force members: Assistant County Attorneys Cynthia Johnson-Stacks, Oren Rosenthal, Jess McCarty; Ms. Inson Kim, Ms. Lorna Mejia, Mr. Les Pantin Office of the Mayor; and Deputy Clerk Flora Real, Clerk of the Board.

Chairman Garcia called the meeting to order at 9:33 a.m. He welcomed Task Force members and all others present, and noted today's (6/26) meeting would be the final meeting of this Task Force. Chairman Garcia also noted the Honorable Harvey Ruvin, Clerk, Miami-Dade County Circuit and County Courts, was expected to arrive around 10:00 a.m. to address Mr. Murphy's procurement proposal.

In response to Mr. Percival's request that Ms. Jennifer Moon, Director, Office of Management and Budget be invited to attend today's meeting, Chairman Garcia noted Ms. Moon had been invited.

- CRTF Issues of Study
 - Governance of Jackson Memorial Hospital
 - JMH Governance Proposal by Chairman Rene Garcia

Chairman Garcia relinquished the Chair to Mr. Slesnick and proceeded to present the foregoing proposal on the governance of JMH.

Assistant County Attorney Eugene Shy noted as a follow-up to the Task Force's meeting last week, the County Attorney's Office prepared a memorandum addressing concerns regarding a potential conflict between Chairman Garcia's proposal and Chapter 25A of Miami-Dade County's Code. He explained that the memorandum first discussed the Florida Statutes, which governs the creation of the Public Health Trust (PHT), and noted the first page of the memorandum addressed Part 2 of Chapter 154, which enabled any County in the State of Florida to create a Public Health Trust. According to Chapter 154, certain powers must reside with the Board of County Commissioners such as: 1) oversee fiscal issues, including accounting, appropriation of funds, and bond issuance; 2) establish health care delivery policies and mandate how the PHT was to comply with

these policies; 3) approve labor contracts; and 4) declassify designated facilities, the Assistant County Attorney noted. He explained that the proposed Charter amendments could not be inconsistent with the powers granted by law, noting in 1973, after the State legislature adopted Part 2, the County Commission adopted Chapter 25A of the Code. Essentially, Mr. Shy noted, the County Attorney's memorandum specifically addressed conflicts in the proposed governance of JMH with Chapter 25A of the Code.

Assistant County Attorney Valda Clark Christian said she would provide a summary of the provisions that may be of significance. She pointed out that proposed amendment 7A related to health care programs, noting some programs that were currently being implemented were not part of the Public Health Trust and the Task Force members may want to include them in the PHT operations. She pointed out that the Task Force members could propose slight modifications so that language contained within the ordinance was specific about which programs to include in the PHT.

Assistant County Attorney Clark Christian noted proposed amendment 7A required an ordinance establishing a Public Health Trust, which meant that Miami-Dade County would be required to have a County Public Health Trust rather than a special taxing district or another form of organization. In contrast, she noted 25A7 gave the County Commission the authority to revoke a PHT. The language as written, would take away the County Commission's authority to revoke a PHT, unless that authority was re-established through a subsequent Charter amendment, the Assistant County Attorney noted. She referred to 7A1 which establishes the seven-member PHT, without required representation from universities or the BCC. In contrast, Chapter 25A of the Code establishes the 17-member PHT, and included representation from the universities and the BCC, Assistant County Attorney Clark Christian explained.

Mr. Ottinot questioned the definition of "representative" from the medical profession.

Assistant County Attorney Shy explained that a representative from the medical profession would be defined as a physician on the medical staff at one of the Jackson Memorial Hospitals.

Mr. Diaz clarified that with regard to the proposal on the floor, a representative may not be defined as a physician from Jackson Memorial Hospitals. He noted County Attorneys were pointing out that federal law required that one of the members of the Board must be a physician on the staff of Jackson Memorial Hospitals.

Assistant County Attorney Clark Christian clarified that the intent of the language was to ensure consistency with existing federal regulations; that the intent was to have one individual who was both a physician and a member of the medical staff of Jackson Memorial Hospitals serve on the Board. She noted Task Force members could decide to include more than one physician, but they must include at least one.

Mr. Percival noted when Task Force members originally considered this issue they expressed an intent to "do no harm." He suggested that their decision on this proposal

must be in the best interest of the citizens of Miami-Dade County and must preserve Jackson Memorial as a public entity.

Mr. Slesnick asked Task Force members to allow the County Attorneys to finish their presentation.

Assistant County Attorney Clark Christian noted that the County Attorneys had not identified any points in 7B or 7C1 that was significantly different from Chapter 25A. With regard to 7C2, trustees could potentially be interpreted differently from Board of Trustees, and they had the discretion to sue and could be sued. She advised that it would be preferable to speak of Board of Trustees as this would insulate the individual trustees.

In response to Mr. Diaz' question, Assistant County Attorney Clark Christian confirmed that the County Attorneys should replace the word "Trustees" with "Trust" both in the body and the title of 7C.

Mr. Slesnick noted it appeared that a motion to reconsider would be in order before proceeding. He called for a motion from Task Force members.

Assistant County Attorney Clark Christian pointed out that a potential conflict existed between Chapter 154 and Chapter 25A which delegates authority to the BCC to classify and declassify facilities.

Mr. Diaz stated that one way to fix this problem would be to give the Trust jurisdiction over all classified hospitals, adding that the BCC would retain the power to declassify a hospital or to classify additional hospitals.

Assistant County Attorney Clark Christian indicated that 7C1E addressed this issue, and that her concerns would be satisfied if Task Force members wanted to divide it by viewing it retrospectively and preserve the current designated facilities within this new PHT.

It was moved by Mr. Diaz that the Task Force reconsider its action from June 20, 2012, regarding Jackson Memorial Hospital governance for the purpose of responding to the County Attorneys' opinion. This motion was seconded by Ms. Perry and upon being put to a vote, passed by a vote of 12-0 (Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Representative Trujillo, and Vice Chairwoman Greer were absent).

In response to Mr. Smith's inquiry, Assistant County Attorney Valdra Christian noted their report summarized all key points.

Assistant County Attorney Christian noted another concern had been raised involving Item 7(C)(2) and the powers and authorities delegated to the trustees. She stated a potential conflict existed in two areas of Chapters 154 and 25A relating to the authority of the County Commission to classify and declassify facilities. She commented that the

language as stated in the proposed amendment was applicable to any and all types of healthcare facilities, and the terminology to classify or declassify was not used. She further explained that a potential discrepancy existed since the proposed amendment could be interpreted to say that the trustees had the authority to create a facility that the BCC would not classify as a designated facility.

Assistant County Attorney Christian further explained that Chapter 154 provided a distinction between the authority of the BCC and the Public Health Trust, and it addressed the idea that the County Commission had the authority to classify a hospital subject to PHT governance. The existing legislation acknowledged that the BCC had classified Jackson Memorial (JMH) as a designated facility, subject to the PHT governance. Therefore, in reviewing the proposed amendment, it was applicable to any and all types of healthcare facilities; and seemingly could be interpreted as granting the PHT created by the BCC the authority to create a hospital. She pointed out that the existing language under Chapters 154 and 25A delegated that authority to the BCC.

Chairman Garcia questioned whether the problem would be corrected if the Task Force members granted the BCC the authority to draft the ordinance and outline the exact powers to be delegated to the Board as specified under Chapter 25A, as it pertains to these provisions.

Assistant County Attorney Christian advised that, if the County Commission was given the classifying and declassifying authority as it currently appeared in Chapter 154, the ordinance should state that “the Board of County Commissioners could include or exclude a hospital within the PHT.”

Chairman Garcia commented that the clause contained in Item 7(C)(1)(e) which stated “to take action authorized or required by state law” would address that problem.

Mr. Diaz expressed concern that the language proposed by Assistant County Attorney Christian would allow the County Commission to declassify all of the hospital facilities out of the jurisdiction of the PHT after the recommendations were passed.

Assistant County Attorney Shy advised that the County Commission could do as Mr. Diaz stated in respect to declassifying designated facilities. He noted he understood the intent of this proposal was to have the Trust retain its authority over all current classified hospitals and to address the fears of Jackson Memorial Hospital being privatized. He suggested the following language stating that “the County Commission would retain the power to declassify a hospital or to classify additional hospitals.” He clarified his proposed language would require that any proposal to add any new hospital or eliminate anything from the Public Health Trust would have to be presented before the County Commission for approval, and that the existing hospitals classified as public hospitals would be administered by the Trust.

Chairman Garcia noted the legislature passed House Bill 711 last year, which addresses issues related to privatizing public hospitals, and the proposed amendment before the Task Force did not address privatization.

Discussion ensued regarding the intent of the proposed amendment and the powers of the County Commission to classify and declassify.

Mr. Diaz clarified that the proposed amendment and House Bill 711 were not mutually exclusive, noting existing classified hospitals would be administered by the Trust, and House Bill 711 would set the standards for declassifying hospitals. He noted the authority to remove a hospital or create a new public hospital would remain under the Board of County Commissioners.

It was moved by Mr. Diaz that the Task Force reconsider the motion relating to the governance of Jackson Memorial Hospital (JMH), approved on June 20, 2012. This motion was seconded by Ms. Perry.

Mr. Slesnick asked that Task Force members consider the comments made by the Assistant County Attorneys and allow the maker of the original motion to respond before acting on the motion to reconsider. He suggested Task Force consider additional amendments to that proposal.

Mr. Slesnick clarified that the foregoing motion to reconsider if approved, would only address the Senator's proposed amendments which was prepared in response to the County Attorneys' comments.

Mr. Smith said he would support the motion if the intent was solely to allow the Chairman to respond to the County Attorneys' comments.

Hearing no other questions or comments, the Task Force proceeded to vote on the motion to reconsider. This motion, upon being put to a vote, passed by a vote of 11-0; (Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Mr. Martinez, Representative Trujillo, and Vice Chairwoman Greer were absent).

Mr. Slesnick restated the intent of the motion to reconsider and opened the floor for comments, questions or concerns from Task Force members..

Chairman Garcia presented his proposed amendment to Article 1, Section 1.01, of the Miami-Dade County Home Rule Charter, amending Item 7 to insert language appropriate language to respond to concerns previously raised by the County Attorney's Office relating to the Public Health Trust (PHT). He explained that the proposed language would void provisions of Chapter 25A and require that the Board of County Commissioners draft this section of the law, which was extracted from the South Broward Districts Charter, in the form of an ordinance.

In response to Mr. Slesnick's request, Assistant County Attorney Eugene Shy confirmed that the proposed amendment addressed the County Attorney's Office concerns, but he pointed out that the language "to take action authorized" contained within Item 7(C)(1)(e) was inconsistent with the provisions of Section 154.11, which authorizes the Board of County Commissioners to limit the powers of the Board of Trustees.

Mayor Bermudez pointed out that Chairman Garcia's proposed language for Item 7(A)(1) did not require that at least one State of Florida licensed physician and member of the medical staff of Jackson Hospital be a member of the governing board.

Chairman Garcia agreed to include Mayor Bermudez' recommendation.

Mr. Diaz clarified that the Chair's intent was to amend Item 7 to insert Sections C and D to the previously approved Task Force recommendation amending Article 1, Section 1.01. He suggested items 7(C)(1)(e) and 7(C)(1)(d) be amended to change the word "trustees" to "trust."

Chairman Garcia noted Mr. Diaz' suggested amendment was acceptable.

Mr. Diaz commented that the PHT should not be able to create or eliminate public hospitals if the intent was to create a trust with authority to preserve existing public hospitals. He noted the language in Item 7(C)(1)(e) which states, "...to take action authorized or required by state law" was too broad since the PHT could decide at a later date to declassify and remove hospitals from the PHT's jurisdiction. He recommended that Item 7(C)(1)(e) be amended to state, "...to reserve onto themselves prospectively all the powers authorized by state law," and clarified that the County Commission should prospectively reserve for themselves all enumerated powers that could be limited.

Assistant County Attorney Shy clarified that Section 154.10 did not limit the County Commission's ability to declassify previously or future designated facilities. He explained that Mr. Diaz' intent was to limit the County Commission's ability to declassify those facilities.

Mr. Diaz explained that the existing language was too broad because the County Commission had the ability to declassify all hospitals at any time based on the powers and authorities delegated under State law. He recommended language be included in Item 7(C)(1)(e) to expand the "the power to classify ...," by stating that, "all other powers reserved to them by state law preserved both;" and clarified that the intent was to preserve the County Commission's authority to create or eliminate public hospitals.

Mr. Smith stated that the provisions of Section 154.10 reserved to the County Commission the right to classify and declassify hospitals, and the County Charter could not supersede that.

Following a discussion regarding the provisions and requirements of Sections 154.10 and 154.11 relating to the authority to classify and declassify facilities and the Board of

Trustees' powers, Mr. Diaz recommended that rather than enumerating State law broadly, the intent of 154.10 was to reserve certain authorities of the County Commission as previously explained by the Assistant County Attorneys, which would be the most prudent approach if that was the intent. He recommended that language be included to state that, "...as far as classifying and declassifying hospitals, the County Commission rather than the PHT, had the authority to decide whether new public hospitals should be created or whether an existing public hospital would be declassified," which would provide a fair compromise.

Discussion ensued in connection with Item 7(C)(1)(d) regarding its consistency with provision(s) in the State Statutes pertaining to the two-third majority vote.

Assistant County Attorney Shy pointed out that Task Force members had reviewed the issues relating to accounting, appropriation of funds, healthcare delivery policies, and the discipline process; and determined that these could be established by the County Commission.

Mr. Diaz noted the only the authority to declassify existing hospital facilities should be the only power the Task Force restrict the County Commission. He explained that all other powers had been addressed; and if the provisions of Section 154.10 were not addressed, the broad language contained in Item 7(C)(1)(e) could be deleted at a later time to declassify facilities. He suggested that the proposed language should not remain silent on the powers reserved to the County under Section 154.10; or alternatively it should specifically say to reserve onto them those powers specifically enumerated under Florida Statute Section 154.10. He clarified that Section 154.10 would govern this issue.

Discussion ensued regarding the language in the proposed amendment relating to the County Commission's ability to classify and declassify designated facilities pursuant to the provisions of Chapter 25A.

Assistant County Attorney Shy noted the proposal was to include this issue in the Charter.

Pursuant to Mr. Percival's comments, Chairman Garcia amended the proposed language for Item 7(C)(2)(e) in his proposed amendment to the Miami-Dade County Home Rule Charter to change the word "trustees" to "trust" in both instances mentioned.

Mr. Murphy spoke in support of Item 7(A)(1) and 7(A)(2).

Ms. Perry suggested the proposed amendment include a provision to establish a safety valve and checks such as to allow the County Commission to establish annual financial and quality milestones; require that the governing board of JMH submit annual reports to the County Commission; and revoke or rescind powers from the governing board if the established goals were unmet.

Mr. Smith noted major problems in the community needed to be resolved; however, this Task Force could not resolve them at this time. He commended Assistant County Attorney Shy and his staff for preparing a comprehensive report.

Mr. Smith pointed out that he did not support the proposed language to establish the governing board as no mention of any criteria was included. He suggested that this Task Force should reconvene as the Public Health Trust Task Force.

Chairman Garcia advised that Item 7(E) was included to ensure the powers and authorities delegated in the State Statutes were not taken from the Board of County Commissioners, and noted the Task Force would have to change State Statutes in order to amend 7(E).

Discussion ensued regarding the diversity of the current Financial Recovery Board.

Chairman Garcia explained the language of his proposal, and he asked that Task Force members consider voting favorably on the amendment.

It was moved by Chairman Garcia that the Task Force approve the proposed amendment to Item 7 in Article 1, Section 1.01, of the Miami-Dade County Home Rule Charter, to void the provisions of Chapter 25A and require that the Board of County Commissioners' draft an ordinance applicable to this section of law; and to change the word "trustees" to "trust" in items 7(C)(1)(e) and 7(C)(1)(d). This motion was seconded by Mayor Bermudez.

Ms. Perry suggested that the Task Force schedule an additional meeting to vote on the final recommendations before presenting the Final Report to the County Commission.

Assistant County Attorney Rosenthal clarified that Task Force meetings must be advertised pursuant to Sunshine Law and questioned the feasibility of scheduling another meeting considering the time constraints involved.

Ms. Perry proposed to amend Item 7(C)(1) to include a provision stating that the County Commission should establish annual financial and quality milestones for the PHT and if unmet, the County Commission had the authority to revoke or rescind the Trust.

Mr. Slesnick clarified that her amendment would amend Item 7(C)(1) to expand the list of authorized responsibilities and authorities of the County to add an annual quality and financial review pursuant to preset targets.

In response to Mr. Slesnick's inquiry, Chairman Garcia noted the requirement of establishing preset targets was unacceptable to him since it would be difficult for the County Commission to establish those targets due to insufficient knowledge. Therefore, he was unable to accept the proposed amendment. He also noted Ms. Perry's suggested amendment failed to support the intent of the proposed amendment, and the County Commission was already involved in approving the JMH budget.

Discussion ensued regarding the County Commission's ability to establish meaningful targets.

Mr. Ottinot seconded Ms. Perry's proposed amendment, and he commented on the composition and diversity of the existing governing board.

Mr. Ottinot suggested that the proposed amendment to Item 7 in Article 1, Section 1.01, of the Miami-Dade County Home Rule Charter, be amended to include language to address diversity and include a member of the nursing staff in the governing board.

Chairman Garcia explained that diversity among the governing board was addressed through the County Commission's ability to approve or disapprove the appointed nominees to the governing board of JMH, and the County Commission could be lobbied by labor unions and other individuals to ensure diversity. He pointed out that the safety net was still present.

Mr. Smith seconded Mr. Ottinot's amendment to the motion.

Mr. Slesnick clarified that the amendment proffered by Mr. Ottinot to Chairman Garcia's motion would include a requirement to have a member of the nursing staff from the hospital appointed to the governing board.

Following a brief discussion regarding whether LPNs or RNs should be appointed to the governing board and whether the nurse should be a member of organized labor, Mr. Slesnick clarified that the amendment would require a registered nurse be appointed to the governing board of JMH.

There being no further discussion, the amendments to Chairman Garcia's motion were put to a vote, and the motion failed by a unanimous vote of those members present; (Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Mr. Martinez, Representative Trujillo, and Vice chairwoman Greer were absent).

In regards to Dr. Richardson's inquiry as to the public sentiment and whether privatizing JMH should be considered, the Task Force members indicated that privatizing JMH should not be considered.

Chairman Garcia commented that the provisions of Item 7(E) of his proposed amendment required the County Commission to draft an ordinance to address the issues before the Task Force, and it would provide clarity to the provisions of Chapter 25A. He asked that the Task Force members support his proposed amendment.

There being no further discussion, it was moved by Chairman Garcia to have the Task Force approve the proposed amendment to Item 7 in Article 1, Section 1.01, of the Miami-Dade County Home Rule Charter, as amended to void the provisions of Chapter

25A and require the Board of County Commissioners to draft an ordinance applicable to this section of law, and to change the word “trustees” to “trust” in items 7(C)(1)(e) and 7(C)(1)(d). This motion was seconded by Mayor Bermudez, and upon being put to a roll call vote, failed by a vote of 7-4 (Mr. Bucelo, Mr. Murphy, Mr. Percival, Ms. Perry, Reverend Richardson, Mr. Slesnick, and Mr. Smith voted “No”; Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Mr. Martinez, Representative Trujillo, and Vice Chairwoman Greer were absent).

- County Attorney Memo – Requested by CRTF
 - Procurement Recommendations
 - Procurement Recommendations/Conflict of Interest Proposal by Terry Murphy

Mr. Terry Murphy explained that currently, the Mayor delegated his procurement responsibilities to a subordinate in the event of a Conflict of Interest (COI); however, that individual would be placed in an awkward situation under the Strong Mayor form of government. He explained that his proposed Charter amendment would provide that the Mayor would delegate his procurement responsibilities to the Clerk of the Courts in the event of a COI.

Mr. Murphy expressed concern that this Task Force approved another procurement recommendation that would require the Mayor to forfeit his office in the event of a COI.

The Honorable Harvey Ruvin, Clerk of the Courts (COC), noted he was honored that Mr. Murphy would consider the Clerk to assume the Mayor’s procurement responsibilities in the event of a COI. He clarified that under the existing process, the Clerk’s role was to preside as the custodian of the records, including bid protests, which required neutrality. The Clerk of the Courts was also responsible for selecting hearing examiners as well as scheduling hearings, notifying the parties involved and accepting payments, Mr. Ruvin noted. He expressed concern that pursuant to Mr. Murphy’s proposal, the Clerk must be responsible for convening the selection committee, selecting the members, and awarding the contract, which would jeopardize neutrality.

Mr. Ottinot noted the procurement responsibilities were beyond the scope of the Clerk’s role, and questioned whether a bid protest could be filed in connection with an award recommendation by the Clerk.

Assistant County Attorney Oren Rosenthal advised that, pursuant to Section 2-8.4 of the County Code, vendors that bid on a County contract could protest the award recommendation unless the County Commission approved a bid waiver. He clarified that the County Commission must act without arbitrary, capricious or improper purpose; and that vendors had a right to challenge the County Commission in the Circuit Court on those grounds.

Ms. Perry suggested that Task Force members consider amending Mr. Murphy's proposal to address Mr. Ruvin's concerns and submit it as a separate recommendation; and include both recommendations in the final report, along with an explanatory paragraph which outlines Task Force members' concerns regarding delegating these responsibilities to the Clerk and asking that the County Commission consider both the original and the amended proposals.

Mr. Rosenthal advised that the Task Force could submit both the original and the amended proposal as suggested by Ms. Perry, along with an explanatory paragraph. He explained that these proposals must be approved by a two-thirds vote of the Task Force to be placed directly on the November ballot, which meant that a unanimous vote of the 12 members present today would be insufficient to meet that requirement. It also meant that the County Commission may not place either version on the ballot.

Ms. Perry clarified the intent of amending Mr. Murphy's proposal was to fix a problem.

Mr. Diaz pointed out that the primary mission of a Charter Review Task Force was to "do no harm." He noted it was not too late for the Task Force to address any unintended consequences that may result from action taken earlier in the process. He stressed the importance for Task Force members to listen carefully and thoughtfully to all comments made during today's meeting notwithstanding the fact that less than two-thirds of Task Force members were present. He said he supported Ms. Perry's proposal; however, he was concerned that the proposal to "provide for a stated cause in the recall petition would impede the process.

In response to Mayor Bermudez' request for a synopsis of the procurement process, Assistant County Attorney Rosenthal advised that, in the competitive bid process, the Internal Services Department (ISD) was delegated the authority to advertise a bid or a Request for Proposals (RFP). He pointed out that the bid process was a quantitative process and numerical computation was used based on certain selection criteria; whereas, the RFPs were a qualitative process and a selection committee formed by the Mayor or Mayor's designee was used. The selection committee would convene, evaluate and rank all the proposals, and submit award recommendations to the Mayor or Mayor's designee, who had the authority to award contracts under \$1 million. The Mayor or his designee would decide whether to accept or reject the recommendation and submit his/her recommendation to the County Commission.

Pursuant to Mayor Bermudez' question, Assistant County Attorney Rosenthal clarified that the Mayor would submit award recommendations to the County Commission on contracts over \$1 million and the final recommendation would be made by the County Commission.

Mr. Ruvin noted if he had a choice, he would choose to eliminate the Clerk's responsibilities with regard to the procurement process because they were frequent and time-consuming.

Mr. Murphy reminded the Task Force members that they previously voted 16-0 in support of his proposal. He noted the Clerk's office was involved in the County's procurement process and expressed concern that the Charter currently permitted the Mayor to delegate his procurement responsibilities to a subordinate in the event of a Conflict.

Mr. Ruvin noted he concurred that the Clerk of Courts had a role in the current procurement process; however, he was concerned that his existing role which was neutral would be compromised if he was involved in choosing a selection committee and making a bid award recommendation. He noted he strongly recommended that the Mayor's delegated authority in the procurement process not be transferred to the Clerk of Courts due to potential unintended consequences.

Mr. Martinez asked whether the Task Force could include another explanatory paragraph that outlines Mr. Ruvin's concerns regarding his potential involvement in the procurement process.

Mr. Slesnick inquired whether Mr. Ruvin intended to inform the County Commission of his position on the Task Force recommendations.

Mr. Ruvin noted he had not decided whether or not to inform members of the County Commission of his position, and that he was awaiting the final report from this Task Force. He pointed out the Commission could ask him to respond to the Task Force recommendations; however, that should not prevent the Task Force from amending their recommendations to address his concerns regarding this proposal and the petition reform proposal, both of which would change his role in the petition and the procurement processes.

Mr. Diaz expressed concern with the Task Force members' proposal to include explanatory paragraphs or footnotes in the final report.

It was moved by Mr. Ottinot that the Task Force include a footnote in the final report explaining that Mr. Ruvin had concerns regarding the proposed amendment to the procurement process. This motion was seconded by Mr. Bucelo for discussion.

Ms. Perry noted the Task Force did not have to revisit every proposal; however, members of this Task Force should consider any small changes or recommendations presented today.

Mr. Ottinot noted he believed this proposal should be revisited to provide the Clerk and the Mayor, an opportunity to present their views to the County Commission. He said this recommendation could be implemented concurrently by including of footnotes.

Mr. Martinez indicated the County Commission made the final determination whether to accept or to modify the Task Force's recommendations, which meant that its members did not have to second-guess or revisit every decision.

Ms. Perry suggested Task Force members take a vote on each recommendation or proposal presented.

Assistant County Attorney Rosenthal clarified that the motion was to add a note explaining that the Clerk was opposed to this proposal.

Mr. Percival noted Task Force members should have ample opportunity to revisit the recommendations and particularly any potential unintended consequences over the vast amount of paperwork created by petition signatures on one page, as previously noted by Mr. Diaz.

Chairman Garcia noted footnotes and dissenting opinions could be added to every recommendation despite the extensive debate on those items. He clarified that the purpose of today's meeting was to discuss this Task Force's final recommendations; however, each member had the right and the responsibility to offer a motion to reconsider any proposal.

Mr. Ruvin expressed concern that the footnotes could take precedence over the recommendations. He suggested a comment be inserted to state that circumstances led to the Task Force not being able to reconsider the recommendation and thus, the footnote would simply present this information, without indicating whether Task Force members approved or disapproved.

It was moved by Mr. Hans Ottinot to include a note in the Task Force's Final Report stating Mr. Ruvin's opposition. This motion was seconded by Mr. Armando Bucelo, and upon being put to a vote, failed by a vote of 7-5; (Mayor Bermudez, Mr. Diaz, Mr. Martinez, Mr. Percival, Ms. Perry, Reverend Richardson, and Mr. Smith voted "No"; Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Representative Trujillo, and Vice chairwoman Greer were absent).

It was moved by Ms. Pamela Perry that the Task Force reconsider the procurement item. This motion was seconded by Mr. Lawrence Percival.

Mr. Ottinot clarified that the intent of this motion was to remove the Clerk of the Courts from the role of Procurement Officer in the event the Mayor had a COI.

Mr. Ruvin reiterated that the Clerks' office already had a role in the procurement process; and that role would be undermined if the Clerk assumed the Mayor's role.

Upon being put to a vote, the motion to reconsider the recommendation relating to the Procurement Item failed by a vote of 7-5; (Mr. Bucelo, Mr. Diaz, Mr. Martinez, Mr. Murphy, Mr. Ottinot, Mr. Slesnick, and Mr. Smith voted "No"; Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Representative Trujillo, and Vice Chairwoman Greer were absent).

- Clerk of the Courts Harvey Ruvin

The Honorable Harvey Ruvin, Clerk of the Courts, noted he opposed the Task Force's proposal to replace the Mayor with the Clerk of the Courts in the procurement process if a mayoral vacancy occurred. He explained that this proposal would compromise the Clerk of the Courts' office by adding an unacceptable political element. Mr. Ruvin pointed out that the Mayoral vacancy proposal also presented concerns regarding dual office holder, and would result in an untimely vacancy in the Office of the Clerk of the Courts.

Mr. Ruvin also expressed concern regarding the Task Force's recommendation that the role of the Clerk of Courts be expanded in the petition and incorporation processes, noting Miami-Dade County was the only county in the State of Florida that did not have an elected Supervisor of Elections. He explained that petition signatures were verified using the Elections Department's database, and were certified by the Clerk of Courts only if the Supervisor of Elections had a Conflict of Interest (COI). Mr. Ruvin noted the Task Force proposed amendment(s) on the recall petition process would require a similar revision to Chapter 12-23 of the County Code. He recommended Task Force members include a recommendation that the Charter be amended to make the Supervisor of Elections an elected position.

Mr. Murphy noted the Task Force members did not discuss the role of the Clerk of the Courts in the petition and incorporation processes because they assumed the Clerk was already performing those duties; and they were unaware that their proposals would transfer duties from the Supervisor of Elections to the Clerk. Mr. Murphy explained that the Task Force recommended that a standard, downloadable form be developed to enable the Supervisor of Elections to handle the entire recall petition process.

Mr. Ruvin noted he supported the Task Force members' recommendation(s), as explained by Mr. Murphy.

Mr. Percival urged Task Force members to listen to Mr. Ruvin's input.

Mr. Slesnick questioned whether the Task Force could make a technical amendment to substitute "Supervisor of Elections" for "Clerk of the Courts" in the incorporation proposal without reconsidering the entire item, noting he assumed the Clerk was already performing those duties.

Assistant County Attorney Oren Rosenthal advised that Task Force members could reconsider the incorporation proposal to make the amendment and revote, and that said action would result in a change in the proposal as it currently existed.

Mr. Slesnick questioned whether substituting "Supervisor of Elections" for "Clerk of the Courts" could be considered a scrivener's error.

Mr. Martinez noted he was opposed to the Task Force reconsidering the incorporation proposal without Ms. Greer, who presented the motion and without 14 Task Force members present.

Mr. Ruvin noted a Clerk was elected based upon issues that revolved around his/her essential duties. As long as the Clerk's office remains totally secure, he would not be opposed to dual office oversight. He noted; however, that current State law would force a decision to be made that would create a vacancy in the Clerk's office, thereby causing a major disruption in operations.

Mr. Diaz asked whether the dual position holder issue was considered by the County Attorney's Office since a constitutional prohibition existed against holding two offices.

Assistant County Attorney Rosenthal noted the County Attorneys considered the prohibition against dual office holders when drafting the proposal to transfer certain powers and responsibilities from the Office of the Mayor to the Board of County Commissioners (BCC) Chairperson, the Vice Chairperson, and the Clerk of Courts. He advised that this proposal would not violate the prohibition against holding dual offices, nor would it abolish the Clerk's Office.

Mr. Ruvin questioned whether the Clerk could decline or refuse to perform the mayoral responsibilities in the event the Mayor and the BCC Chairperson and Vice Chairperson were incapacitated or unable to perform.

Assistant County Rosenthal noted as currently drafted, the Clerk would have to assume the responsibilities in the absence of the Mayor and the BCC Chairperson and Vice Chairperson.

Mayor Bermudez agreed that this proposal as currently drafted, could lead to a COI because the Clerk was the custodian of public records.

Mr. Percival suggested Mr. Ruvin lobby members of the County Commission and voice his concerns regarding that this Task Force was unable to address issues related to the Clerk's functions in the Charter. Mr. Percival suggested that the Task Force members request the County Commission revise the proposals as necessary, on an individual basis or as a group or pursuant to the Clerk's request. He emphasized the need to address the technical changes and more importantly, the unintended consequences of each of the proposals. He requested the Clerk exercise his power on this important issue as he deemed appropriate.

Mr. Slesnick noted he did not believe Mr. Ruvin objected to Paragraph 3, which involved the approval of the petition as to form; however, he objected to Paragraph 5, which involved certifying the signatures. He recommended the Clerk's role remain as is in Paragraph 3; and that the Supervisor of Elections replaced the role of the Clerk in Paragraph 5.

Mr. Ruvin reiterated that Miami-Dade County was the only County in which the Clerk of Courts played a role in the recall petition process because the Supervisor of Elections was not an elected official.

Responding to Mr. Ottinot's inquiry regarding the certification process, Mr. Ruvin noted the first step was to disqualify invalid petitions using the six requirements in Section 12-23 of the County Code. He also noted if a petition was deemed invalid the forms would be disqualified before the signatures were reviewed. He also noted the final step was to review the signatures based upon one signature per page.

Mr. Ottinot concurred that issues outside of the Clerk's responsibility should not be included in the proposal.

Mr. Percival noted the requirement for one signature per page was another unintended consequence of the Task Force's recommendations, noting it was his understanding that this requirement was eliminated. He suggested that the Task Force members revisit their recommendations since their intent was to streamline the petition process. He believed the one signature per page requirement should be deleted today (6/26) or the County Commission be asked to revisit the process.

Chairman Garcia pointed out that the Task Force's recommendations would be presented to the County Commission and the Commission members would decide whether to consider them, regardless of the Task Force members' votes. He noted he believed this issue came about because the Task Force members were working under strict time constraints, which caused them to overlook some issues.

In response to Ms. Perry's inquiry regarding who should replace the Mayor if his seat was vacant, Mr. Ruvin noted he believed the post should be filled by the County Commission Vice Chairperson rather than the Clerk.

Ms. Perry suggested that commissioners be considered in order of seniority.

Mr. Ruvin noted during his tenure as a County Commissioner, the Commission was comprised of nine commissioners and a mayor. He explained that eight commissioners were considered ceremonial Vice Mayors for six months of their four-year term. Mr. Ruvin suggested that the Vice Chairperson assume the functions of the Mayor, while having the right to decline.

Mr. Murphy noted the person selected to assume the functions of Mayor should not have the right to decline, noting someone of stature had to be in the position to sign the Declaration of the State of Emergency and interact with the Governor's Office and other regulatory agencies to address emergency situations in the County. He noted the person selected to assume the functions of Mayor should also have the ability to make a recommendation for bid waivers and to appoint directors.

Mr. Murphy noted pursuant to the Charter, the County Commission had the authority to select the Chairperson and the Vice Chairperson to assume the functions of Mayor, but if these two individuals decided to run for mayor, the three responsibilities mentioned above would be temporarily transferred and assumed by the Clerk, which would lead to stability.

Mr. Ruvin also noted having the Clerk assume the functions of Mayor in the event of a vacancy would change the identity of the Office of the Clerk Office and make it more political. He addressed the importance of having a clerk in the Courtroom as a silent witness to testimonies and to prevent judges from striking items from the record. He said he believed his ability to remain impartial and function effectively would be jeopardized if he assumed the Mayor's responsibilities on the procurement process.

Mr. Diaz read proposed language regarding the powers and responsibilities delegated in the Office of the Mayor. He questioned whether during an emergency, the Mayor would hire department directors and recommend bid awards. Mr. Diaz noted he believed all of the powers and authorities delegated in the Office of the Mayor pursuant to the Charter; and in the event of an emergency; should the Mayor pass away; or the County Commission Chairperson and Vice Chairperson decide to run for Mayor, the Clerk would be expected to assume those functions.

Ms. Perry suggested that all commissioners assume the responsibilities of Mayor in the event of a vacancy in order of seniority; and that the responsibility pass to the Clerk only in the absence of all 13 commissioners.

Mr. Diaz recommended the Commission appoint the Acting Mayor by a majority vote.

Assistant County Attorney Rosenthal advised the Charter currently provided that the County Commission could either appoint a new mayor or call for an election. He noted if appointed, the successor would serve until the next mayoral election.

Mr. Bermudez pointed out that the Mayor indicated the public was opposed to placing someone in a temporary position of power who may campaign for that office in the next General Election. He noted he understood the Mayor's concern that this would provide an unfair advantage, which was the reason the proposal included language requiring the person selected to fill a mayoral vacancy to clearly state whether he or she would run for Mayor in the next election. Mr. Bermudez said he believed it was unlikely that both BCC Chairperson and Vice Chairperson would run for Mayor and to avoid uncertainty, he suggested the Task Force identify a third person to fill a mayoral vacancy.

Mr. Murphy noted the resolution approving this proposal was considered earlier and passed by a vote of 11-0. He pointed out that the individual taking over the Mayor's vacant position would assume some limited responsibilities normally exercised by the Mayor for a limited timeframe. Mr. Murphy said he believed it would be inappropriate for the Chairperson or Vice Chairperson of the BCC to assume the functions of the Mayor; particularly considering the Clerk of Courts was the custodian of this County and

had audit powers over the County Commission and the budget. Mr. Murphy pointed out that the Clerk had delegated powers and authorities pursuant to the Charter which included the selection of the Finance Director and the County Auditor. In addition, the Clerk of Courts had maintained a deep and longstanding relationship with the Mayor and the Board of County Commissioners, and would be the appropriate individual to assume the limited procurement responsibilities in the absence of the Mayor for a period of 90 or 120 days.

It was moved by Ms. Perry that the previously-approved recommendation relating to the Succession Plan be reconsidered in order to remove the Clerk of Courts from the line of succession. The motion was seconded by Mr. Diaz.

Ms. Perry suggested the Succession Plan proposal be amended to provide that if the County Commission did not appoint an individual to fill a mayoral vacancy, a County Commissioner selected by seniority and alphabetically for commissioners with equal seniority.

Mr. Percival reminded Task Force members that the Clerk and the Mayor were both invited to attend this meeting, noting the Mayor recommended that his procurement responsibilities be assumed by a Deputy Mayor. He pointed out that in any succession process some of the Mayor's powers would transfer to a Deputy Mayor who would possess the institutional knowledge needed to maintain continuity of operations; whereas the Clerk would have to overcome a learning curve if placed in that position. Mr. Percival pointed out that the Mayor Gimenez' recommended that the vacancy be filled by a Deputy Mayor because he was knowledgeable about the functions of that office. He urged Task Force members to revisit their action on this proposal and to support the Mayor's proposal.

Chairman Garcia expressed appreciation to Mr. Ruvin for his input and asked the Task Force members to craft a recommendation for the County Commission's consideration.

Assistant County Attorney Rosenthal clarified that a motion would be to direct the County Attorney to include a note on the recommendation included in the Task Force's Final Report outlining Mr. Ruvin's concerns and urging the County Commission consider this recommendation.

Mr. Bucelo questioned the need for such a motion.

Chairman Garcia asked that a straw vote be taken on whether to include a notation in the Final Report outlining Mr. Ruvin's concerns. This motion, upon being put to a vote, passed by a majority vote of those members present.

It was moved by Ms. Perry that the Task Force reconsider the Succession Plan proposal. This motion was seconded by Mr. Percival, and upon being put to a vote, failed by a vote of 8-4; (Mayor Bermudez, Mr. Bucelo, Mr. Martinez, Mr. Murphy, Mr. Ottinot, Reverend Richardson, Mr. Slesnick, and Mr. Smith voted "No"; Ms. Aguilar, Mr.

Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Representative Trujillo, and Vice chairwoman Greer were absent).

It was then moved by Mr. Diaz that the Task Force reconsider the Succession Plan proposal for the purpose of substituting the Supervisor of Elections for the Clerk of Courts in Section 5. This motion was seconded by Mr. H.T. Smith.

Mr. Ottinot noted Vice Chairwoman Greer worked extremely hard to reach a consensus among Task Force members when they originally voted on this proposal. He noted the Clerk of the Courts was knowledgeable in certifying signatures and this responsibility was beyond the scope of the Supervisor of Elections.

Mr. Murphy noted by reconsidering the Succession Plan, Task Force members would vacate the 15-1 vote. He asked the County Attorney to review the language in the resolution relating to recommendations passed by this body by a two-thirds majority vote; and to advise whether the County Commission was morally obligated to move forward on any recommendations approved by at least 14 affirmative votes of the Task Force; while retaining the ability to correct recommendations. Mr. Murphy questioned whether the County Commission would be limited in its ability to amend proposals approved by a 14-1 vote, particularly considering their tentative obligations to place such items on the ballot.

Assistant County Attorney Rosenthal responded by noting the language contained within Section 7 of the Resolution states, "...the Commission hereby expresses its intent to forward any item approved by at least two-thirds of the membership of the Charter Review Task Force for placement on the ballot at the next available countywide election." He advised that the Charter could only be amended by petition or by the Commission; and noted the County Commission had expressed an intent to place these items on the ballot.

Mr. Murphy noted it would be true to the intent to put forward a modified item to remove the Clerk of the Courts from the signature verification process, even if a change was made following a subsequent motion by this Task Force.

Assistant County Attorney Rosenthal said he could not comment on the legality of Mr. Murphy's suggestion.

Mayor Bermudez noted the Task Force worked very hard to reach a consensus by 14 affirmative votes, and he would not support any proposal to reconsider any items already approved by a two-thirds majority vote of this Task Force. He said he voted as he did because he was under the impression that the Mayor was the final arbitrator over the procurement process. Mayor Bermudez said he believed that by adding caveats or notations to certain recommendations, Task Force members could create an opportunity to weaken their work.

Mr. Diaz pointed out that any attempt by Task Force members to undermine the expression of intent by amending items would be as harmful as reconsideration. He said he would not object to a motion to reconsider serious and valid concerns; however, he would oppose any motion to reconsider items that had been fully vetted by this body. If an item was approved by a majority vote, the intent of the members who voted in support were clear and must be respected, Mr. Diaz noted. He reiterated that the Clerk of the Courts did not have control or authority over the voter database; therefore, he could not certify it, which was an unintended consequence and a serious concern.

Mr. Bucelo noted he concurred with Mayor Bermudez.

Mr. Smith said he believed the collective vision of the members of this Task Force and their ability to accomplish their goals and objectives superseded his desire to correct what was wrong. Mr. Smith noted he would have supported a motion to reconsider this item if 15 Task Force members were present today. He noted; however, that he would put his personal feelings aside to ensure that the electorate was given an opportunity to vote.

Mr. Slesnick said he concurred with Mayor Bermudez and Mr. Smith, but he believed this was a technical amendment that should be corrected without affecting the original vote. He noted he had no idea that the Supervisor of Elections should have been included, and he seconded the original motion. Mr. Slesnick expressed concern that procedure had impeded justice.

Mr. Percival asked Chairman Garcia or Mr. Diaz, as the Chairman of the previous Task Force to comment on the minority reports or the opportunity for an individual member to express dissent on issues.

Chairman Garcia noted it was his understanding that no guidelines existing for presenting dissenting opinion; however, each Task Force member had the right to present a dissenting opinion on any issue including written responses to the County Attorneys for inclusion in the Final Report. He explained that a collective dissenting report must be submitted in accordance with Government in the Sunshine.

Mr. Diaz noted the policy for presenting dissenting opinions must be determined by this Task Force. He also noted such opinions must be submitted for inclusion in the final report within a prescribed timeframe.

Mr. Percival noted Chairman Garcia encouraged Task Force members to attend the July 17, 2012, County Commission meeting at which the Task Force's Final Report would be presented. He questioned whether it would be appropriate for individual Task Force members to present comments during the presentation.

Chairman Garcia noted he would present the recommendations of the Task Force, which would also include any dissenting opinions; and that each member would be allowed to present their comments/concerns individually, during the public testimony portion of the presentation.

Mr. Diaz explained that as the Chairman of the 2007 Charter Review Task Force, he appeared before the County Commission as the spokesperson and presented the recommendations, dissenting opinions, and the rationale for those recommendations/opinions. He said he did not present his own opinion nor did he undermine the consensus of the majority by presenting dissenting opinions, which worked well. He urged Task Force members to attend the County Commission meeting to legitimize the process.

Chairman Garcia reiterated that the dissenting opinions would be included in the report presented to the County Commission.

It was moved by Mr. Victor Diaz that the Task Force reconsider the incorporation proposal. This motion was seconded by Mr. Smith.

Mr. Smith subsequently withdrew his second

Mr. Martinez seconded the foregoing motion.

Mr. Murphy noted Task Force members had previously agreed to allow 120 days to gather petitions; however, a subsequent proposal was presented to allow six months to collect 10 percent of the signatures.

Assistant County Attorney Rosenthal responded that the Task Force previously accepted Vice Chairwoman Greer's proposed amendment to allow six months to collect signatures.

The foregoing motion that Task Force members reconsider the incorporation proposal, upon being put to a vote, failed by a vote of 7-5; (Mayor Bermudez, Mr. Bucelo, Mr. Murphy, Mr. Ottinot, Reverend Richardson, Mr. Slesnick, and Mr. Smith voted "No"; Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Representative Trujillo, and Vice chairwoman Greer were absent).

Mayor Bermudez indicated that dissenting opinions were documented in the meeting minutes, noting had he been unaware that Task Force members were permitted to present dissenting opinions before the County Commission his position may have been different. He cautioned Task Force members to avoid tendencies to undo the actions taken by this body thus far.

Mr. Slesnick noted dissenting opinions were permitted by similar task forces and blue ribbon committees and required that a date certain be specified for presenting dissenting opinions. Mr. Slesnick said if he voted in support of an item he would express a limited concurrence rather than a dissenting opinion, noting he supported the previous proposal despite his concerns regarding the certification of signature in paragraph 5.

Chairman Garcia noted he would present Mr. Slesnick's concern in his presentation to the County Commission.

Mayor Bermudez pointed out that it would not be in the best interest of this Task Force to include extensive dissenting opinions in the Final Report.

It was moved by Mr. Diaz that the Task Force adopt the policy used by the 2007 Charter Review Task Force in which the Chairman served as spokesperson and presented the final report and all dissenting opinions were presented as part of the public testimony; and that contrary viewpoints by Task Force members could be made public before the final report and recommendations were presented to the County Commission. This motion was seconded by Reverend Richardson.

Following the motion, Mr. Diaz noted many controversial issues were addressed by the previous Task Force. He said the proposed rule was adopted because a very lively debate emerged in the op-ed pages of the *The Miami Herald* before the Task Force released its Final Report to the County Commission. Mr. Diaz noted that even though dissenting comments were important, the proper time for that debate was after the Final Report was presented to the Commission. He said dissent was important; however, the focus of that dissent should be to express disagreement over policy, as opposed to attacking the work of this Task Force.

Mr. Murphy noted the Task Force had addressed many issues in a very short period of time. Some Task Force members had already published op-ed articles advancing their positions on certain issues, and County Commission members would benefit from hearing from Task Force members since they were required to accept this report in one-day. He recommended that the Task Force Chairperson present the Final Report to the Commission along with an opportunity to respond to questions. Mr. Murphy said that Task Force members should not be prevented from discussing these deliberations in a public setting or from being published in a local newspaper before the final report and recommendations were presented.

Mr. Slesnick noted the Task Force's report became a public document when it was published; therefore, he requested that the previous motion be amended to limit individual discussions among/between Task Force members before the Final Report and Recommendations were published.

Mr. Diaz noted he did not intend to prohibit anyone from privately expressing their views or from speaking at a public hearing during the presentation of the Task Force's Final Report.

Mr. Diaz noted he would accept Mr. Slesnick's proposed amendment to limit discussion among Task Force until the final report was published.

Ms. Insom Kim, Director of Policy and Legislative Affairs, Office of the Mayor, explained that the Final Report would be included in the September 17, 2012, Board of County Commissioners meeting agenda.

Assistant County Attorney Oren Rosenthal clarified, for the record, that Mr. Diaz' motion prohibited Task Force members from speaking on behalf of the Task Force prior to the publication of the Final Report.

Mr. Diaz said it was not unusual to designate a Task Force spokesperson; however, it was an individual decision whether individual members would speak.

Mr. Percival noted he supported the idea of Task Force members participating in the public hearings.

Hearing no further discussion, it was moved by Mr. Diaz that the foregoing motion be adopted as amended. This motion was seconded by Reverend Richardson, and being put to a vote, passed as amended by a vote of 12-0 (Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Representative Trujillo, and Vice chairwoman Greer were absent).

Mr. Ruvin expressed appreciation to the Task Force members for allowing him to address his concerns, and noted he understood that circumstances may have prevented a more thorough discussion of issues.

- o Charter Review Task Force Proposal by Lawrence Percival

Mr. Percival noted Task Force members voted 10-5 in support of the proposal to amend the Miami-Dade County Home Rule Charter to require that a Charter Review Task Force convene every four years coinciding with the election of the Presidential Election. He questioned how this proposal could be amended to result in 14 affirmative votes.

It was moved by Mr. Percival that the Task Force reconsider the foregoing proposal. This motion was seconded by Mr. Diaz.

Mr. Smith said he believe four years was too frequent to convene a Charter Review Task Force. He pointed out that the County Commission could amend the Charter by placing questions on the ballot for approval by the voters or by citizens' petitions, and the Charter Review Committee convene every eight years at a minimum

Mr. Percival noted he would accept Mr. Smith's proposal to convene a Charter Review Committee every eight years rather than every four years.

Mr. Diaz noted he supported this proposal as well. He explained that the Charter needed to be reformed and that great time, energy, and resources had been exhausted to allow

this Task Force to place its recommendations directly on the ballot. He pointed out future task forces must be given ample time to consider.

Mr. Percival noted he and a friend formed the 1896 Political Action Committee, and that at that time he learned it would cost \$20 million to have a successful petition drive. He pointed out that this cost, plus the other petition requirements, was prohibitive to citizens, and he stressed that citizens needed an easier way to change the law. Mr. Percival spoke in support of the Task Force convening every four years. He clarified that the most important provision in this proposal was that recommendations approved by a two-thirds majority of the Task Force would be placed directly on the ballot.

Mr. Murphy expressed concern regarding the four-year cycle, and noted he would support convening a Charter Review Task Force every eight to ten years.

Mr. Ottinot agreed with his colleagues, noting every four years would be too frequent.

Mr. Bermudez concurred with Mr. Percival that the frequency was not as important as requiring the task force to convene and the possibility of placing Charter amendments directly on the ballot.

Mr. Diaz noted he made several phone calls to commissioners and pleaded with them to allow Task Force recommendations approved by a two-thirds majority vote to be placed directly placed on the ballot. He urged the Task Force to acknowledge the significance of possessing this ability, and pointed out that the Charter should not be amended to remove the County Commission's ability to place a question on the ballot to amend the Charter at any time. He suggested the language in the first line of Mr. Percival's proposal read "at least every eight years" in lieu of "every four years."

Mr. Slesnick suggested that the Charter amendments be placed on the ballot when the State of Florida Governor was up for election, as opposed to the Presidential Election. He pointed out that the November ballot was much longer and many voters skip the Charter amendment questions at the end.

Chairman Garcia concurred with Mr. Slesnick.

Mr. Martinez noted, notwithstanding some voters not answering all questions on the November ballot, the voter turnout in November was significantly higher and a greater number of votes could be cast on the Charter amendment questions.

Mr. Percival noted he supported placing it on the November ballot.

Mr. Bucelo clarified that the issue was which ballot would enable more voters to cast their votes on the proposed Charter amendments. He noted he did not believe a higher voter turnout for a Presidential Election meant that more people would vote on the proposed Charter amendments.

Mr. Diaz noted studies were inconclusive as to whether a higher voter turnout resulted in a larger number of voters casting completed ballots, and that the important issue was getting a question on the ballot that would allow voters to empower future Charter Review Task Forces with the autonomy to place proposed amendments directly on the ballot.

Mr. Slesnick suggested that this proposal be amended to become effective January 1, 2014, and to state that the Charter Review Task Force would be convened at least every eight years thereafter.

Mr. Percival noted Mr. Slesnick's suggested amendment was acceptable.

Assistant County Attorney Oren Rosenthal recommended that June 1, 2013 be inserted as the effective date rather than January 1, 2014, which would give the Task Force a year to deliberate and prepare its report and recommendations.

Mr. Martinez questioned whether another Charter Review Task Force would convene in one year if the voters approved this proposed Charter amendment.

Mr. Slesnick explained that convening another Task Force in one year would provide an opportunity for that body to address the issues that this Task Force was unable to address in the short timeframe.

Following further discussion regarding the effective date, Task Force members proceeded to vote on the foregoing motion to change "Commencing January 1, 2016, and then every four years thereafter" to read "Commencing June 1, 2013, and then at least every eight years thereafter," as proposed by Mr. Slesnick. This motion, upon being put to a vote, passed by a vote of 12-0 (Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Representative Trujillo, and Vice chairwoman Greer were absent).

Mr. Murphy explained the current practice was for the Mayor to delegate his procurement

- o Regional Government Proposal by Lawrence Percival

Mr. Percival commented that counsel advised that if the Task Force did not make any changes to this recommendation, this proposal would be included in the Final Report as is. He explained that he never intended to mandate or force regional governance, and suggested that Task Force members allow the next Task Force to address this issue.

In response to Assistant County Attorney Oren Rosenthal's inquiry whether Task Force members wished to withdraw this proposal, Mr. Percival said it should move forward.

Assistant County Attorney Rosenthal clarified that it would move forward as a recommendation as approved, unless a motion to withdraw or reconsider was presented and approved.

It was moved by Mr. Slesnick that the Task Force reconsider the regional governance proposal. This motion was seconded by Mayor Bermudez, and upon being put to a vote, passed by a vote of 11-0; (Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Mr. Martinez, Representative Trujillo, and Vice Chairwoman Greer were absent).

It was moved by Mr. Slesnick that the Task Force rescind the regional governance proposal. This motion was seconded by Mr. Smith, and upon being put to a vote, passed by a vote of 11-0 (Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Mr. Martinez, Representative Trujillo, and Vice Chairwoman Greer were absent).

- Items Approved by the CRTF
 - June 20th
 - Outside Employment Proposal
 - Incorporation Proposal
 - June 6th
 - Commission Salary Proposal
 - Mayoral Vacancy Proposal
 - Petition Reform Proposal

It was moved by Mr. Diaz that Task Force members reconsider the petition reform proposal as it pertains to a statement of cause requirement. This motion was seconded by Mr. Ottinot, and the floor was opened for discussion.

Mr. Diaz expressed concern that a statement of cause requirement would result in legal challenges.

Discussion ensued regarding the requirements of the State Statutes and the current Charter provisions.

Assistant County Attorney Oren Rosenthal noted in response to a question as to whether or not this requirement could be challenged, he agreed that it could. He clarified the relevant provisions of State Statutes.

Following further discussion, Task Force members proceeded to vote on the foregoing motion as moved by Mr. Diaz and seconded by Mr. Ottinot. This motion upon being put to a vote, and failed by a vote of 6-5 (Mayor Bermudez, Mr. Bucelo, Mr. Murphy, Reverend Richardson, Mr. Slesnick, and Mr. Smith voted “No”; Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Mr. Martinez, Representative Trujillo, and Vice Chairwoman Greer were absent).

Mr. Diaz clarified that his intent was to delete the statement of cause.

Mr. Slesnick explained that recalls should not be common, and the intent was not to ease the recall petition process. He stated that it was a misconception to think all Task Force members were trying to ease the recall petition process.

Mr. Murphy commented on the previous discussions held by this Task Force on this issue.

It was moved by Mr. Murphy that the petition recall recommendation be approved as previously recommended. This motion was seconded by Mr. Percival, and upon being put to a vote, passed by a vote of 8-3 (Mr. Diaz, Mr. Ottinot, and Ms. Perry voted "No"; Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Mr. Martinez, Representative Trujillo, and Vice chairwoman Greer were absent).

- Veto of Collective Bargaining Impasse Proposal
- Transfer of Powers and Functions for the Office of the Sheriff
- Repeal of Ordinances Adopted via Initiative Process Proposal
- Annexation/Franchise Utility Fee Proposal
- May 30th
 - Citizen's Bill of Rights Proposal

Chairman Garcia resumed the meeting and asked the Task Force members to move on to the governance of Jackson Memorial Hospital. He reminded the members that at the last meeting, some concerns were raised to which the County Attorneys responded via memorandum. He noted Assistant County Attorney Eugene Shy would present his findings.

Mr. Ottinot requested a point of personal privilege. He said he researched an item on the Citizens' Bill of Rights sponsored by Mayor Bermudez. He noted most municipalities had their own Bill of Rights within their charters, and he wanted to ensure that no conflicts existed between the Miami-Dade County's Charter and other municipal charters.

Upon inquiry by Mr. Percival, it was noted that the Citizens' Bill of Rights proposal passed by a vote of 12-0 at the CRTF meeting of May 30th.

It was moved by Mr. Ottinot that the amendment to the Citizens' Bill of Rights which delegates the Commission on Ethics the authority to impose penalties and fines for violations of the Citizens' Bill of Rights be reconsidered. This motion was seconded by Mr. Diaz and being put to a vote, passed by a vote of 12-0; (Vice Chairwoman Greer, Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, and Representative Trujillo were absent).

Mr. Ottinot suggested this proposal be amended to exclude the provision relating to incorporated areas.

Mr. Murphy expressed concern regarding the elimination of this provision, noting not every municipal Charter contained the same language as the County Charter's Citizens' Bill of Rights. He stated that the Citizens' Bill of Rights should apply throughout the County regardless of the jurisdiction; and maintained that all local residents who believed they were denied rights granted under the Citizens' Bill of Rights should have the ability to challenge that either through the Ethics Commission or the courts. Mr. Murphy noted he did not agree that people residing in certain municipalities should be exempt from the protections granted under this Charter.

Mr. Ottinot noted Task Force members were charged with recommending amendments to the County Charter. He pointed out that he researched this issue, and found that several municipalities had Bill of Rights that were similar to Miami-Dade County's Bill of Rights. He explained that the amendment as previously approved would amend the Charter without allowing the electorate to vote, which would result in conflicts. Mr. Ottinot said he wanted to ensure that no conflict existed between the municipalities and the County Charters.

Mayor Bermudez noted he did not object to the proposed amendment, and recommended Mr. Ottinot offer suggested language to accomplish his intent. He explained his primary concern was that local residents maintained the right to resolve disputes relating to the Citizens' Bill of Rights through the Circuit Court; and noted he agreed with Mr. Ottinot that municipal Charters were approved by the respective citizens and should be respected.

Mr. Diaz expressed concern that as written, the amendment could be interpreted as prohibiting citizens from going to court if they had not exhausted the administrative remedies first. He pointed out that the amendment provided that "The Commission on Ethics shall enforce ..." and states that, "The County Circuit Court shall have the power to enforce the penalties imposed by the Commission on Ethics," which meant that the citizens must go through the ethics process before going to the Circuit Court to enforce the Citizens' Bill of Rights.

Mayor Bermudez said it was his understanding that Mr. Murphy asked for the original language; that he only added the language to allow citizens to go to court.

Mr. Diaz noted if the intent of the amendment was to create an additional means for citizens to seek remedies, the language could be rephrased to read as follows: "The Commission on Ethics shall also have the powers to enforce ..." He suggested the sentence be rewritten to make it clear that the Commission on Ethics and the Circuit Court would have concurrent jurisdictions.

Mr. Murphy explained that this amendment was proposed originally because the remedy for a violation of the Citizens' Bill of Rights was so extreme that the only option was to sue to have a public official removed from office. As a result, the Ethics Commission never handled those types of complaints despite having jurisdiction to do so, Mr. Murphy noted. He clarified that he and Mayor Bermudez proposed that citizens could either go to the Ethics Commission or to the court.

Assistant County Attorney Oren Rosenthal noted he concurred with Mr. Diaz that the language of the amendment could be interpreted as restricting the citizens' right to seek remedies through the Court System. He indicated that clarifying the language may be in order to clearly state that the intent was to have alternative avenues of redress. He suggested that Task Force members consider the following language: The second line should read "The Commission on Ethics of the Public Trust may enforce provisions of this article ...," and the next line should read "Any citizen may also bring suit in the Miami-Dade County Circuit Court pursuant to its general equity jurisdiction and the plaintiff, if successful, shall be entitled to recover costs as fixed by the court."

Mr. Ottinot stated that he agreed with the amendment, but added that its enforcement provisions should not apply to incorporated areas.

Assistant County Attorney Rosenthal clarified that Mr. Ottinot was proposing to exclude municipalities from the enforcement of the Citizens' Bill of Rights; as opposed to excluding them from the jurisdiction of the Commission on Ethics.

Mr. Murphy stated he did not believe the Task Force was trampling on the rights of municipalities. However, if citizens lived in a city that did not have those protections, they should have protections under the County Charter.

Mr. Ottinot noted he agreed that if a city did not have its own Bill of Rights, then the Bill of Rights under the County Charter should apply; however, most cities had their own Bill of Rights.

Mr. Diaz noted Task Force members had expressed two concerns. The first one had been resolved in that members agreed to preserve citizens' rights to go directly to the Circuit Court, including in Miami Beach. The second concern was that it appeared the County Code may not be as explicit as the City Code, and Task Force members must avoid any conflict between the two.

Mr. Diaz noted any possible conflicts between City and County Codes could be addressed by including language that states, "To the extent not inconsistent, or where it provides additional rights, it shall apply." He also noted he supported language that clarified the authority of the Commission on Ethics was concurrent with, and not exclusive of, the circuit court.

Mr. Ottinot noted his concern was that by amending the section, the Task Force would be amending the City Charter by changing the remedy without providing the voters an opportunity to vote. He pointed out that citizens could go to the circuit court to seek remedy to violations of the municipalities' Bill of Rights; however, Mr. Murphy's amendment provided that the citizens could seek remedies through the Commission on Ethics.

Following further discussion, Mr. Diaz explained that his suggested language clarified that the authority of the Commission on Ethics was not exclusive but concurrent with the circuit court.

Mr. Ottinot noted he understood Mr. Diaz' point; however, his concern was that the Task Force should not amend the municipalities' charters indirectly without giving the voters an opportunity to approve the amendment.

Mr. Diaz indicated he agreed that perhaps indirectly the Task Force was giving the citizens more rights by creating this concurrent jurisdiction. However, he believed the principle of giving citizens the option to go to the Commission on Ethics or the Circuit Court, while amending municipalities' charters, would promote good government.

Mr. Murphy reassured Task Force members that the Commission on Ethics had the jurisdiction to deal with these cases. He pointed out that citizens still preserved the rights bestowed by the municipal charters, but the Task Force was granting citizens an additional avenue to pursue their cases through the Commission on Ethics.

Mr. Slesnick noted the County had always respected municipalities' rights, and stated that a number of ordinances exempted cities with conflicting ordinances. He said he concurred with Mr. Ottinot, and pointed out that this could lead to a large number of invalid, easy-to-file challenges. He stressed the importance of protecting municipal rights.

Mr. Diaz inquired whether their concerns would be alleviated if the language read as follows: "Shall not apply to municipalities except where consistent with their existing Codes on Ethics ..."

Mr. Ottinot noted the language as suggested by Mr. Diaz was acceptable.

Assistant County Attorney Rosenthal clarified that as proposed, a municipality's remedy scheme should be the only one used to enforce violations involving the Citizens' Bill of Rights. He questioned Task Force members' intent if a provision in the County Citizens' Bill of Rights was violated pointing out that subsection C of the County Charter did not affect a Citizens' Bill of Rights in municipalities.

Mr. Diaz noted Mr. Ottinot disagreed with Assistant County Attorney Rosenthal's interpretation of the language. He said he tried to reach a consensus by saying that the rights enumerated in the County Charter were applicable to everyone, but the alternative remedy was only applicable if consistent with the respective municipal charters.

Mr. Ottinot noted he concurred with Mr. Diaz' proposed language.

Mr. Diaz indicated that Mr. Ottinot and Mr. Slesnick were trying to ensure that if a municipal charter provided that citizens must go to the Circuit Court; that this Task Force

did not create an alternative remedy without at least giving the voters a chance to vote on that additional remedy.

Mr. Murphy inquired whether a citizen could file a complaint against a city official for violating the terms of the County Charter even though the respective municipal Charter did not grant any protections under the Bill of Rights.

Assistant County Attorney Rosenthal stated that the only time the Commission on Ethics would not have jurisdiction would be when the municipalities' Citizens' Bill of Rights had spoken on the issue and had not empowered the Commission on Ethics to enforce it.

Mr. Diaz clarified that if a municipality had no Citizens' Bill of Rights, then both remedies would apply. If a municipality's Citizens' Bill of Rights specifically provided that the citizens had to go to Circuit Court, that remedy would be exclusive.

Mr. Murphy noted he was opposed to the idea of having different rights for various groups of citizens, and noted the same rules should apply to every citizen in Miami-Dade County regardless of the area of residence.

Mr. Percival inquired whether the County Charter's provisions superseded a municipal Charter's provisions where the former granted more rights than the latter.

Assistant County Attorney Rosenthal advised the County Charter was generally supreme, although a number of caveats applied.

In response to Mr. Percival's question, Mr. Ottinot confirmed his concern was that the citizens of the municipalities would not have the opportunity to vote on this issue, as would the citizens of the County.

Mr. Percival noted the Task Force members were attempting to give all the citizens of Miami-Dade County the option either to go to their municipality's charter or to the County's Charter if it provided more remedies.

Mr. Ottinot reiterated that he concurred with Mr. Diaz' proposed language.

Mr. Diaz clarified that City Attorneys had taken the position that the Commission on Ethics did not have the jurisdiction to enforce citizens' complaints against municipal elected officials because the respective municipal charter provides an exclusive remedy. He indicated that he was trying to craft language that preserved the rights granted under municipal charters. However, where a municipal charter was silent on this issue, the County Charter provisions would govern. He noted he concurred with Mr. Murphy that this compromise would not be as far reaching as what he was proposing; however, it would confer many more rights than exist today.

Mr. Percival pointed out that the County Attorney had clearly indicated that the County Charter was supreme to municipal charters. He noted regardless of the back and forth

discussion between City Attorneys and County Attorneys, Task Force members were providing residents of Miami-Dade County with more rights than they had previously.

Mr. Diaz clarified that the members of the Task Force were voting on the friendly amendment with the intent to make it clear that the authority of the Commission on Ethics to enforce the County Charter's Citizens' Bill of Rights was concurrent with the Miami-Dade Circuit Court and not exclusive.

It was moved by Mr. Ottinot that the Task Force adopt this friendly amendment. This motion was seconded by Mr. Diaz, and upon being put to a vote, passed by a vote of 11-0; (Vice Chairwoman Greer, Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Mr. Martinez and Representative Trujillo were absent).

Mr. Diaz clarified that the second motion was a compromise which would further amend the County Charter's Citizens' Bill of Rights to exclude municipalities from enforcement by the Commission on Ethics where said municipality allowed citizen complaints to be remedied through the Circuit Court.

It was moved by Mr. Diaz that the members of the Task Force adopt this second amendment. This motion was seconded by Mr. Ottinot, and upon being put to a vote, passed by a vote of 9-2 (Mr. Murphy and Mr. Slesnick voted "No"; Vice Chairwoman Greer, Ms. Aguilar, Mr. Arriola, Councilwoman Garcia-Martinez, Councilman Gonzalez, Representative Julien, Mr. Manrique, Mr. Martinez and Representative Trujillo were absent).

- Intergovernmental Affairs Proposal
- May 17th
 - Technical Amendments to the Charter
 - Term Limits Proposal
 - Urban Development Boundary Proposal
- Other Business
 - Miami-Dade County Charter Review Task Force Recommendations Report
 - Feedback received via the website and email
 - Media Clippings
 - Miami Herald Articles – June 20, 2012
 - Miami Today Articles – June 21, 2012
- Approval of Minutes
 - May 17, 2012 – Charter Review Task Force Meeting
 - May 23, 2012 – Charter Review Task Force Meeting
 - May 30, 2012 – Charter Review Task Force Meeting
- Non-Agenda Items

- Commendation for Chairman Garcia

Mr. H.T. Smith commended Chairman Garcia for his exemplary leadership of this Task Force. He stated Chairman Garcia had demonstrated fairness, notwithstanding his passionate position regarding the governance of JMH, and he had maintained an even temper when the topic of the governance of JMH was discussed.

Mr. Smith asked that Task Force members join him in giving Chairman Garcia a round of applause.

- Reconvene the Task Force

Ms. Pamela Perry requested that the Task Force members consider reconvening again to review all recommendations to try to achieve a two-thirds vote.

Mr. Donald Slesnick advised that he was unsupportive of reconvening again to review all of the recommendations.

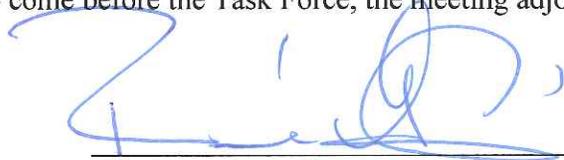
Mr. Lawrence Percival requested that the Task Force members reconvene at a later date to be determined in the future, before the sunset of this body, to continue working on the governance of JMH.

Prior to adjournment, Mr. Percival requested that the Task Force reconvene.

Chairman Garcia noted the County Commission would determine that.

- Adjournment

There being no other business to come before the Task Force, the meeting adjourned at 3:05 p.m.



Chairman Rene Garcia
Miami-Dade County Charter Review Task Force



MIAMI-DADE COUNTY COMMITTEE OF THE WHOLE

AGENDA

Tuesday, Sep 20, 2011

Upon Conclusion of the BCC

Mayor's Consolidation & Restructuring Presentation

Commissioners' Discussion

Adjournment

Committee of the Whole - Board of County Commissioners

Roll Call Sheet for 9/20/2011

MEMBER	PRESENT	LATE	ABSENT
Commissioner Barreiro		✓ 2:43	
Commissioner Diaz	✓		
Commissioner Heyman	✓		
Commissioner Jordan	✓		
Commissioner Monestime	✓		
Commissioner Moss	✓		
Commissioner Sosa	✓		
Commissioner Souto		✓ 2:43	
Commissioner Suarez	✓	✓ 2:43 2:50	
Committee Vice Chairman Bovo	✓		
Committee Chairwoman Bell	✓		
BCC Vice Chairwoman Edmonson	✓		
BCC Chairman Martinez	✓		

1st Roll 2:30 pm 11 member

2nd

NOTE: 7 members constitute a quorum

3rd Roll 2:37 10 members

4th Roll 2:43 10 member

"STUDY OF OTHER JURISDICTIONS"

EXHIBIT

PRESENTED BY BUDGET DIRECTOR

Public Works Departments in other Metro Areas

City/County	Population (Estimated)	Public Works	Solid Waste/Sanitation	Water and Sewer	Environmental Protection	Building/Code Compliance
Chicago, IL	2,695,598	Department of Transportation - Roadways, bridges, drainage, traffic control, engineering etc. traffic control	Streets & Sanitation Dept. - Performs some Public Works functions such as Street Sweeping, Tree Trimming & Graffiti.	Water Management Dept. - Includes Stormwater	Environment Dept. - Natural resource conservation, pollution prevention, & energy efficiency	Building Dept. - Includes sewer permits & code compliance
Miami-Dade County, FL	2,495,435	Public Works Dept. - Roadway, bridges, sidewalks, drainage, traffic control, engineering etc. 886 Employees - 3,285 Miles	Solid Waste Management	Water & Sewer Dept.	Dept. of Environmental Resources Management - Regulation, permitting	Building & Neighborhood Compliance Dept. - Plans review, permits, code enforcement
Houston, TX	2,095,451	Public Works & Engineering Dept. - Roadways, bridges, drainage, traffic control and sanitary & water supply 3,300 Employees	Solid Waste Management Solid Waste is 65% privatized	Within Public Works	Environmental Coordinating Council - Comprised of Reps from each of City's Depts.	Within Public Works
Broward County, FL	1,748,066	Public Works Dept. - Includes roadways, bridges, drainage & street lights - 1000 Employees	Within Public Works - Contracted to Waste Management & All Service Refuse	Within Public Works	Environmental Protection & Growth Management Dept. - Regulation, resources management, permitting, etc.	Permitting, Licensing & Consumer Protection - Enforces building, zoning & consumer protection ordinances, codes, laws, rules, resolutions
Palm Beach County, FL	1,320,134	Engineering & Public Works Dept. - Roadways, drainage, bridges, engineering, etc. 491 Employees - 1,300 Miles	Solid Waste Authority - Special District Governed by Palm Beach	Water Utilities Dept. - Water & Sewer System	Environmental Resources Management - includes Mosquito Control	Planning, Zoning & Building Dept. - Includes Permits and Code Enforcement
Hillsborough County, FL	1,228,225	Public Works Dept. - Roadways, traffic control, landscaping 550 Employees - 3,100 Miles	Solid Waste Management	Water Resources	Environmental Protection Commission - Outside agency approved by State Legislature	Building Service & Code Enforcement - Two separate Departments
Orange County, FL	1,145,956	Public Works Dept. - Roadways, drainage, traffic control, engineering 600 Employees - 2,600 Miles	Utilities Department - Solid Waste and Water and Sewer	Utilities Department - Solid Waste and Water and Sewer	Community & Environmental Services - Regulation & conservation	Growth Management - Building Inspections / Community & Environmental Services - Code enforcement is a Division
Fulton County, GA	920,651	Public Works Dept. - Roadway, traffic control, drainage 275 Employees - 556 Miles	Within Public Works Residential Collection by private waste haulers	Within Public Works	Environment & Community Development Dept.	Environment & Community Development Dept.
Jacksonville, FL	821,784	Public Works Dept. - Roadways, traffic control, landscaping, solid waste, facilities management 750 Employees	Within Public Works	Jacksonville Electric Authority - Board appointed by the City, water & sewer included	Environmental & Compliance Dept. - Includes Mosquito Control	Planning & Development Dept. - Building inspections, permits / Environmental & Compliance Dept. - Includes code enforcement, animal control
Washington D.C.	601,657	Department of Transportation - Roadways, sidewalks, bridges, traffic signals, etc. (same as MDOT)	Sanitation Dept. - Under PWD Infrastructure maintenance - Under DDOT.	Water & Sewer Authority - Separate Entity from City	Dept. of Environment - Water quality & stormwater system	Consumer & Regulatory Affairs - Inspects, regulates building, housing & land
Atlanta, GA	420,003	Public Works Dept. - Street, traffic control, fleet services & public parking	Within Public Works	Watershed Management - Stormwater, Water and Sewer (W&S) and Environmental Resources	Watershed Management - Stormwater, Water and Sewer (W&S) and Environmental Resources	Planning & Community Development - Planning, design review, plan approval & code compliance
Orlando, FL	238,300	Public Works Dept. - Roadways, drainage, traffic control, facilities, wastewater	Within Public Works	Orlando Utilities Commission - Municipal utility, water service / Sewer is within Public Works	Within Public Works	Economic Development Dept. - Code enforcement, permits
Monroe, FL	73,090	Public Works Division - Animal Control, Road and Bridges, Facilities Maintenance, Recycling, Fleet Management, Card Sound Toll Authority, Solid Waste (145 employees)	Within Public Works - Collection is provided by four private operators serving a specific area of the County. Disposal is handled by three transfer stations.	Florida Keys Aqueduct Authority	Growth Management Division	Growth Management Division - Building, Code enforcement, permit, planning and GIS

Public Works Departments in other Metro Areas

City/County	Population Census 2010	Public Works	Solid Waste / Sanitation	Water and Sewer	Environmental Protection	Building / Code Compliance
MariCopa County, AZ (includes Phoenix)	3,817,117	Department of Transportation - plans, designs, constructs and maintains roadways Street Transportation - (same function as MDCPWD) Traffic Management, Street Lights, Drainage and Stormwater, Traffic Engineering, Street Maintenance, Traffic Signals, Street Construction, Planning	Solid Waste Department - provide waste disposal, does not provide waste collection Public Works (same function as MDC Solid Waste & GSA) Garbage and Recycling and Engineering and Architectural Services for Capital Improvements			
City of Phoenix, MariCopa County, AZ	1,445,632					
Los Angeles County, CA	= 1,000,000 (unincorporated) = 9,000,000 (88 cities)	Department of Public Works Solid Waste (only for unincorporated - 1 M Pop.) Transportation and Construction	Collection Within Public Works through waste haulers contracted or by private agreement (only for unincorporated ~ 1 M Pop.) Disposal Under the County Sanitation District (separate agency)			
City of Los Angeles, Los Angeles County, CA	4,094,784	Board of Public Works (5 separate Agencies) 1- Bureau of Contract Administration 2- Bureau of Engineering 3- Bureau of Sanitation (2,800 employees) Garbage Collection - Residential by own forces, Commercial is privately permitted Garbage Disposal - Residential by own forces, Commercial is privately permitted 4- Bureau of Street Lighting 5- Bureau of Street Services	Under Bureau of Sanitation (Separate Agency)			

EXHIBIT

MIAMI-DADE COUNTY Community Outreach Meeting Locations

Commission District	Name of Facility	Location	Phone	Type	Occupancy of Meeting Room
1	North Dade Regional Library	2455 NW 183 Street	(305) 625-6424	Regional	250 in auditorium 60 in Conf Room B 20 in Conf Room A
1	Country Village Park	6550 NW 188th Terr	(305) 622-2594	Small	50 half the Room 100 entire room
2	North Central Library	9590 NW 27 Avenue	(305) 693-4541	Small	80
2	MLK Center	2525 NW 62 St	(786) 263-7019	County	Conference rooms 1 & 2 hold 150 Conference rooms 3 & 4 hold 100
2	Gwen Cherry Park - NFL YET Center	7090 NW 22 Ave	(305) 636-2250	County	300
3	Model City Library	2211 NW 54 Street	(305) 636-2233	Small	80
3	Caleb Center*	5400 NW 22 Ave	(305) 636-2250	County	900
3	African Heritage Cultural Arts Center	6161 NW 22nd Ave	(305) 638-6771	County	
4	California Club Library	850 Ives Dairy Road	(305) 770-3155	Small	60
4	Higland Oaks Park (MDC)	20300 NE 24th Ave	(305) 932-2164	Small	50 in larger room 20-30 in overflow
4	Camp Greynolds in Greynolds Park	18601 NE 22 Ave	(305) 945-3428	Small	35
4	Gwen Margolis Community Center	1590 NE 123rd St	(305) 893-6511	Municipal	250
5	Main Library	101 W. Flagler Street	(305) 375-2665	Large	120
5	Hispanic Branch - Miami-Dade County Public Library	1398 SW 1 Street	(305) 643-8574	Small	30-35 with tables
5	Alapattah Community Center	2727 NW River Drive	(305) 603-0466	Municipal	50
5	Robert King High	1405 NW 7th St	(305) 644-5375	County	50-100
6	Miami Springs Library	401 Westward Drive	(305) 805-3811	Small	40
6	A.D. "Doug" Barnes Park	3401 SW 72nd Ave	(305) 666-5883	County	50
6	Babcock Park - Recreational Center (Hialeah)*	651 East 4th Ave	(305) 883-8025	Municipal	
7	Coral Gables Library	3443 Segovia Street	(305) 442-8706	Large	83
8	South Dade Regional Library	10750 SW 211 Street	(305) 233-8140	Regional	140 in Auditorium 75 in other Conference Room
8	South Dade Government Center	10710 SW 211 St	(305) 232-3831	County	100
9	Naranja Library	14850 SW 280 Street	(305) 242-2290	Small	76
9	Eureka Villas Park	14301 SW 180th St	(305) 254-5856	County	80



Community Outreach Meeting Locations

	West Dade Regional Library	9445 Coral Way	(305) 553-1134	Regional	Room A: 10 Room B: 25 150 in auditorium
10	Kendall Village Center - Civic Pavilion*	8625 SW 124 Ave	(305) 859-8300	Private	150
11	West Kendall Regional Library	10201 Hammocks Blvd.	(305) 385-7135	Regional	150 in auditorium
11	Tamiami Park - Recreation Center	11201 SW 24th ST	(786) 315-5295	County	50-100
11	Bird Lakes Park - Recreational Center	14365 SW 48th Ln	(305) 207-1644	County	80
12	North Trail Park (MDC)	780 NW 127th Ave	(305) 202-2420	County	80
12	Morgan Levy Park (Doral)*	5300 NW 102nd Ave	(305) 482-9590	Municipal	250
13	Miami Lakes Library	6699 Windmill Gate Road	(305) 822-6520	Medium	48
13	Goodlet Park - Recreational Center (Hialeah)*	4200 W 8th Ave	(305) 687-2650	Municipal	100+
13	Bucky Dent Park - Recreational Center (Hialeah)*	2250 W 60th St	(305) 687-2650	Municipal	300+



COMMUNITY OUTREACH TIMELINE

	JULY 2011	AUGUST 2011				SEPTEMBER 2011				OCTOBER 2011	NOVEMBER 2011	DECEMBER 2011	JANUARY 2012		
	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 1	WEEK 2	WEEK 3	WEEK 4			
COMMUNITY OUTREACH KICK-OFF MEETING	RSC												RSC		
CITIZENS ADVISORY BOARD															
CAB - COMMUNITY MEETINGS (VARIOUS LOCATIONS)															
FINAL DRAFT REDISTRICTING PLANS (ORDINANCE AMENDING DISTRICT BOUNDARIES)															

■ BOARD OF COUNTY COMMISSIONERS (BOC) MEETING

■ REDISTRICTING SUBCOMMITTEE (RSC) MEETING

■ CITIZENS ADVISORY BOARD (CAB) MEETING

■ MEETINGS WILL BE HELD IN 2 DISTRICTS EACH WEEK DURING THE 8-WEEK PERIOD

Phase One Miami-Dade County Proposed Reorganization *September 20, 2011*



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Reorganization Goals

- Deliver services more efficiently and effectively
- Strategically develop economic enhancement opportunities
- Reduce the size of government (25 departments)



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Reorganization Process

- Set priorities and goals
- Explored and researched other county and city models
- Considered feedback and input from the Board of County Commissioners
- Developed initial 25 department framework
- Met with the County Attorney
- Met with Directors individually and in groups



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PHASE ONE - Expectations

TO BE COMPLETED BY OCTOBER 2011

- Communicate Reorganization Plan to the BCC, workforce and community
- 42 Departments will be merged into 25 beginning October 1, 2011
- Initial savings due to consolidation will be identified and reported back to the BCC
- Departmental Leadership Assignments will be made after Reorganization Plan is approved

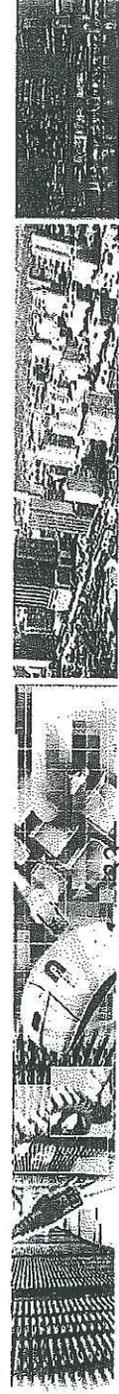


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PHASE TWO -- Expectations

TO BE COMPLETED in FY 2011-2012

- Directors and Senior Management Team will craft new mission statements and goals aligned with each departmental merger
- Worksite efficiencies will be identified and implemented
- Recommendations for further consolidation will be considered before the FY 2012-2013 Budget Cycle
- Savings obtained from the FY 2011-2012 reorganization will be integrated into the FY 2012-2013 proposed budget.



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Animal Services

DIRECTOR'S OFFICE

CUSTOMER SERVICE

BUDGET AND FINANCE

CODE ENFORCEMENT

VETERINARY CLINIC

KENNEL

2011-2012 Focus Areas

- Emphasis on adoptions
- Focus on new facility



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**Audit &
Management
Services**

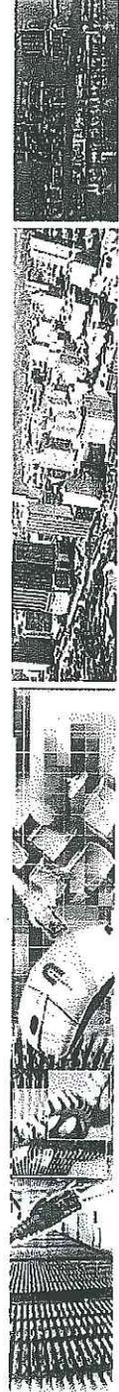
2011-2012 Focus Areas

- Thorough internal audits
- Maximize revenue recovery for the County

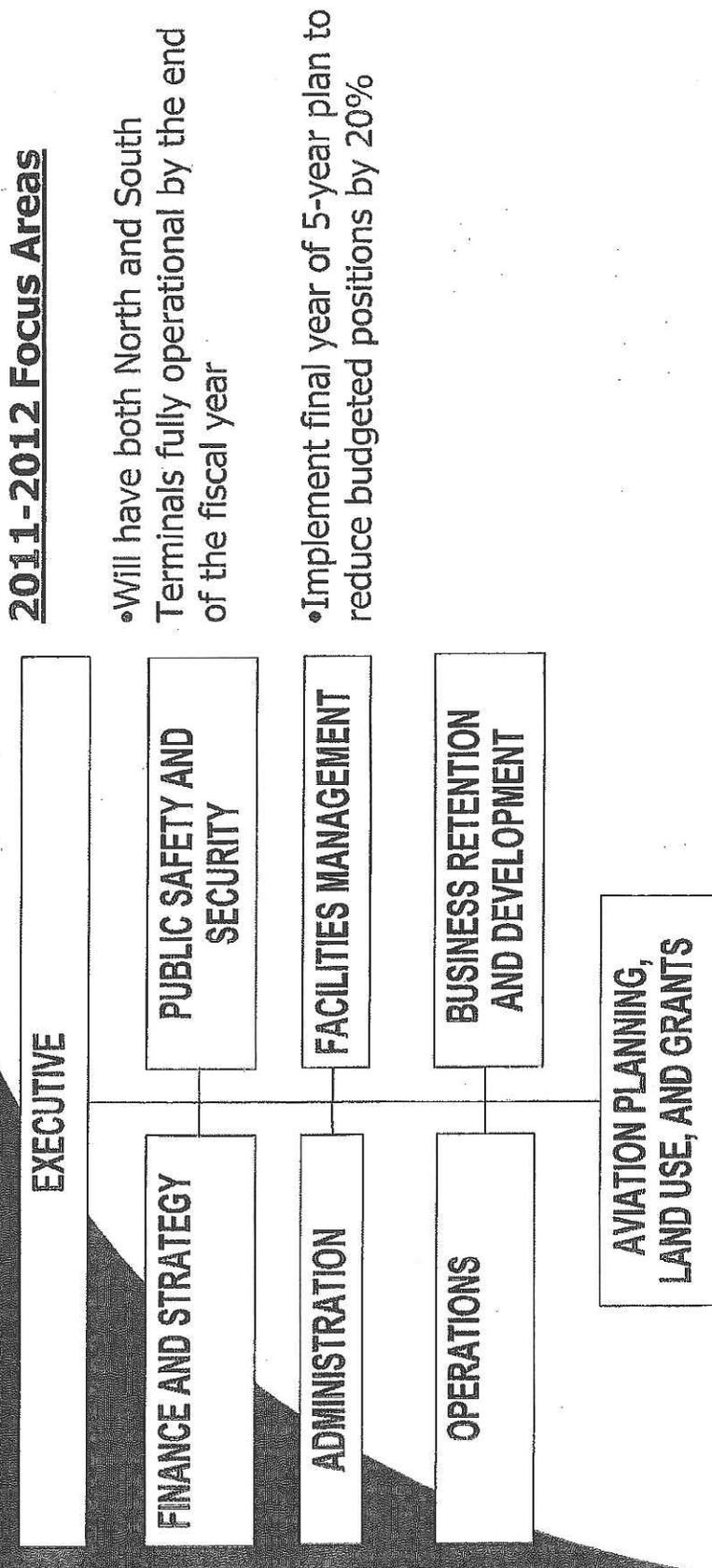
DIRECTOR'S OFFICE

AUDIT SERVICES

ADMINISTRATIVE SUPPORT SERVICES

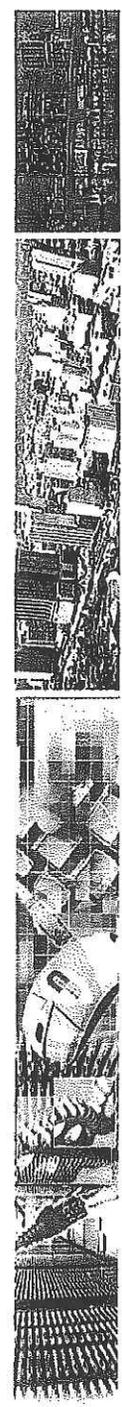


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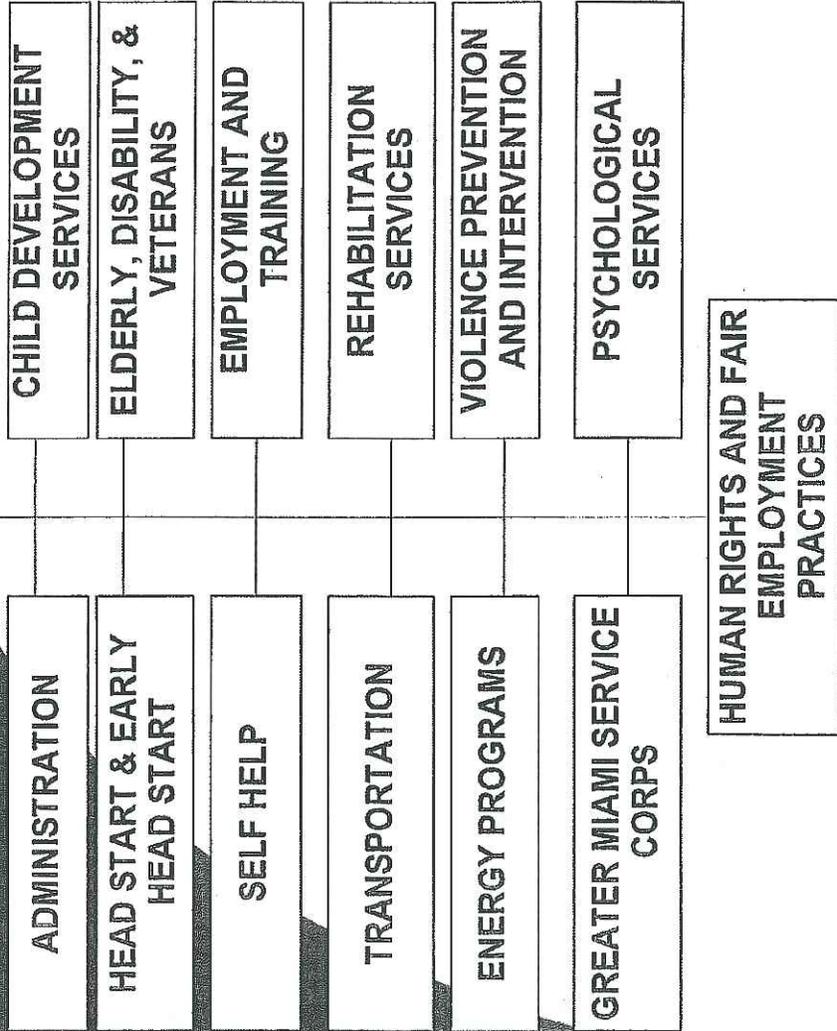
2011-2012 Focus Areas

- Will have both North and South Terminals fully operational by the end of the fiscal year
- Implement final year of 5-year plan to reduce budgeted positions by 20%



Community Action and Human Services

OFFICE OF THE DIRECTOR



• 2011-2012 Focus Areas

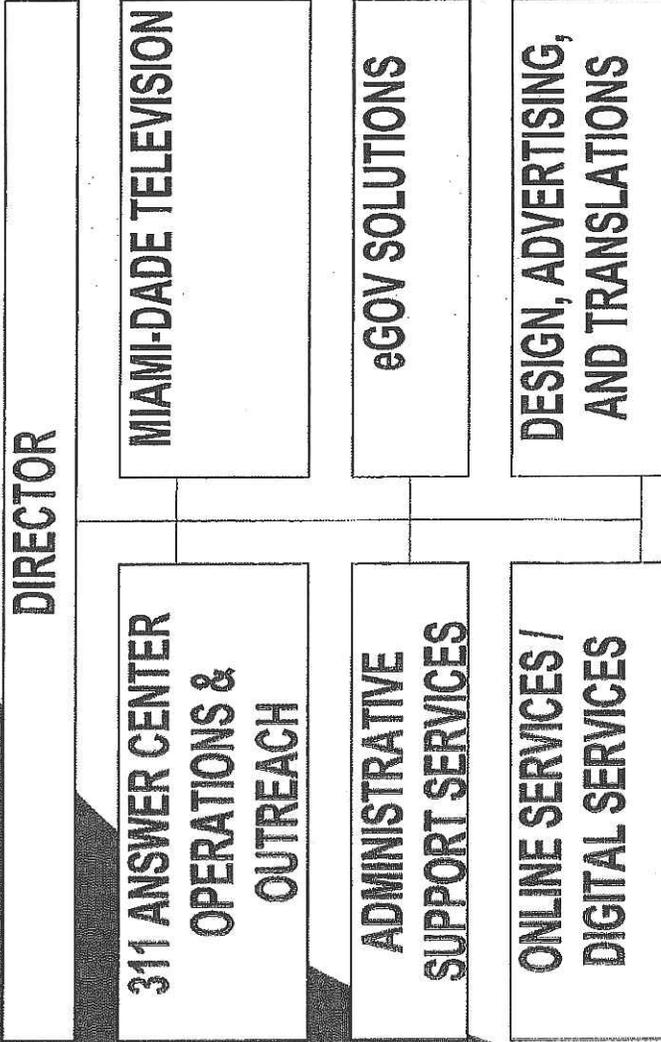
- Merges Community Action Agency, Department of Human Services and HRFEP
- Streamline the delivery of resources to targeted communities including children, seniors and families through advocacy, education and service delivery.
- Service areas including early education, safe housing, fairness and equal opportunity in employment, nutrition, psychological services, violence prevention and intervention.



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**Community Information and
Outreach (Former GIC)**

2011-2012 Focus Areas



- Manage the 311 Answer Center
- Deliver content and application support for the web portal, miamidade.gov
- Provide Miami-Dade Television (MDTV) and audio and video support



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Corrections & Rehabilitation

MDCR OFFICE OF THE DIRECTOR

CUSTODY SERVICES

MANAGEMENT SERVICES AND TRAINING

SUPPORT SERVICES

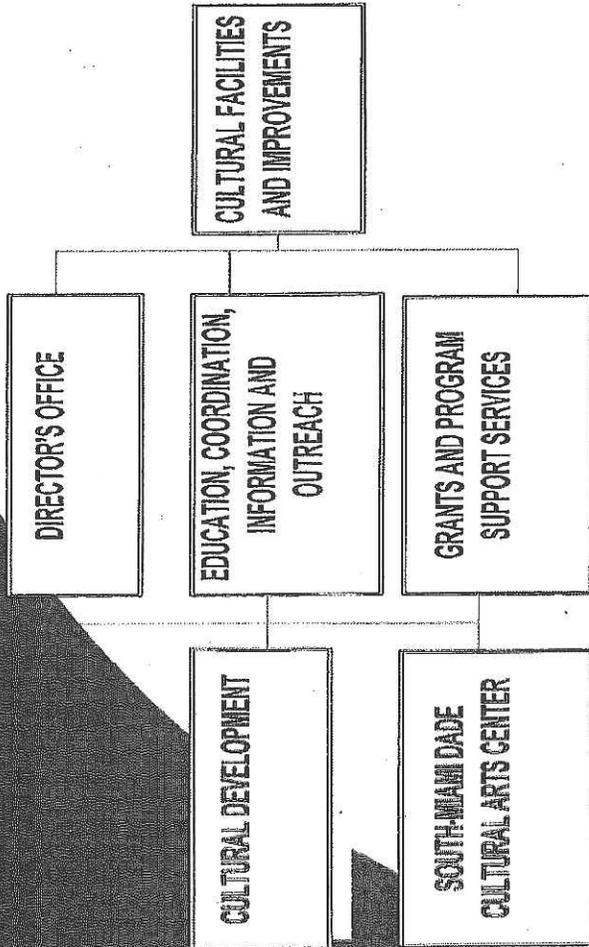
2011-2012 Focus Areas

- Provide court services, alternative to incarceration programs, inmate rehabilitation programs, and transportation to court and state facilities
- Operate detention facilities



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2011-2012 Focus Areas



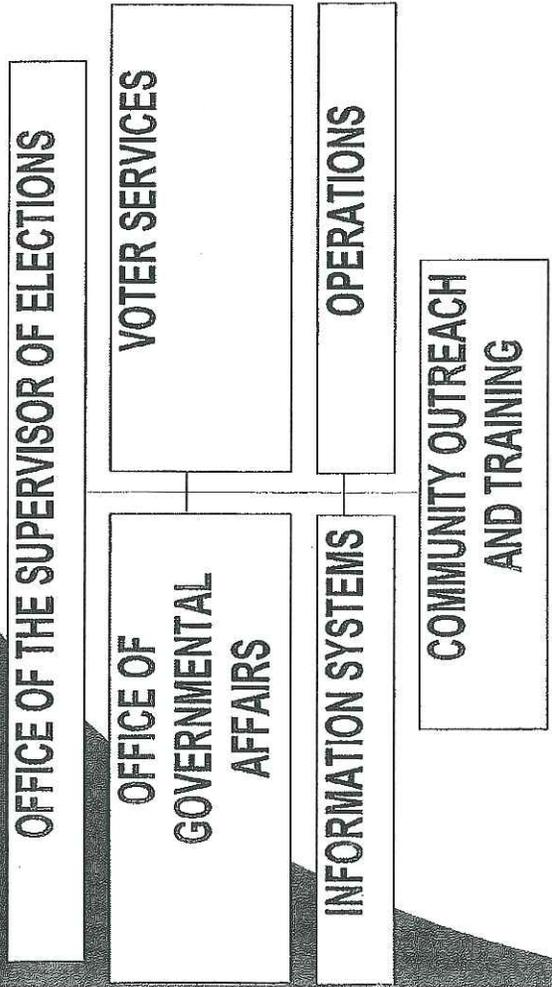
- Develop and coordinate arts education and outreach programs
- Support a variety of competitive grants programs and monitor funding provided to major County facilities

Includes functions from former Park and Recreation

Will manage all County-operated cultural facilities, including the South Dade Performing Arts Center, African Heritage Center, Dade County Auditorium, and Caleb Auditorium



2011-2012 Focus Areas



- Prepare for upcoming countywide elections



2011-2012 Focus Areas

OFFICE OF THE DIRECTOR

CONTROLLER

TAX COLLECTOR

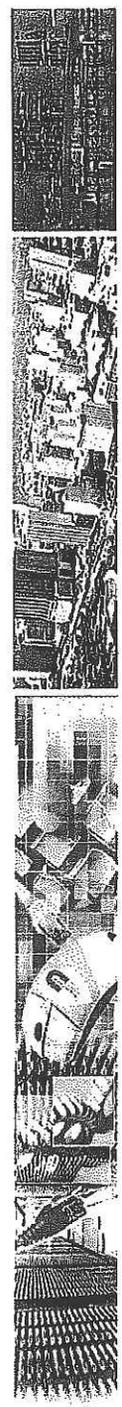
CASH

MANAGEMENT

BOND

ADMINISTRATION

- Implement County financial policies and perform financial reporting
- Administer various bond programs and debt financing
- Manage and invest County's financial assets
- Collect ad valorem, business license, and tourist taxes and other fees and charges for the County and our municipalities and other taxing jurisdictions

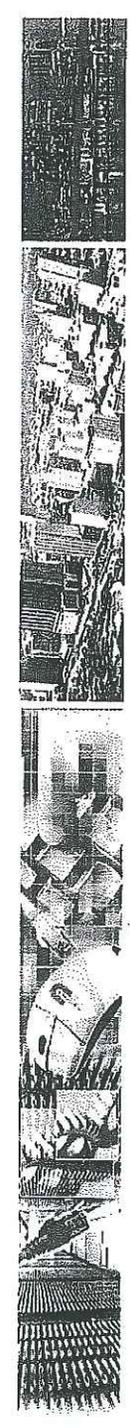
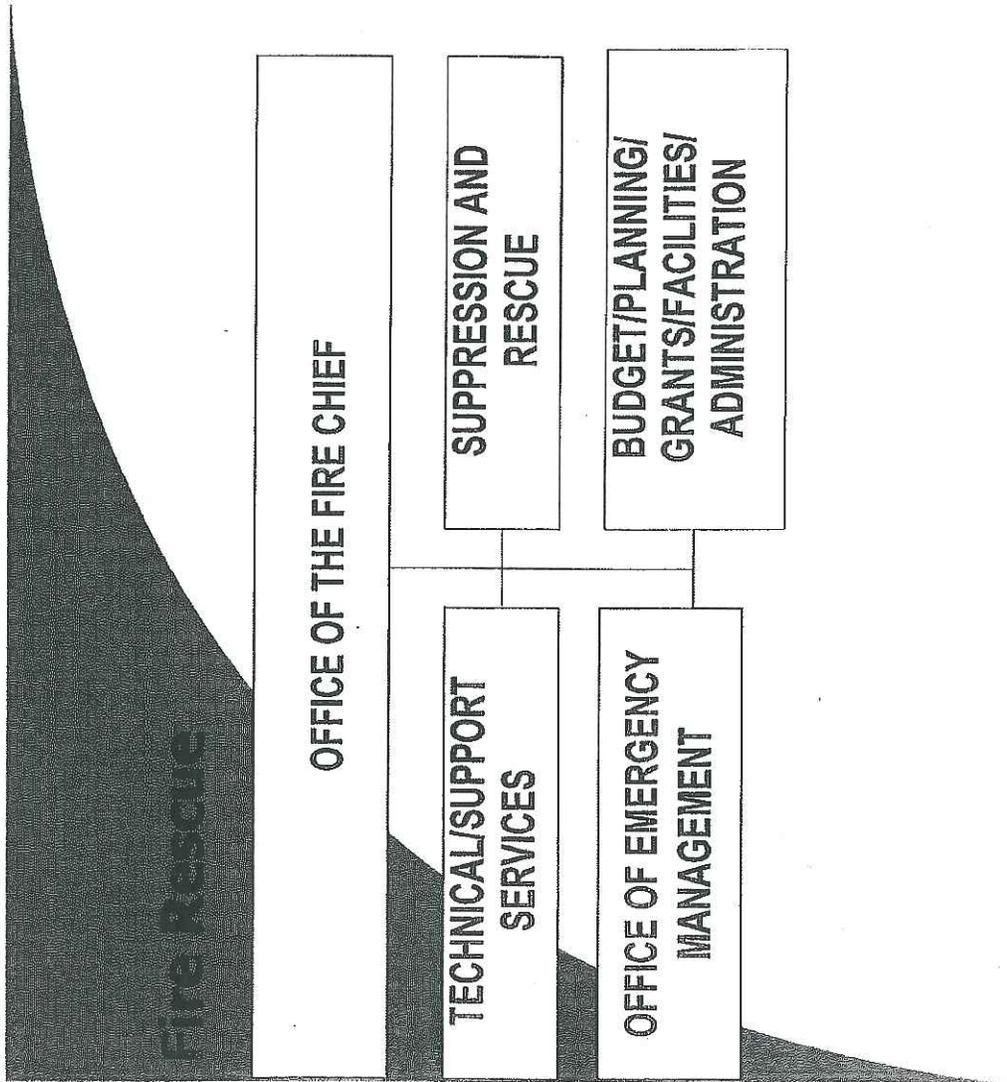


2011-2012 Focus Areas

- Provide suppression and rescue services within the Miami-Dade Fire Rescue District

Merges Office of Emergency Management:

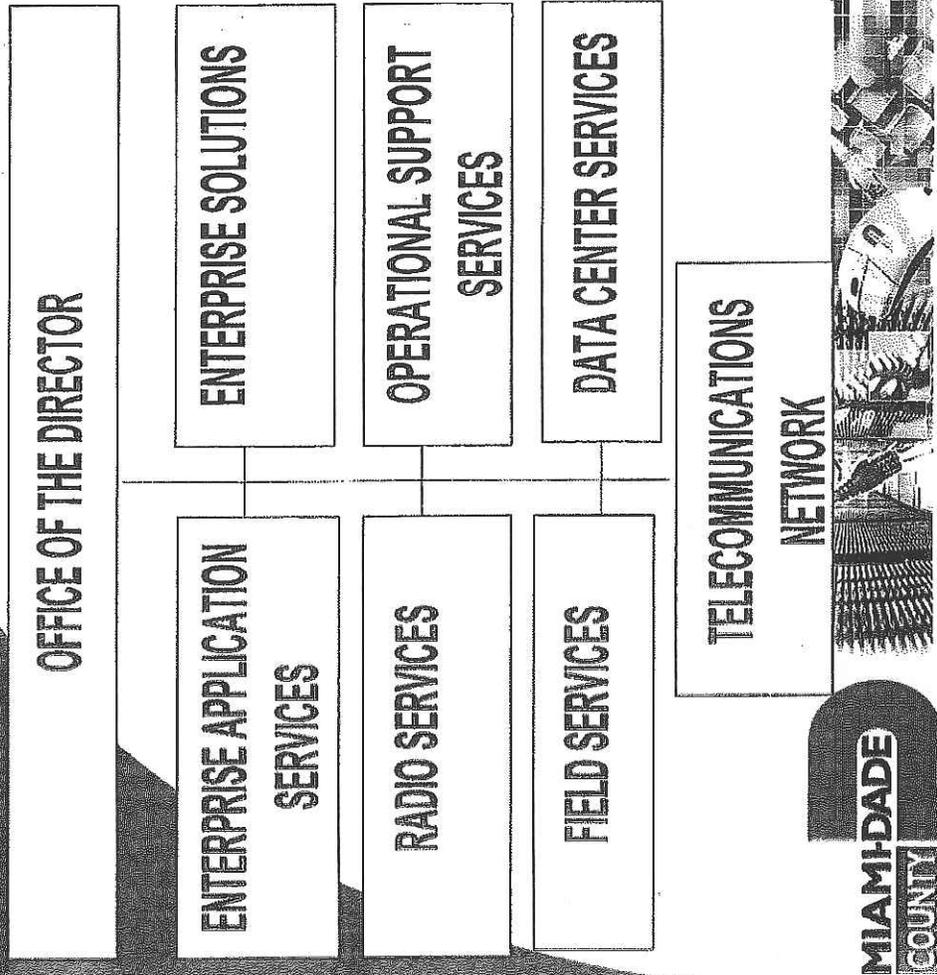
- *Communications services, air rescue, ocean rescue and emergency management services are provided county-wide*



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2011-2012 Focus Areas

- Provide centralized information technology services including enterprise applications, mainframe services, voice and data circuits, and wireless and radio services
- Support efforts to implement technology solutions in order to deliver services more efficiently



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Internal Services

OFFICE OF THE DIRECTOR

FLEET
MANAGEMENT

ADMINISTRATIVE
AND BUSINESS
SERVICES

DESIGN AND
CONSTRUCTION
SERVICES

FUND

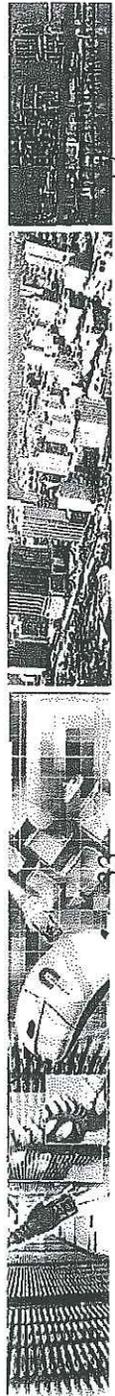
PROCUREMENT

REAL ESTATE

HUMAN
RESOURCES

2011-2012 Focus Areas

- *Merges functions from DPM, OCI, HR, and ADA Coordination*
- Oversee fleet and facility management
- Provide for county-wide ADA Coordination
- Support construction management services
- Manage procurement of goods and services and A&E services
- Perform employee recruitment and testing, payroll, compensation and training



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Juvenile Services

OFFICE OF THE DIRECTOR

CARE AND CUSTODY

CLINICAL ASSESSMENT AND
DIVERSION SERVICES

OPERATIONAL SUPPORT

COMMUNITY SERVICES

GUARDIAN AD LITEM

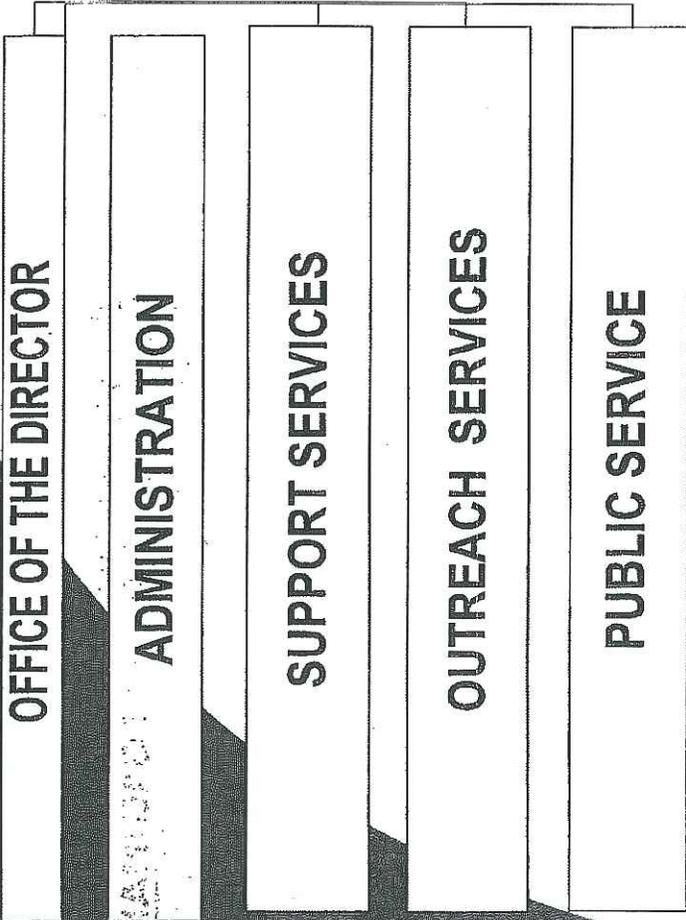
2011-2012 Focus Areas

- Operate the Juvenile Assessment Center
- Support juvenile diversion programs to keep children out of the criminal justice system



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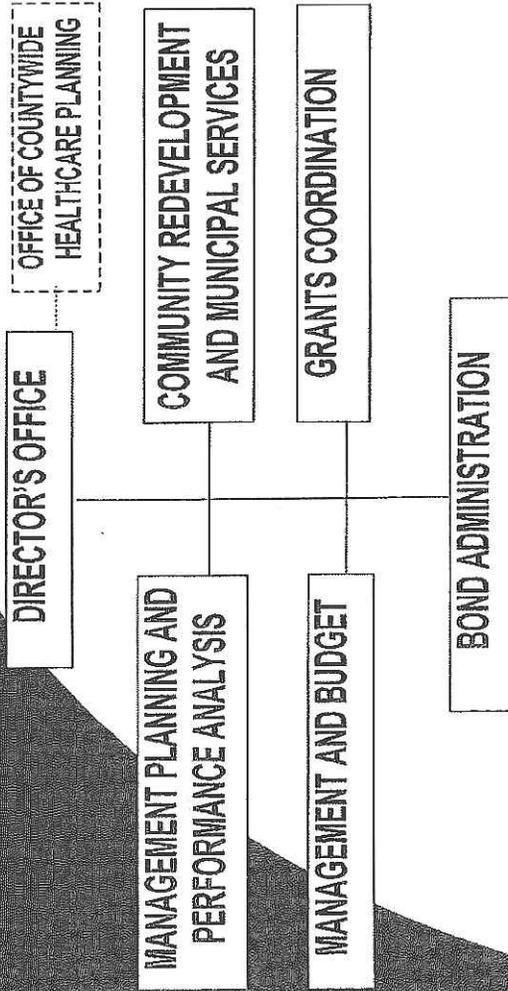
2011-2012 Focus Areas



- Operate 49 libraries and 2 bookmobiles



Management & Budget



2011-2012 Focus Areas

- Implement the Strategic Plan and results-oriented governing
- Perform internal process reviews and organizational analysis
- Develop and monitor the annual budget and multi-year capital plan, including oversight of bond programs
- Support incorporation and annexation efforts and community redevelopment areas

Merged Grants Coordination and OCHP

- Coordinate grant efforts including grants received by the County and grants provided to the County; provides for revenue maximization opportunities
- Support countywide healthcare planning efforts



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**OFFICE OF THE CHIEF
MEDICAL EXAMINER**

DEATH INVESTIGATIONS

PUBLIC INTERMENT PROGRAM

2011-2012 Focus Areas

- Provide death investigation services for the entire County
- Perform pathology, toxicology, records/transcription, morgue, photography, investigation, and public interment services

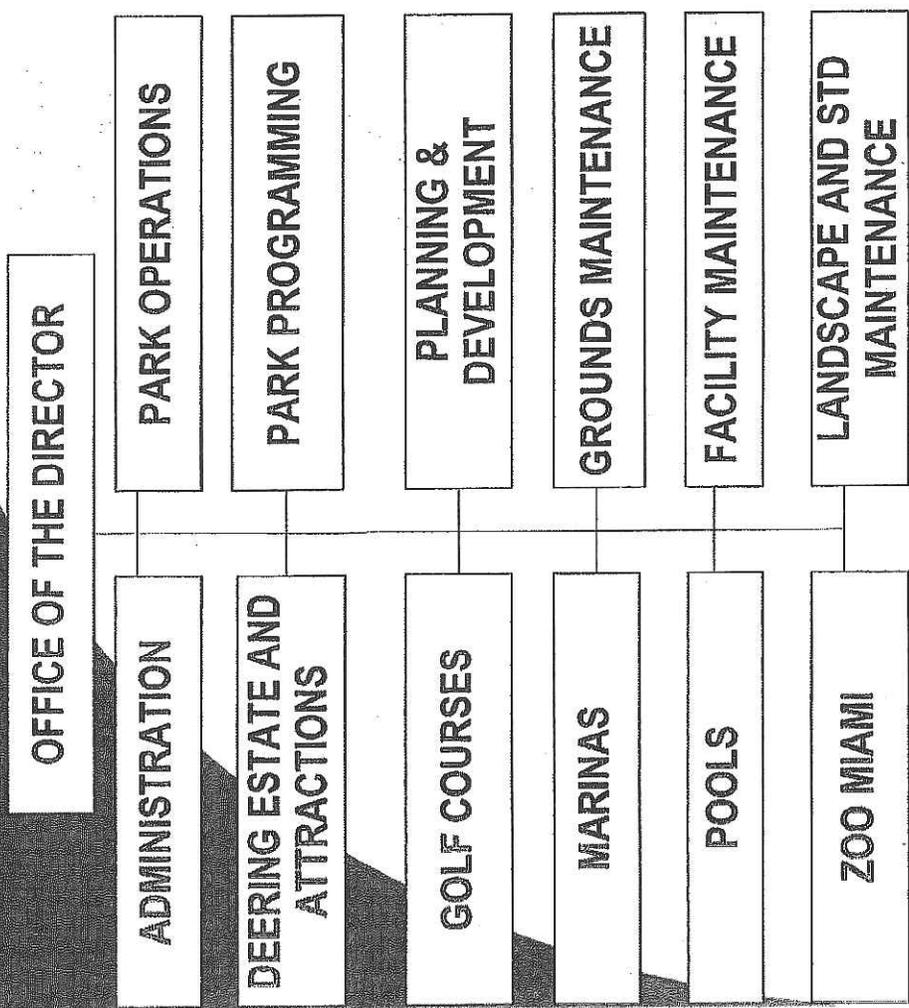


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Parks, Recreation and Open Spaces

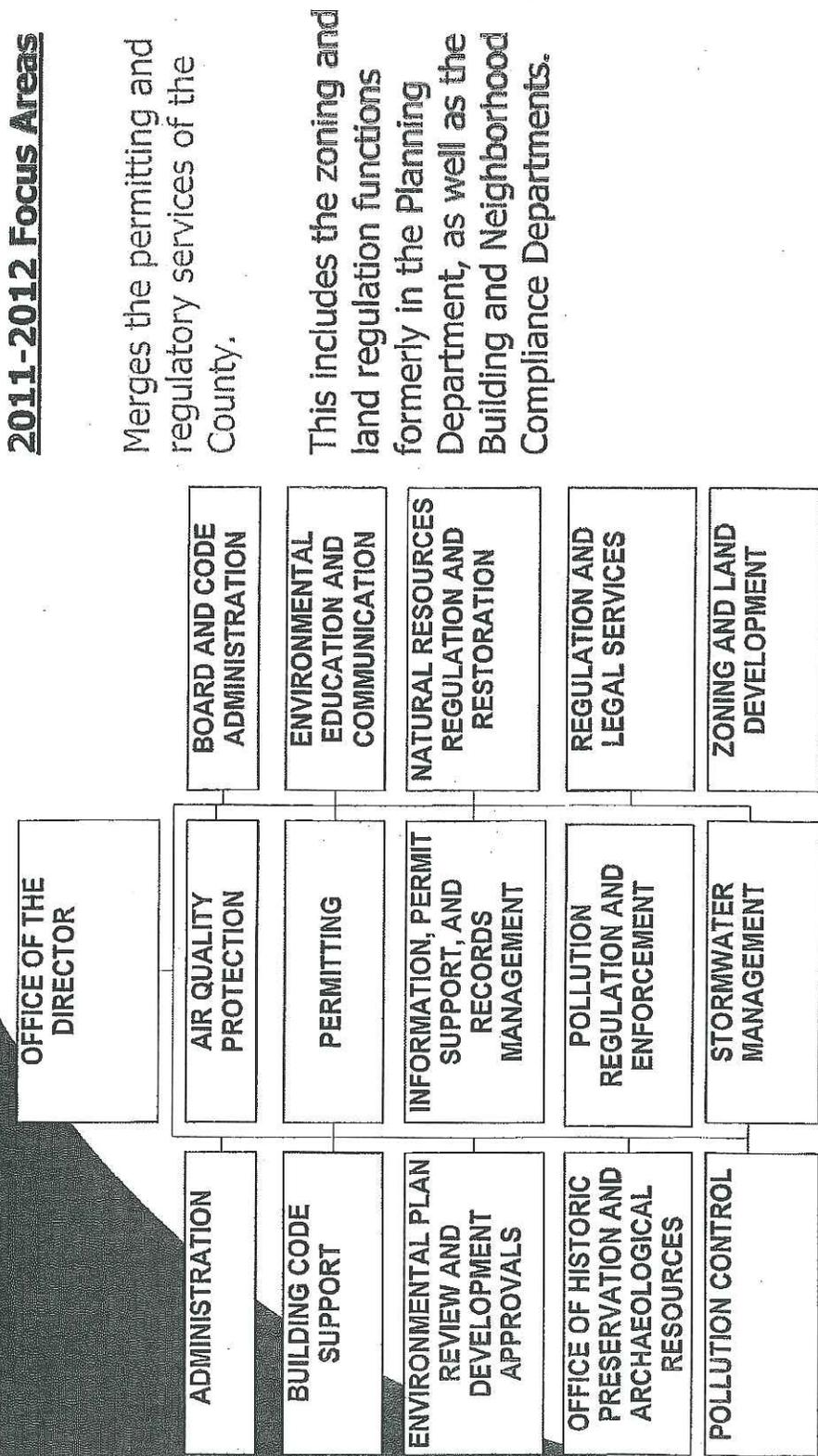
2011-2012 Focus Areas

- Provide park maintenance, operating and programming support
- Plan for and develop new parks and green spaces
- Operate facilities including Deering Estate, Zoo Miami, pools, golf courses, marinas and other attractions
- *Includes functions from Public Works*
- Maintain rights-of-way, including mowing and landscaping cycles, installation of landscaping, urban forestry as part of the Parks and Open Spaces Master Plan, and support of the Community Image Advisory Board



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Permitting, Environment and Regulatory Affairs



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OFFICE OF THE DIRECTOR/ADMINISTRATION

SUPPORT
SERVICES

POLICE
SERVICES

INVESTIGATIVE
SERVICES

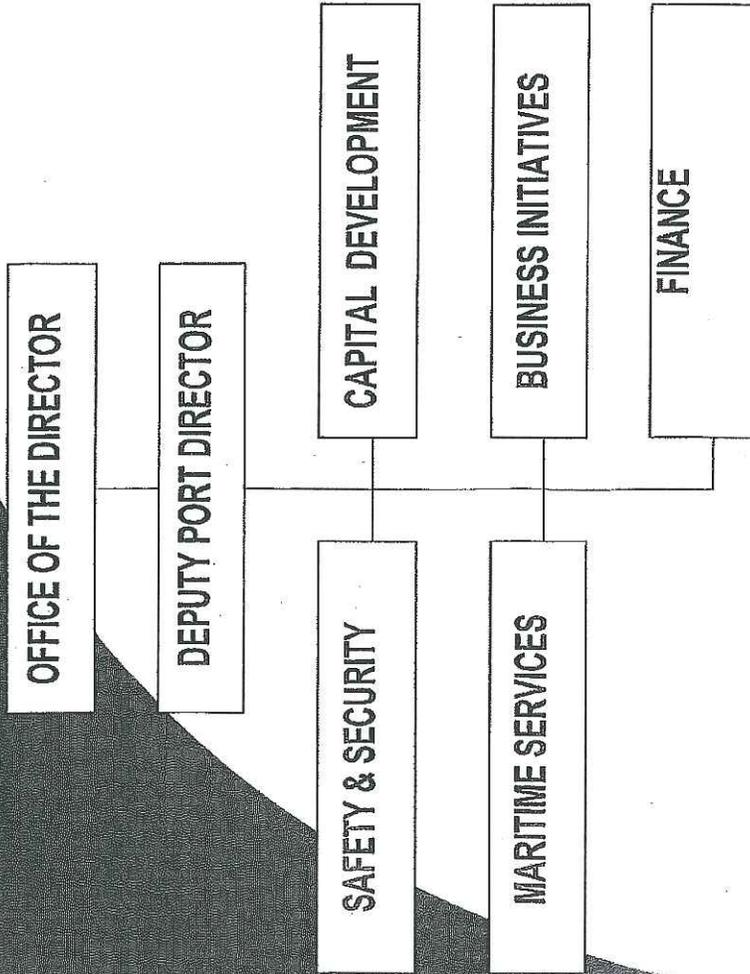
2011-2012 Focus Areas

- Provide basic police services to the Unincorporated Municipal Service Area (UMSA) of Miami-Dade County and contracted municipalities
- Supply specialized support services to UMSA and various municipalities
- Perform sheriff services to all Miami-Dade County residents



2011-2012 Focus Areas

• Responsible for the infrastructure needs of the cargo and cruise industries at the 11th busiest cargo container port in the United States

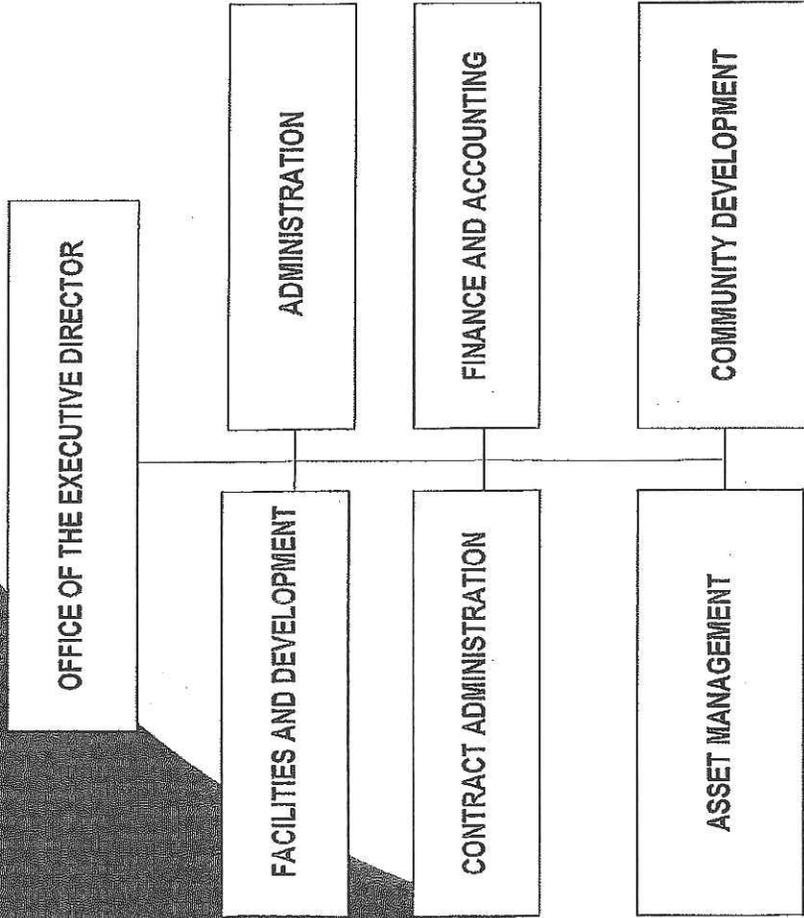


Public Housing and Community Development

2011-2012 Focus Areas

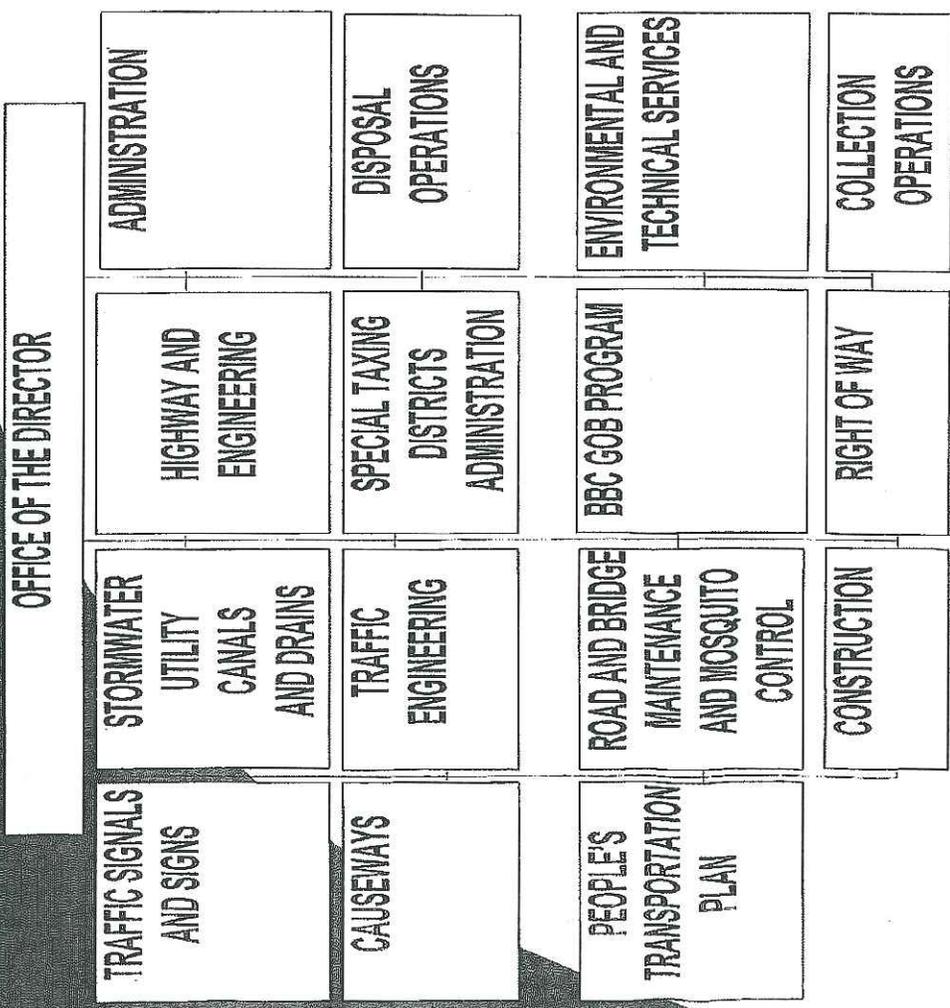
• *Combines the former HCD and Public Housing*

- Administer funding programs including the HOME Investment Partnerships Grant (HOME), the Emergency Solutions Grant (ESG), and the Neighborhood Stabilization Program (NSP)
- Administer federally-subsidized rental housing programs; assists extremely low-income to moderate-income working families and individuals with buying homes; expands the inventory of affordable housing in the County



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2011-2012 Focus Areas



- Maintain traffic signs and signals, lot clearing and roadways

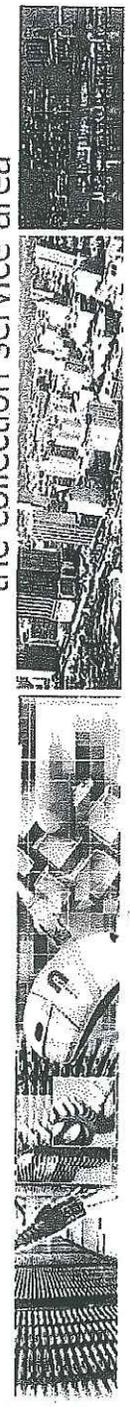
- Implement the roadways elements of the People's Transportation Plan

- Oversee causeways, construction, bridge maintenance and mosquito control

- *Combines Public Works functions and Solid Waste Management; transfers storm water utility from DERM*

- Provide solid waste disposal services county-wide

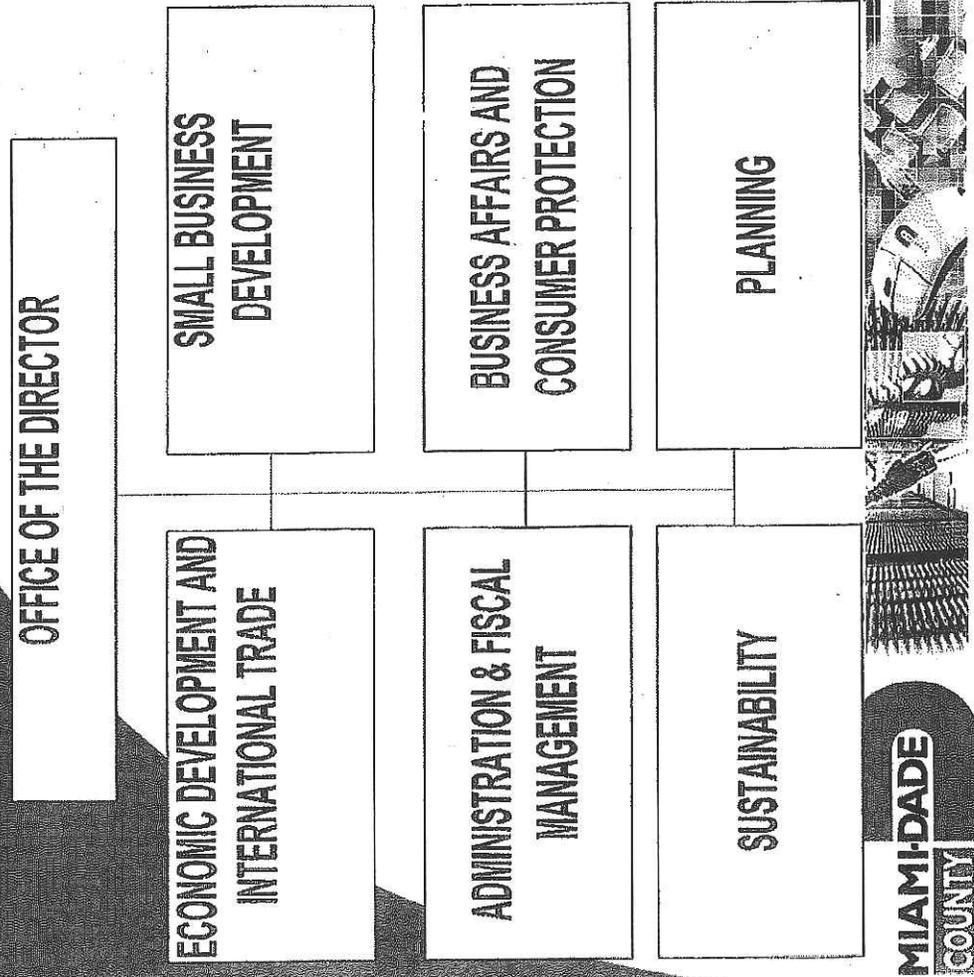
- Collect garbage and trash in the collection service area



Sustainability
 Planning, and
 Economic
 Enhancement

2011-2012 Focus Areas

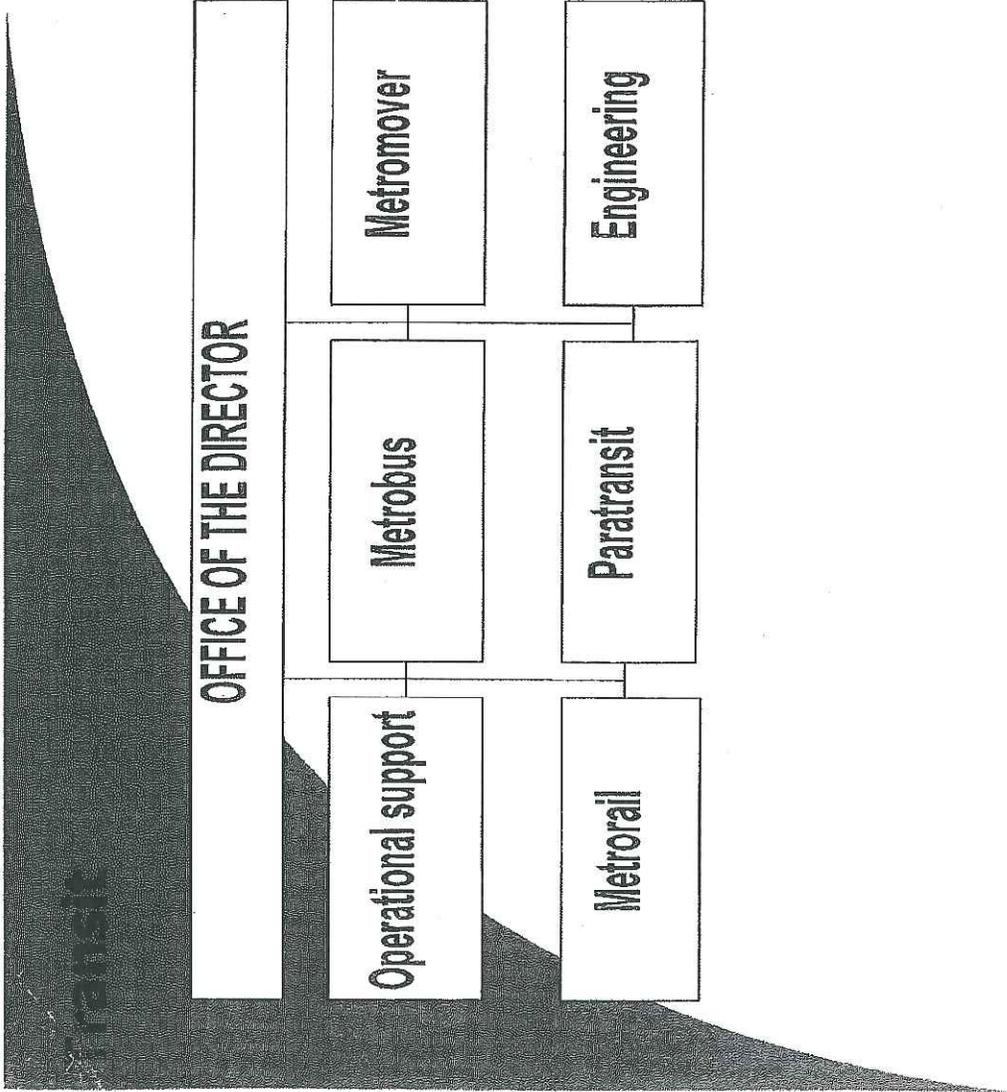
• Includes former OEDIT,
 Film and Entertainment,
 SBD, Planning,
 Cooperative Extension and
 Agricultural Manager



- Create a one-stop business development and support function by merging functions of the Office of Economic Development and International Trade, Small Business Development, Film and Entertainment, Planning and the Agricultural Manager and Cooperative Extension
- Include the Sustainability function to ensure environmental sustainability is woven into community economic sustainability

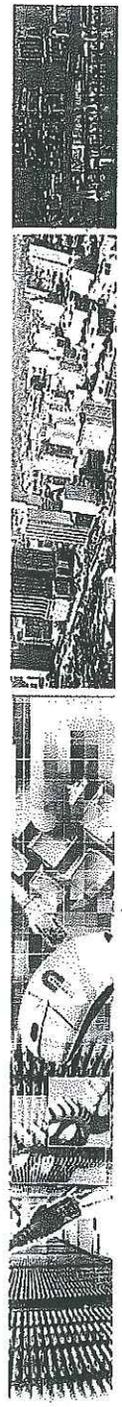


Delivering Excellence Every Day



2011-2012 Focus Areas

- Provide Metrobus, Metromover, and Metro-rail services
- Support paratransit operations
- Implement public transit portion of People's Transportation Plan



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OFFICE OF THE DIRECTOR

WASTEWATER COLLECTION
AND TREATMENT

SUPPORT SERVICES AND
MAINTENANCE

FINANCE AND CUSTOMER
SERVICE

WATER PRODUCTION AND
DISTRIBUTION

ENGINEERING AND
CONSTRUCTION

REGULATORY COMPLIANCE,
QUALITY ASSURANCE AND
PRIORITY CAPITAL
PROJECTS

2011-2012 Focus Areas

- Provide water production and distribution services
- Perform wastewater collection, treatment, reuse, and disposal services
- Service both retail and wholesale customers



Phase Two Savings

Savings will be identified as consolidations are implemented

- Geography
- Duplication of efforts
- Succession planning
- Board will be apprised quarterly of status of implementation; projections updated
- Savings will accrue to FY 2012-13 budget



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