



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Miami-Dade Library
Main Auditorium, First Floor
101 West Flagler Street
Miami, Florida

September 5, 2007
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**CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
SEPTEMBER 5, 2007**

The Charter Review Task Force convened in a meeting on September 5, 2007, at 10:00 a.m. in the Main Auditorium, First Floor of the Miami-Dade Library, 101 West Flagler Street, Miami, Florida. The following members were present: Acting Chairman Maurice Ferre and members Ms. Lynn Dannheiser, Mr. Miguel De Grandy, Carlos Diaz-Padron, former Mayor of the City of West Miami; Commissioner Gimenez; Mr. Robert A. Ginsburg, Ms. Elizabeth Hernandez; Mr. John Hogan, Mr. Richard Kuper, Mr. H. T. Smith, Ms. Yvonne Soler-McKinley and Mr. Ignacio Vazquez; (Commissioner Souto, Mayor Shirley Gibson and Mr. Robert Holland were late) (Mayor Dermer; Mr. Greenberg; Mr. Larry Handfield; Mr. Francois Illas; Raul L. Martinez, former Mayor of the City of Hialeah; and Chairman Victor Diaz were absent).

1. Call to Order

In the absence of Chairman Diaz, Mr. Ferre served as Acting Chairman.

Acting Chairman Ferre called the meeting to order at 10:08 a.m., followed by the Pledge of Allegiance.

2. Roll Call

The following staff members were present: Assistant County Manager Susanne M. Torriente; Assistant County Attorney Cynthia Johnson-Stacks; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Doris Dickens and Judy Marsh.

Acting Chairman Ferre advised the Task Force would be considering the appointment of both the Supervisor of Elections and the Property Appraiser. He noted as a quorum was not yet present, Agenda Item 5: Reports by Task Force Chairman would be considered out of order.

5. Reports by Task Force Chairman

- **Report on Public Hearings**

Acting Chairman Ferre presented the following report regarding the Task Force public hearings:

August 22, 2007 (South Dade Public Hearing)

Approximately 60 people in attendance; 25 members of the audience addressed the Task Force and 12 Task Force members were present.

August 28, 2007 (Stephen P. Clark Center - County Commission Chamber); (Via Remote Technology at the West Dade Regional Library and Joseph Caleb Center)

One Hundred and One (101) people attended the meeting in the Stephen P. Clark Center and 20 Task Force members were present; no-one was in attendance at the West Dade Regional Library and no bus rider(s); nine people were in attendance at the Joseph Caleb Center and two bus riders from the Caleb Center; 16 people signed up to speak at the Chamber; 30 people viewed the proceedings on Webcast; one email was received and eight telephone calls were received; five telephone calls were received from the Caleb Center; and three from residents at home.

August 30, 2007 (Stephen P. Clark Center - County Commission Chamber); (Via Remote Technology at the Miami Beach Commission Chambers and City of Hialeah, City Hall)

Twenty-One (21) people attended the meeting in the Stephen P. Clark Center and 9 Task Force members were present; no-one was in attendance at the Miami Beach Commission Chambers nor the City of Hialeah, City Hall; one bus rider from Miami Beach and no riders from Hialeah; 19 people viewed the proceedings on Webcast; one email and one telephone call was received from resident(s) at home.

- **Report on Media & Charter Review Website/E-mails**

Acting Chairman Ferre noted the Task Force was moving forward with its media plan and he encouraged the Task Force members to provide potential media opportunities. Referring to the Task Force's Website and emails, Acting Chairman Ferre noted from July 12, 2007 to September 4, 2007, 3,798 people visited the Charter Review Website. He noted the public comment emails from the public hearings were included in today's addendum to the agenda package.

- **Report on Input from the Office of Community Relations**

Not presented

3. Old Business

**B. Discussion of Issue 4 – Study of Board of County Commissioners
Composition (Power Point Presentation)**

Assistant County Manager Susanne M. Torriente noted Ms. Amy Horton-Tavera, Office of Strategic Business Management (OSBM), would provide a Power Point presentation on the foregoing issue.

Ms. Amy Horton-Tavera, Office of Strategic Business Management (OSBM), provided a Power Point presentation on various models of Commission structure which included variations of majority rule system and proportional representation elections. She discussed the majority rule system (winner take all model) which comprised single-member district, at-large districts and a blend of single and at-large districts; and proportional representation. Ms. Horton-Tavera noted proportional representation elections comprised choice, cumulative and limited voting systems. She summarized the pros and cons for the majority rule system and proportional representation and noted some of the arguments against majority rule were that certain forms may lead to under-representation of women, racial and ethnic minorities and other minority constituencies.

Ms. Horton-Tavera provided a brief history on proportional representation. She noted the City of Cambridge and some smaller cities and counties in Texas, North Carolina and Alabama utilized proportional representation. Ms. Horton-Tavera said proportional representation was designed to facilitate representation of women, minorities and other communities of interest, such as constituencies that were not usually addressed by the districting system; was responsive to demographic and political changes in the electorate and may result in more competitive races and reduced campaign costs. However, Ms. Horton-Tavera noted this system could be confusing to voters in this country and potentially result in legislative instability and poses technical challenges to election officials and may require changes to State law. She then proceeded to discuss the three main variations of proportional voting (choice, cumulative and limited voting).

In response to Mr. Smith, Ms. Horton-Tavera said Texas, Alabama, North Carolina, Philadelphia and Washington, D.C. utilized proportional voting; however, these systems were a little different because they were partisan city councils.

Responding to Mr. Smith, Assistant County Attorney Randy Duvall advised that in *Shaw vs. Reno*, the Court determined it was unconstitutional to use race or ethnicity to draw the lines for single-member districts.

Mr. De Grandy noted the district election system was not found unconstitutional in *Shaw vs. Reno*, but the plan as drawn was found unconstitutional and the remedy was to draw a compliant district plan.

Assistant County Attorney Duvall advised the same applied for at-large systems. He noted the Voting Rights Act looks at operation of a particular election system including voting patterns, demographics and geography. Mr. Duvall said the Court objected to the lines being drawn primarily toward race.

Acting Chairman Ferre announced a quorum was present.

Later in the meeting, it was moved by Mr. De Grandy that the Task Force defer the foregoing Agenda Item (Study of Board of County Commissioners Composition) for consideration as the first item on its September 19, 2007 agenda. This motion was seconded by Mr. Smith and upon being put to a vote, passed unanimously by those members present.

3. A. Discussion of Issue 1 – Study of Supervisor of Elections being elected

It was moved by Mr. De Grandy that the Task Force recommend to the County Commission that the Supervisor of Elections remain an appointed position. This motion was seconded by Ms. Hernandez.

Commissioner Souto and Mr. Vazquez spoke in opposition to the foregoing motion. Commissioner Souto emphasized the importance of the Supervisor of Elections being elected by the people.

Following discussion and amendments proffered by the Task Force members on the foregoing motion, the Task Force voted to recommend to the County Commission that the Supervisor of Elections remain an appointed position for a period of four (4) years, subject to reevaluation; that the appointment can be vetoed by a super majority (two-thirds vote) of the County Commission; that the Supervisor of Elections could be removed by the Mayor, subject to a super majority (two-thirds vote) of the County Commission; that once appointed, interference by the Mayor or the County Commission would be cause for termination. This motion was seconded by Ms. Hernandez and upon being put to a vote, passed by a vote of 12-3, (Mr. Kuper, Mr. Vazquez and Commissioner Souto voted “no”) (Mayor Dermer, Mr. Greenberg, Mr. Handfield, Mr. Illas, Mayor Martinez and Chairman Diaz were absent).

It was moved by Ms. Hernandez that the County Attorney’s Office provide the Task Force with a position paper regarding legal guidance on issues. This motion was seconded by Mr. Smith.

Mr. De Grandy and Mr. Ginsburg expressed concern regarding the foregoing motion.

Assistant County Attorney Cynthia Johnson-Stacks noted she would prefer the Task Force members clarify the legislative intent of the issues and legal staff would prepare the appropriate legal language for a ballot vote.

Ms. Hernandez withdrew the foregoing motion and Mr. Smith withdrew his second to the motion.

The Task Force by motion duly made, seconded and carried, amended the motion made and approved at its August 29, 2007 meeting to require that the Mayor's appointment be vetoed by a super majority (two-thirds) vote of the County Commission as follows:

It was moved by Mr. Hogan that the Public Safety Director (i.e. Sheriff, Police Chief) shall be appointed by the Mayor for a period of four (4) years, subject to reevaluation; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Public Safety Director could be removed by the Mayor; subject to the consent of a super majority (two-thirds) vote of the County Commission; that once appointed, interference by the Mayor or the County Commission would be cause for termination. This motion was seconded by Mr. Holland and upon being put to a vote, passed by a vote of 12-2, (Mr. Kuper and Mr. Vazquez voted "no") (Mayor Dermer, Mr. Greenberg, Mr. Handfield, Mr. Illas, Mayor Martinez, Commissioner Souto and Chairman Diaz were absent).

It was moved by Mr. Kuper that the Task Force recommend to the County Commission that the Property Appraiser be an elected position. This motion was seconded by Mr. Vazquez.

Discussion ensued among the Task Force members on the foregoing motion.

Mr. Kuper and Mr. Vazquez accepted Mr. Holland's amendment that the terms of office be limited to two, four-year terms.

Following further discussion and upon being put to a vote, the motion that the Property Appraiser be an elected position with terms of office limited to two, four-year terms, failed by a vote of 6-6, (Commissioner Gimenez, Mr. Kuper, Mr. Smith, Ms. Soler-McKinely, Mr. Vazquez, Mr. De Grandy voted "yes") (Mr. Diaz-Padron, Mr. Ferre, Mayor Gibson, Mr. Ginsburg, Mr. Hogan, Mr. Holland voted "no") (Ms. Dannheiser, Mayor Dermer, Mr. Greenberg, Mr. Handfield, Ms. Hernandez, Mr. Illas, Mayor Martinez, Commissioner Souto and Chairman Diaz were absent).

C. Discussion on Public Feedback and Prioritization of Issues

It was moved by Mr. De Grandy that the Ethics Commission/Office of Inspector General be added to the Task Force's list of issues for study, with a view toward clearly delineating and providing checks and balances on the powers invested in those offices. This motion was seconded by Mr. Holland and upon being put to a vote, passed by a vote of 10-1, (Mr. Diaz-Padron voted "no").

It was moved by Mr. Holland that the Task Force add to its list of issues to be studied, a recommendation that any changes in the form of County government be placed on the ballot for

a general election. This motion was seconded by Mr. De Grandy and upon being put to a vote, passed unanimously by those members present.

It was moved by Mr. Holland that the Task Force add to its list of issues to be studied, a recommendation that any County employee who is convicted of any crime involving a breach of public trust shall be subject to forfeiture of his/her public earned salary, pension rights and privileges. This motion was seconded by Ms. Soler-Mckinley and upon being put to a vote, passed unanimously by those members present.

It was moved by Mr. De Grandy that the County Attorney's Office provide the Task Force members with a report on existing State law and its applicability to County employees convicted of a crime involving a breach of public trust. This motion was seconded by Mr. Hogan and upon being put to a vote, passed unanimously by those members present.

4. New Business

A. Discussion of Issue 5 – Study of Initiative, Referendum, Petition & Recall (Staff research related to this issue will be provided in the September 5, 2007 Addendum Package)

Not considered

6. Adjournment

There being no further business to come before the Task Force, the meeting was adjourned at 12:22 p.m.

Maurice Ferre, Acting Chairman
Charter Review Task Force