



Charter Review Task Force Meeting

Wednesday, September 19, 2007

10:00 am

Vizcaya Village "Garage"

3250 South Miami Avenue

(Museum of Science Parking Lot)

Miami, Florida

AGENDA

1. Call to Order
2. Roll Call
3. Minutes and Reports of Statements
 - A. Approval of August 29, 2007 meeting minutes
 - B. Approval of September 5, 2007 meeting minutes
 - C. August 22, 2007 Workshop & Public Hearing Report of Statements
 - D. August 28, 2007 Workshop & Public Hearing Report of Statements
 - E. August 30, 2007 Workshop & Public Hearing Report of Statements
4. Old Business
 - A. Discussion of Issue 4 - Study of Board of County Commissioners Composition
 - B. Discussion of Issue 5 - Study of Initiative, Referendum, Petition & Recall
5. New Business
 - A. List of Issues for Study – Updated
6. Reports
 - A. Extension of Time – Board and League Resolutions
 - B. Public Input/E-mails & Media
7. Adjournment

Charter Review Task Force September 19, 2007

AGENDA PACKAGE

Please be reminded that discussions among or between members regarding matters which might be considered by the Task Force must be held in accordance with the requirements of the Sunshine Law. Therefore, please reserve any discussion with Task Force members regarding information in your agenda packet and other Task Force topics, until the Task Force meets.

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MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

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

August 29, 2007
As Advertised

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CLERK'S SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
August 29, 2007

The Charter Review Task Force convened in a meeting on August 29, 2007, at 10:00 a.m. in the 1st Floor Auditorium of the Miami-Dade County Main Library, 101 W. Flagler Street, Miami, Florida. The following members were present: Chairman Victor M. Diaz, Jr. and members Ms. Lynn Dannheiser, Mr. Carlos Diaz-Padron, Mayor Shirley Gibson, Mr. Robert A. Ginsburg, Mr. Murray Greenberg, Mr. Larry Handfield, Mr. John Hogan, Mr. Robert Holland, Mr. Francois Illas, Mr. Richard Kuper, Mr. Raul L. Martinez, Mr. H. T. Smith, and Mr. Ignacio Vasquez (Mr. Miguel De Grandy, Mayor David Dermer, Mr. Maurice A. Ferre, Commissioner Carlos A. Gimenez, Ms. Elizabeth Hernandez, Ms. Yvonne Soler-McKinley, and Commissioner Javier D. Souto were late).

1. Call to Order

Chairman Diaz called the August 29, 2007 meeting of the Charter Review Task Force to order at 10:11 a.m.

2. Roll Call

The following staff members were present: Assistant County Manager Susanne M. Torriente and Assistant to the County Manager Maggie Fernandez; Assistant County Attorneys Robert Duvall and Wifredo Ferrer; and Deputy Clerks Doris Dickens and Scott Rappleye.

Chairman Diaz expressed appreciation to County staff for their efforts in supporting the Task Force and providing requested materials.

3. Approval of August 15, 2007 Meeting Minutes (revised)

August 14, 2007 Workshop & Public Hearing Report of Statements

In response to Mr. H. T. Smith's inquiry regarding the notation on the Agenda that the August 15, 2007 Meeting Minutes were revised, Chairman Diaz pointed out that the aforementioned minutes were revised to correct some typographical errors and to indicate that the meeting was adjourned at 1:03 p.m., rather than at 2:43 p.m.

It was moved by Mr. Smith that the August 15, 2007 Meeting Minutes be approved as revised. This motion was seconded by Chairman Diaz, and upon being put to a vote passed unanimously.

Chairman Diaz noted that pursuant to the Task Force's practice, the August 14th workshop and public hearing report was not official meeting minutes; that the public comments from these meetings would be maintained by the Clerk as a part of the official record, unless Task Force members wished to start officially approving them. Consequently, the meeting minutes for workshops and public hearings of the Task Force would not be completed and submitted for approval as expeditiously as the monthly Task Force meetings.

Members of the Task Force unanimously agreed that minutes for Charter Review Task Force workshops and public hearings should not be submitted for official approval.

4. Old Business

- **Discussion of Issue 1 – Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected**

Pursuant to Chairman Diaz's request for a preliminary recommendation with respect to the Tax Collector, it was moved by Mr. Ignacio Vasquez that the Task Force recommend to the County Commission that a question be placed on the ballot to allow the voters to determine whether the Tax Collector should be an elected position. This motion was seconded by Ms. Elizabeth Hernandez.

Mr. Robert Holland spoke in opposition to the motion. He contended the Tax Collector, Property Appraiser, and the Sheriff should be regulated positions, appointed by the Executive Branch, and with some professional criteria attached. Mr. Holland noted he felt the Supervisor of Elections should be appointed, but not by the Executor Body; that this individual should be appointed by the County Commission from a slate of candidates submitted by the Executive Branch that met certain criteria. Using the Clerk of the County's Circuit and County Courts and State Attorney as bases for his argument that even in an elected office, the incumbent could remain in office for almost a lifetime.

Mr. Holland suggested this body develop a creative, effective hybrid model that imposed conditions to ensure that individuals in those positions were effective. Mr. Holland suggested that if it was the will of this body and the County Commission to allow the voters to determine whether the Tax Collector, the Property Appraiser, and the Sheriff should be elected positions, term limits should be imposed.

Chairman Diaz responded to Mayor Martinez' questions as to whether the foregoing motion was a preliminary recommendation. He clarified that the procedure agreed upon by Task Force members at the last meeting would be followed; that this body would vote on motions in the form of preliminary recommendations, solicit public comment and feedback, and revisit the preliminary recommendations after the public hearing process.

Following further clarification, Mr. Ferre concurred with Mr. Holland. Mr. Ferre spoke in opposition to making technical positions elected offices.

Mr. Vasquez suggested the Task Force members would disrespect the wishes of the County Commission and the public if they did not recommend these positions be placed on the ballot.

Ms. Dannheiser pointed out that the Tax Collector, the Property Appraiser, nor the Sheriff set public policy; that these were technical positions that required the ability to operate large agencies and administer the law. She spoke in support of appointed positions, and suggested a consideration for the Task Force was who would make the appointment.

Mr. Hogan noted that the individuals in these positions needed to be insulated from the media and from personal relationships that may potentially influence them, which he noted could be accomplished through an appointed process.

Commissioner Gimenez noted he would support a motion to recommend to the County Commission that the voters be allowed to determine whether the Tax Collector should be an elected position. He stated that he thought the existing appointment process was political. He spoke against the argument that the technical nature of these positions favored appointment.

Regarding the existing appointment process, Commissioner Gimenez said he wanted to separate these positions from being obliged to an elected official. He pointed out that neither the Mayor nor the County Commission was allowed to unduly influence the County Manager, in any way, under the old form of County Government.

Mr. Handfield spoke in opposition to the motion. He pointed out that the Task Force was charged with the responsibility to deliberate on these issues and present a recommendation.

Ms. Elizabeth Hernandez noted she felt a responsibility to recommend that this question be placed on the ballot to provide the opportunity for an intellectual campaign to deliberate the pros and cons.

Pursuant to Mr. Richard Kuper's request, Mr. Vasquez amended his motion to include a limit of two four-year terms.

Chairman Diaz noted the strong arguments against electing the tax collector persuaded him to think electing the tax collector was not advisable. He expressed concern regarding the impact electing these positions would have on diversity.

Chairman Diaz pointed out the pending discussion regarding the appointment process could conflict with the new form of government, and he suggested the Task Force could consider whether or not the new form of government should be revisited. He noted he thought the issue of political influence in the appointment process could be resolved by setting minimum qualifications for the position.

Mayor Gibson expressed concern regarding the negative message that establishing minimum qualifications could send concerning the public's ability to make intelligent decisions. She pointed out that elected officials did not need special qualifications except to find individuals who were proficient in the necessary skill areas.

Mr. Martinez noted he thought the real issue and concern was how to provide accountability. He stated that block voting existed in the County and the public needed to reach out to each other.

Chairman Diaz pointed out that the existing minimum qualifications in the pay plan for the tax collector were as follows: "Bachelors degree in Business Administration, Public Administration or related field. A minimum of seven to nine years of administrative and supervisory experience in the management of complex revenue collection and disbursement activities is required." Chairman Diaz noted that the Mayor was not bound by these qualifications and they could be changed.

Mr. Illas expressed concern regarding the lack of recognition of the need for County positions and officials to be accountable to municipalities. He noted that local government impacted residents everyday and that municipal and County government needed to work together.

Mayor Dermer suggested that the Task Force consider an appointment process that would include an advise and consent provision that would ensure the Mayor interacted with the County Commission to nominate an individual based on the desired qualifications and that a majority of the Commission must approve the Mayor's nominee.

Mr. Greenberg pointed out that the Tax Collector was not a department head and was part of the Finance Department. He noted that a director had to have the confidence of his or her subordinates. He questioned the consequences of making these positions elected officials and the limits of the elected officials' powers.

Mr. Vasquez noted he thought some of Mayor Carlos Alvarez's decisions when the Mayor was Police Chief regarding the length and width of sideburns and when and where police could use deadly force were policy decisions.

Following further comments by Mr. Vasquez regarding the hidden politics in the Police Department, Mr. Smith spoke in opposition to the motion. He noted that the County was diverse in appearance but was segregated in voting and housing patterns.

Following further discussion, it was moved by Ms. Dannheiser that Chairman Diaz call the question on the motion that was on the floor. This motion was seconded by Ms. Hernandez, and upon being put to a vote, passed.

It was moved by Mr. Vasquez that the Task Force recommend to the County Commission that a question be placed on the ballot to allow the voters to determine whether the Tax Collector should be an elected position, with two four-year terms. This motion was seconded by Ms. Hernandez, and upon being put to a vote, failed to carry by a vote of 4-17 (Chairman Diaz, Ms. Dannheiser, Mr. De Grandy, Mayor Dermer, Mr. Diaz-Padron, Mr. Ferre, Commissioner Gimenez, Mr. Ginsburg, Mr. Greenberg, Mr. Handfield, Ms. Hernandez, Mr. Hogan, Mr. Holland, Mr. Illas, Mr. Kuper, Mr. Smith, and Ms. Soler-McKinley voted “no”).

Pursuant to Chairman Diaz’s question whether or not the Task Force had another motion regarding the Tax Collector, it was moved by Mr. Martinez that the Task Force make no recommendation to the County Commission regarding the Tax Collector position. This motion was seconded by Mr. Vasquez.

Following further discussion, Mr. Martinez amended the foregoing motion to recommend that the Tax Collector position remain unchanged.

Mr. Miguel De Grandy expressed concern regarding the Chairman interrupting discussion and calling the question on Mr. Vasquez’s motion before all Task Force members were provided an opportunity to comment. He noted that such an interruption defeated the purpose of the Task Force to deliberate.

Commissioner Souto concurred with Mr. De Grandy.

Following discussion regarding the vote cast on Mr. Vasquez’s motion, Mr. Martinez withdrew his motion that the Task Force recommend to the County Commission that the Tax Collector position remain unchanged.

It was moved by Mr. Murray Greenberg that the Task Force Recommend to the County Commission that a question be placed on the ballot to allow the voters to determine whether the selection process for the Tax Collector would remain an appointed position, and not until after all, if any, positions are recommended for election, shall it be determined what conditions, if any, should be placed on those positions. This motion was seconded by Mr. John Hogan, and

upon being put to a vote, passed 17-4 (Mayor Gibson, Mr. Illas, Commissioner Souto, and Mr. Vasquez voted “no”).

It was moved by Mr. Ferre that the Task Force recommend to the County Commission that the position of Sheriff remain unchanged. This motion was seconded by Mr. Hogan.

Mr. De Grandy noted the positions of Tax Collector and Sheriff were qualitatively different. He pointed out that the Sheriff exercised discretion to make many decisions. He said that the existing appointment process for the Sheriff did not provide enough safeguards to ensure that the Sheriff would not be influenced by the Mayor.

Mr. Hogan pointed out that the professionalism of the Miami-Dade Police Department was under appreciated. He noted that when he was a Prosecutor people all across Florida routinely told him the County was fortunate to have an appointed Sheriff. Mr. Hogan noted he thought the Sheriff’s reporting process needed to be changed; however, accomplishing this through election of the Sheriff was not the right change.

Ms. Soler-McKinley noted she thought the majority of citizens would be better served if City Manager’s had better access to the Sheriff. She spoke in support of a change in the appointment process to ensure the Sheriff was more accessible to municipalities and more accountable to citizens.

In response to Commissioner Gimenez’s question regarding who was the County Sheriff, Mr. Greenberg clarified the Mayor was the Sheriff.

Commissioner Gimenez pointed out that the County Sheriff was elected and noted the issue to consider was how to separate the Police Director from the Mayor/Sheriff. He asked the Task Force to consider what would be the proper checks and balances to ensure the Police Director was insulated from the political process.

Following discussion, Chairman Diaz noted the County Attorney’s Office had provided a legal opinion concerning the Sheriff position; and that the legal opinion concluded that the Mayor possessed the power of the Sheriff, under Section 9.01.C of the Charter, and that the Mayor had delegated those powers upon the head of the Police Department.

Following discussion regarding the intent of Mr. Ferre’s motion, Mr. Ferre amended his motion to clarify that the intent of his motion was for the Sheriff not to be an elected position. He noted that he did not oppose including a section for checks and balances that provided for the Mayor’s appointee to be subject to approval by the County Commission.

Following Mr. Greenberg's remarks urging the Task Force to cease using the word "Sheriff" and replace it with "Police Director," Mr. Holland provided criteria that the Task Force could recommend be included with the position of Sheriff or Police Chief as part of the Charter.

Following further comments by Mr. Vasquez regarding the political nature of the Police Director position, Mr. Ginsburg pointed out that the Sheriff was an elected position when the Home Rule Charter was originally adopted; that the Police Department had numerous scandals; and that the public voted in 1966 to eliminate the office of Sheriff. He explained the McNair v. Kelly lawsuit and noted that it was the consequences of independent elected officials. Mr. Ginsburg expressed concern regarding the budget issues presented by an elected sheriff. He noted several entities that could investigate the Mayor. Mr. Ginsburg expressed concern regarding the campaign process of the Sheriff's subordinates raising revenue and resigning to campaign against their boss.

Mr. Illas expressed concern regarding the reliability and timeliness of the entities mentioned by Mr. Ginsburg to investigate the Mayor. He noted the impact the Police Director had on municipalities for supplementary services. He expressed concern regarding the nonexistence of a relationship between the Police Director and the municipalities. Mr. Illas pointed out that the solution to this position could help create equality between the municipalities and the County.

Mayor Dermer expressed concern regarding showmanship in campaigns by the candidates for Sheriff, if the position was elected. He recommended to Mr. Ferre that he amend his motion to include a term or reappointment provision.

In response to Mayor Dermer's recommendation, Mr. Ferre amended his motion to set the appointment period for the police director at four years.

Mr. Hogan, as the seconder of Mr. Ferre's motion, accepted the amendment.

Mr. Hogan noted he thought that a super majority vote of the County Commission should be required to veto the Mayor's appointee for Police Director.

Chairman Diaz spoke in support of Mr. Ferre's motion. He noted he thought the professionalism of the Public Safety Director position was the most important issue. He expressed concern regarding the impact an elected Public Safety Director would have on preserving diversity and the professionalism of the Public Safety Director.

Following Mr. Vasquez's comments regarding the existence of politics in the law enforcement sector, Chairman Diaz clarified that the motion on the floor was that the Task Force recommend to the County Commission that the office of Public Safety Director be appointed by the Mayor, subject to one four-year term, and may be reappointed, subject to veto by a simple majority of the County Commission.

Mr. Kuper spoke in support of the Task Force recommending that the issue of an elected Sheriff versus an appointed Sheriff be placed on the ballot. He pointed out that appointed individuals were equally susceptible to scandals as were elected officials. Mr. Kuper noted the municipalities could not be neglected.

Mr. De Grandy recommended that Mr. Ferre amend his motion to include a provision that the Mayor and County Commission could not order the Police Chief regarding investigations after he or she was appointed.

Mr. Ferre and Mr. Hogan accepted Mr. De Grandy's recommendation.

Commissioner Gimenez noted that he thought the Task Force should discuss the issues of separation and insulation first, and then discuss the issue of elected versus appointed.

Chairman Diaz clarified that the last amendment to Mr. Ferre's motion was that once the Public Safety Director was appointed the Charter would provide that any interference with the duties of the office of Public Safety Director was cause for termination.

Mr. Ferre clarified that the intent of his motion was for the Task Force to recommend that it did not want an elected Sheriff; that the County Commission be provided input regarding the Mayor's appointee; that the Public Safety Director be appointed for a four year term without interference from the Mayor and the County Commission; and that the Public Safety Director be reappointed after four years to provide a review process of the Director's work.

Following Mr. Holland's recommended amendments to Mr. Ferre's motion, and Mr. Ferre and Mr. Hogan accepting Mr. Holland's recommendation concerning removal from office, Chairman Diaz clarified that the motion on the floor was as follows:

It was moved by Mr. Ferre that the Public Safety Director (i.e. Sheriff, Police Chief, Police Director) shall be appointed by the Mayor for a period of four (4) years, subject to reevaluation; that the appointment can be vetoed by a simple majority vote of the County Commission; that the Public Safety Director could be removed by the Mayor, subject to the consent of a simple majority 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. Hogan.

Following further discussion, the Task Force proceeded to vote on the foregoing motion, and upon being put to a vote, passed by a vote of 13-6 (Mr. Diaz-Padron, Mr. Illas, Mr. Kuper, Ms. Soler-McKinley, Commissioner Souto, and Mr. Vasquez voted "no") (Mr. Handfield and Mr. Martinez were absent).

(Note: At the September 5, 2007 Charter Review Task Force Meeting, the Task Force by motion duly made, seconded and carried, amended the foregoing motion made by Mr. Ferre 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 could 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.)

Mr. Smith, Mr. De Grandy, and Commissioner Gimenez noted they voted "yes" in an effort to compromise.

Ms. Soler-McKinley noted she voted "no" because the motion failed to address the concerns of municipalities.

Chairman Diaz noted that legislation had been prepared, Legislative File No. 071656, for the County Commission to place the question regarding the Property Appraiser on the ballot and that the Task Force may not need to discuss that position. He noted he would not be present for the August 30, 2007 Public Hearing and the September 5, 2007 Task Force Meeting and he asked Mr. Ferre to serve as Chairman at those meetings.

Chairman Diaz noted that the Task Force would consider the Supervisor of Elections at the September 5, 2007 meeting.

Mr. Greenberg noted Mr. Lester Sola, Supervisor of Elections, Elections Department, had expressed concern regarding very technical issues in qualifying periods as the County transitioned to electronic voting. He said the Task Force needed to consider this issue.

5. New Business

- **Discussion of Issue 4 – Study of Board of County Commissioners Composition**

Chairman Diaz noted, pursuant to his request, staff had prepared, for illustrative purposes only, maps of four at-large districts based on demographic data. He emphasized that he was not

proposing or advocating the districts on the maps. He noted that Task Force members could request staff to prepare different case studies regarding at-large districts.

Mr. Ferre asked that staff prepare maps of five and six at-large districts and provide demographic data concerning the districts.

- **Discussion on Public Feedback and Prioritization of Issues**

Not presented.

6. Reports by Chairman Diaz

- **Report on Public Hearings**
- **Report on Media & Charter Review Website/E-mails**
- **Report on Input from the Office of Community Relations**

Not presented.

7. Adjournment

The Charter Review Task Force adjourned at 1:19 p.m.

Victor M. Diaz, Chairman
Charter Review Task Force

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MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

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Judy Marsh, Commission Reporter
(305) 375-1967



**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

C

**CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW WORKSHOP & PUBLIC HEARING
AUGUST 22, 2007**

The Charter Review Task Force convened in a workshop and public hearing on August 22, 2007, at 6:00 p.m. in the South Dade Government Center, Conference Room 203, 10710 S.W. 211th Street, Cutler Bay, Florida. The following members were present: Chairman Victor M. Diaz, Jr. and members Ms. Lynn Dannheiser; Mayor David Dermer; Carlos Diaz-Padron, former Mayor of the City of West Miami; Maurice Ferre, former Mayor of the City of Miami; Commissioner Carlos Gimenez; Mr. Murray Greenberg; Mr. John Hogan; Mr. Robert Holland; Mr. Francois Illas; Ms. Yvonne Soler-McKinley and Mr. Ignacio Vazquez; (Mr. Miguel De Grandy; Mayor Shirley Gibson; Mr. Robert A. Ginsburg; Mr. Larry Handfield; Ms. Elizabeth Hernandez; Mr. Richard Kuper; Raul L. Martinez, former Mayor of the City of Hialeah; Mr. H. T. Smith and Commissioner Souto were absent).

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 Kay Sullivan and Judy Marsh.

Chairman Diaz called the meeting to order at 6:15 p.m. He introduced himself and welcomed members of the audience to tonight's public hearing. Chairman Diaz noted this was the second public hearing being held to solicit public input on proposed changes to the Miami-Dade County Charter. He explained the Charter Review process and stated if upon completion of the process, the Commission decided to accept the Task Force's recommendations they would be placed on the ballot and ultimately, the voters of Miami-Dade County would decide whether any of the proposed changes should be adopted. Chairman Diaz noted the Charter could not be changed without the voters' consent and any legislation proposed by the County Commission had to be consistent with the Charter.

Chairman Diaz explained the structure and composition of the Charter Review Task Force. He noted future public hearings would be held in the County Commission Chamber of the Stephen P. Clark Center and residents would be able to view the proceedings on television and provide comments via telephone or email. Chairman Diaz advised public participation for the public hearing scheduled for August 28, 2007 would be made available via remote technology, from the Joseph Caleb Center and the West Dade Regional Library; and at the Miami Beach City Hall and Hialeah City Hall for the public hearing scheduled for August 30, 2007. He noted television screens would be linked to the County Commission Chamber and the public could make their comments from the regional locations or they could be bused to the County Commission Chamber.

Chairman Diaz advised meeting agendas, minutes and all documentation distributed or considered by the Task Force could be downloaded from the Task Force's link via the County's Website. He noted the public could also email their comments on the proposed Charter changes through the County's Website or at charter@miamidade.gov.

The Task Force members proceeded to introduce themselves.

Chairman Diaz requested the audience's input and suggestions on the following issues for study adopted by the Charter Review Task Force on August 1, 2007:

- Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected;
- Compensation for the Mayor and Board of County Commissioners (BCC);
- Term limits for BCC or other elected officials;
- BCC Composition;
- Initiative, Referendum, Petition and Recalls;
- Balance of Power between the Mayor and BCC (review of functions of Mayor vs. County Manager and powers of Commission Auditor);
- Procurement Reform;
- Lobbying Reform;
- Ethics Regulations;
- Municipalities and Unincorporated Municipal Service Area (UMSA) (creating/abolishing municipalities, separation of powers or responsibilities between the County and municipalities, and annexation/incorporation in an effort to eliminate UMSA);
- Public Records and
- Zoning and Urban Development Boundary (UDB) reform.

Chairman Diaz also requested the audience's input and suggestions on a motion adopted by the Task Force on August 15, 2007 relating to the following issues:

- Commissioners would receive a population-based salary provided by Florida's Statutory formula (approximately \$89,000);
- Commissioners' terms in office shall be limited to two, four-year terms;
- Commissioners would be prohibited from having outside employment; and
- Any commissioner 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.

Chairman Diaz opened the meeting for public input and the following persons appeared before the Task Force:

Ms. Patricia Bonner Milone, 29365 SW 202 Avenue, Redland, expressed concerns regarding lobbyists and moving the Urban Development Boundary (UDB). She noted residents of any community should have the right to vote on decisions that directly impacted them and should be allowed to cast their vote in their own district. Ms. Bonner also noted her area was under-represented.

Chairman Diaz noted one of the issues under consideration was the possibility of including a requirement in the Charter that public referendum be required in order to move the UDB.

Ms. Soler-McKinley and Mayor Dermer directed questions to Ms. Milone.

Ms. Marilyn Rolfs, 24371 SW 123 Avenue, Princeton, suggested commissioners' salaries range between \$45,000 and \$50,000 and include benefits. She suggested 6-year term limits for commissioners and requested clarification on whether a commissioner who was no longer in office could qualify to run again.

In response to Mr. Diaz-Padron's inquiry, Ms. Rolfs noted she supported commissioners being prohibited from having outside employment.

Mr. Ken Holden, 23490 SW 152 Avenue, Redland, expressed opposition to commissioners having outside employment and serving on organizations which received County funding. He spoke in support of two, four-year term limits for commissioners and noted a substantial number of at-large commissioners were needed to represent the community. Mr. Holden also spoke in support of the current balance of power and the need for lobbying reform and ethics regulation. Mr. Holden said he felt the threshold for petition recalls was too high and the petition process should be done to enhance participation of those interested in that particular topic. Referring to the UDB, he noted the public should be allowed to vote on whether the UDB should be moved.

In response to Mr. Ferre's inquiry, Mr. Holden said he felt it would be a conflict for a commissioner to be an employee of any governmental agency or organization that received funding from that entity.

Responding to questions from Mr. Holland, Mr. Holden said any commissioner or County employee found guilty of breaching the public trust should lose their right to salary and pension benefits.

In response to questions from Ms. Dannheiser, Mr. Holden noted his support for the separation of powers or responsibilities between the County and municipalities.

Mr. David Lyons, 10310 SW 103 Court, President, Kendale Home Owners Association, spoke in support of the recommendation regarding commissioners' salaries; however, he noted benefits should be correctly added. He agreed with the recommendation that commissioners' terms in office should be limited to two, four-year terms and that outside employment should be prohibited. Mr. Lyons supported the recommendation regarding lobbyists and noted public disclosure of all lobbyists should be required. He commented on the UDB and the need for available drinking water in Miami-Dade County and spoke in opposition to removing the 25% threshold for signatures for incorporation petitions.

Mr. Ken Forbes, 25121 SW 120 Place, Princeton, agreed with recommendations 1, 3 and 4. He noted the existing composition of the County Commission should remain and he

did not believe at-large seats were necessary. Mr. Forbes spoke in support of procurement, lobbying and ethics reforms. He noted the Unincorporated Municipal Service Area (UMSA) needed to be eliminated and local communities should make decisions concerning their areas and the County Commission should be responsible for regional issues.

In response to Mr. Vazquez' inquiry, Mr. Forbes said he would prefer the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections be elected.

Mr. Forbes agreed with Ms. Soler-McKinley's inquiry regarding the possibility of the Dade League of Cities assisting municipalities develop into viable areas.

Mr. Phillip Murray, Jr., 13248 SW 256 Terrace, expressed concern regarding the impact of potential budget cuts on UMSA residents.

Mr. Jaime Reyes, 9750 SW 215 Lane, Cutler Bay, spoke in opposition to the Tax Collector, Property Appraiser and Supervisor of Elections being elected positions; however, he noted election of the Sheriff should be studied. He recommended the functions of the Inspector General's Office be included in the Charter to make it more independent and the Office of the Commission Auditor be eliminated. Mr. Reyes recommended the following language regarding lobbyists be included in the Charter: "no person or friend who directly or through a member of the person's immediate family or through a political action committee or through any other person who makes a contribution to a candidate who is elected mayor or commissioner, shall be permitted to lobby on behalf of another elected official, employed, or appointed board or community member for a period of two to four years and it was at the discretion, following the swearing-in of the subject official." He recommended commissioners' salaries be bifurcated from the other issues and asked the Task Force to study countywide and district-wide districts utilizing Geographical Information System (GIS) mapping. Mr. Reyes recommended UMSA be incorporated.

Chairman Diaz noted information regarding district issues would be posted on the Task Force's Website by Friday (8/24).

Ms. Pat Wade, 20925 SW 187 Avenue, Redland, said the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections should not be elected. She noted the sum total of commissioners' salaries including benefits should be placed on the ballot and concurred with the recommendation that commissioners' terms in office should be limited to two, four-year terms. Ms. Wade spoke in support of more at-large positions with at least five at-large positions along with meaningful public campaign financing; no restrictions on petitions and a 2% requirement for petitions to place initiative referendum recalls on the ballot. She recommended that a Citizens Bill of Rights with enforcement powers be included in the Charter; and those communities wishing to incorporate be allowed to vote for incorporation and boundaries be drawn by people who lived in the community. Ms. Wade noted the UDB was an unproductive waste of time.

In response to Commissioner Gimenez' inquiry, Ms. Wade said she was opposed to placing the constitutional offices of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections to a vote.

Responding to Mr. Vazquez, Ms. Wade said the UDB was a monumental public relations issue and she was not sure there would be a similar campaign for the constitutional offices.

In response to Mr. Holland's inquiries, Ms. Wade said restrictions should be placed on candidates who received contributions from large companies. Regarding a petition process for candidates, she noted this was an interesting concept which she had not considered.

Mr. Eduardo Wolmers, 9370 Dominican Drive, encouraged the Task Force members to hold future meetings in the community. He spoke in support of the petition process for incorporations and eliminating the Municipal Advisory Committee (MAC) process. Mr. Wolmers also expressed support for the 25% threshold for incorporation petitions and noted the ballot question on incorporations should simply require a yes or no response. He agreed with the recommendation that commissioners' salaries be increased but noted benefits should be reduced and commissioners' terms in office should be limited to two, four-year terms. Mr. Wolmers spoke in support of commissioners being prohibited from having outside employment and noted commissioners and employees convicted of any crime involving a breach of public trust should be removed from office.

Mr. John Wade, 20925 SW 187 Avenue, Redland, noted constitutional officers (Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections) should be appointed based on a sound resume and knowledge. He spoke in support of term limits and countywide elections for commissioners. Mr. Wade spoke in opposition to the 25% requirement of signatures for referendum initiatives and recommended this amount not exceed 10%; and noted the requirement for one signature per page being notarized was burdensome. He recommended full disclosure by every lobbyist who lobbied an elected official or department directors with notice of how much they were paid and how often they lobbied commissioners, mayor or department directors, and noted all family members should be subject to the ethics rule. Mr. Wade said communities wishing to incorporate should be given the right to vote and a countywide election should be held regarding the UDB. He noted growth should be limited in Miami-Dade County and suggested studies be conducted to determine whether the infrastructure could support additional growth.

Mr. Joseph Segor, 12815 SW 112 Court, spoke in opposition to incorporations. He agreed with the 25% threshold for petitions and noted there should be protection against gerrymandering and protection with regard to boundaries. Mr. Segor suggested there be a limited number of elected positions and suggested the Task Force consider agriculture as part of its deliberations.

Mr. Segor responded to Mr. Holland's inquiry regarding lowering the petition threshold and increasing the threshold requirement for voter turnout.

Chairman Diaz noted Ms. Elisa Torina, 11347 SW 246 Terrace, chose not to speak but wanted the Task Force to know that she was in support of term limits for commissioners not exceeding eight years. He noted Ms. Torina also wanted the Task Force to look at relaxing the rules recently issued restricting freedom of speech.

Mr. Frank Weiss, 10925 SW 119 Avenue, recommended the Charter be revised to guarantee the rights of citizens to vote on incorporation and that the percentage required from registered voters to prepare the petition drive for incorporation be consistent with the Florida Statutes' requirement of ten percent. He requested that an automatic vote occur once the process for studying municipal incorporation had been followed and verified. Mr. Weiss said annexations should be explored by existing cities but should not be at the expense of the incorporation areas. He suggested the proposed commission salaries not be included in the Charter. Mr. Weiss spoke in support of two, four-year term limits for commissioners and noted the UDB line should be held.

Mr. McHenry Hamilton, 7860 SW 86 Street, spoke in opposition to election of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections. He suggested the Clerk of the County Courts and the State Attorney's Office be studied to determine whether these offices could be appointed positions. Mr. Hamilton said overall he was opposed to term limits but supported term limits for county commissioners. He noted single member districts had not worked and countywide districts were needed. Mr. Hamilton said lobbyists should be held accountable, there should be no back-ended lobbying fees and stiff penalties imposed, including jail time for violating the law. He noted the Ethics Commission should be segregated from the County including funding and UMSA residents should have the right to propose boundaries. Mr. Hamilton said the restrictions that certain municipal revenues would remain with the County in perpetuity should be abolished. He recommended that an UMSA fund be established and that those unincorporated areas have financial statements which would be audited every year; and the County be prohibited from using any of the unincorporated funds from the unincorporated area's taxes for any other reason than to provide municipal services in the unincorporated area.

Mr. Brad Brown, 11266 SW 166 Terrace, spoke in support of the interactive Charter Review process. He suggested the Task Force consider proportional voting which he noted provided an opportunity to vote countywide and vote for particular interest groups; and that an Independent Review Panel be established by new municipalities or that a procedure be established in which complaints would be reviewed by the County's IRP.

In response to Mr. Ferre's inquiry, Mr. Brown noted Cambridge, Massachusetts was the largest major community within the United States that utilized proportional voting.

Chairman Diaz noted the Task Force would be receiving information on proportional voting from the Center on Voting and Democracy.

Ms. Carla Savola, 7410 SW 82 Court, spoke in support of the Sheriff being elected and the Tax Collector, Property Appraiser and Supervisor of Elections being appointed. She expressed support for the proposed \$89,000 for commissioners' salaries and noted the threshold requirement for incorporations should remain the same. Ms. Savola said Community Council appeals in UMSA should be made to the courts and not to the County Commission and she suggested a budget be established for Community Councils. She also suggested the Park and Recreation Department's proposed park plan be placed before the voters. Ms. Savola noted it should be illegal for elected officials to lobby another elected official of another private company.

Chairman Diaz noted the proposal regarding commissioners' salary did not limit the commissioners' ability to derive income from investments but prohibited outside employment.

Mr. Barry J. White, 10001 SW 129 Terrace, spoke in support of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being appointed. He also expressed support for compensation and term limits for commissioners, and noted at-large members were needed. Mr. White noted he felt the petition process was unlawful and the Metropolitan Planning Organization process was politicized and should be reviewed. He spoke in support of additional restrictions and disclosure requirements for lobbyists and noted the Ethics Commission should be totally independent. Mr. White said incorporation should originate from the people and expressed support for a referendum for the UDB. He emphasized the need for urban infill.

Mayor Dermer and Commissioner Gimenez directed questions to Mr. White regarding the 25% threshold for incorporations and commissioners salaries respectively.

Chairman Diaz noted Broward County's Charter Review Task Force had the power to place proposed Charter changes directly onto the ballot without going to the County Commission. He noted members of the audience could provide comments on whether this process should be the same in Miami-Dade County, via emails.

Mr. Jesus Herrera, 11380 SW 181 Street, suggested the mayor's salary be lowered. He spoke in support of the proposed recommendation that any commissioner who was 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 and suggested this recommendation apply to all Miami-Dade County employees. He noted the Property Appraiser should be elected.

Ms. Bev Gerald, 14271 SW 74 Court, Palmetto Bay, spoke in support of citizens having the right to vote on incorporations. She expressed support for all of the issues adopted by the Task Force for study and the proposed recommendation for term limits for commissioners. Ms. Gerald expressed concern regarding the recommendation that commissioners be prohibited from having outside employment.

Ms. Deborah Lamb, 13441 SW 100 Court, spoke in support of the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, the County Manager and the Ethics Commission being elected positions. She expressed support for the proposed recommendation regarding commissioner(s) convicted of a crime involving a breach of public trust and noted this should also apply to County employees. Ms. Lamb recommended an itemized budget and any recaptured or refunded funds from bond issues be used to the benefit of that portion of the County for which the funds were originally earmarked. She suggested police services be billed to new municipalities and payments made in a manner that could be verified by any interested citizen; representatives from all boards, committees and trusts should have representation of County residence on these boards equal to the population ratios of the areas to be studied, and all appointments should be made from people within the areas; Community Council members should be given the same deference as elected officials from cities, given budgets and should be paid; and 50% plus one signatures should be collected for incorporation petitions.

Ms. Joy Cooper, 9365 Nassau Drive, Cutler Bay, noted the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections should be advertised nationwide and the best qualified candidate appointed.

Ms. Lana Floyd, 2178 SW 111 Avenue, spoke in support of the proposed recommendation regarding commissioners' salaries, term limits and commissioners who were convicted of any crime. She noted Charter changes should go directly to the voters. Ms. Floyd said Community Council and County Commission members should not be able to vote on issues if they received campaign donations from the same lobbyists or developers. She noted residents in her area should be given an opportunity to decide governance of the area. Ms. Floyd said the Supervisor of Elections should be elected and the Sheriff, Tax Collector and Property Appraiser should be appointed. She noted the Ethics Commission and the Independent Review Panel should be given greater power or eliminated.

In response to Chairman Diaz' inquiry, Ms. Floyd said she felt at-large elections would dilute African-American representation on the County Commission.

Mr. Curtis Lawrence, 17451 SW 109 Avenue, Chairperson, Redland Community Council, appeared before the Task Force on his own behalf. He noted the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections should remain as appointed positions and he expressed support for the proposed recommendation for commissioners' salaries and ethics regulations. Mr. Lawrence said term limits were not the answer but rather campaign finance reform. He spoke in support of the 25% threshold requirement for incorporation petitions.

Members of the Task Force directed questions to Mr. Lawrence.

Mr. Martin Lampkin, 10235 SW 172 Street, said Community Councils appeals should be made to the courts. He noted all positions should be elected and suggested the initiative

petition process for single-member districts be simplified and the 25% threshold for creating Municipal Advisory Committees be retained. Mr. Lampkin suggested a Citizens Charter Review Committee be formed to study the petition process and the annexation process should include the business corridor. He noted if commissioners' salaries were increased, they should be prohibited from doing business with the County and required to attend more meetings.

Mr. Frank J. Cobo, 14410 SW 74 Street, Secretary, West Kendall Federation of Home Owners, appeared before the Task Force on his own behalf. He noted the County needed an independent inspector general. Mr. Cobo suggested 12-year term limits for commissioners and noted he did not believe the public would vote for increased salaries for commissioners. He indicated he was not in support of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected and noted Community Council issues should go to the County Commission. Mr. Cobo suggested candidates be required to obtain a certain amount of signatures to run for office.

In response to Mr. Cobo's inquiry, Commissioner Gimenez noted approximately \$800,000 was allocated for operation of each Commission District office and \$300,000 for Discretionary Funds which could be allocated to 501(3)(c) organizations.

Chairman Diaz expressed appreciation to members of the audience for attending and participating in tonight's public hearing. He asked the audience to remain engaged as the Charter review process moved forward and to raise public awareness within the community.

Chairman Diaz announced the next Task Force workshops and public hearings were scheduled for August 28, 2007 and August 30, 2007 at 6:00 p.m. respectively in the County Commission Chamber. He noted the public would be able to view the proceedings on August 28th via remote technology from the Joseph Caleb Center and the West Dade Regional Public Library and from the City of Miami Beach Commission Chamber and the City of Hialeah Council Chamber on August 30th.

Adjournment

There being no further business to come before the Task Force, the meeting adjourned at 10:03 p.m.

Victor M. Diaz, Chairman
Charter Review Task Force

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**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force
Workshop and Public Hearing**

Board of County Commissioners
Stephen P. Clark Government Center
111 NW 1st Street
Miami, Florida 33128

Tuesday, August 28, 2007
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Akira Spann, Commission Reporter
(305) 375-2510

CLERK'S SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE WORKSHOP & PUBLIC HEARING
August 28, 2007

The Charter Review Task Force convened in a meeting on August 28, 2007, at 6:00 p.m. in the Commission Chambers on the second floor of the Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida. The following members were present: Chairman Victor M. Diaz, Jr. and members Mr. Miguel De Grandy, Mr. Carlos Diaz-Padron, Mayor Shirley Gibson, Mr. Robert A. Ginsburg, Mr. Murray Greenberg, Mr. John Hogan, Mr. Holland, Mr. Richard Kuper, Mayor Raul Martinez, Mr. H.T. Smith, and Mr. Ignacio Vazquez; (Ms. Lynn Dannheiser, Mayor David Dermer, Mayor Maurice A. Ferre, Commissioner Carlos A. Gimenez, Ms. Elizabeth Hernandez, and Commissioner Javier Souto were late); (Mr. Larry Handfield, Mr. Francois Illas, and Ms. Yvonne Soler-McKinley were absent).

Staff members present were Assistant County Manager Susanne Torriente, Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Diane Collins and Akira Spann

1. CALL TO ORDER

Chairman Diaz called the meeting to order at 6:00 p.m. and welcomed members of the Task Force, the County Administration and the viewing audience. He invited those watching this broadcast on television or via Internet Webcasting to call in or submit comments, questions, concerns via email with respect to the issues being discussed today (8/28). Chairman Diaz explained that the structure of County Government was governed by the Home Rule Charter; that the charter review process was established by the County Commission and occurred every five years. He informed attendees that the subject for discussion was how to make the operations of County Government more efficient.

Following individual Task Force member introductions and further comments by Chairman Diaz regarding the Task Force member selection process, Chairman Diaz provided a brief overview of tonight's (8/28) public hearing format. He noted that several distinguished members of the community were invited by Task Force members to address specific issues.

Chairman Diaz opened the public hearing.

Mr. Steven Rosenthal, 7431 S.W. 53rd Court, appeared before the Task Force and addressed concerns regarding Issue 5 (Study of Initiative, Referendum, Petition & Recalls). He maintained that two key ambiguities existed in Section 8.07 of the Home Rule Amendment and Charter as follows:

- 1) The vague language regarding the petition form those citizens circulate for signatures to qualify for ballot placement

- 2) The question of who had the power to craft the ballot summary and title.

Mr. Rosenthal suggested that the first ambiguity be resolved by inserting the ordinance (Section 12-23 of the County Code) within the Charter; which would the disclosure of the full text of the petition and the names of individuals who organize and circulate the petition. Additionally, Mr. Rosenthal noted the second ambiguity be resolved by giving the Board of County Commissioners power to craft the summary to appear on the ballot. He presented his proposal to members of the Task Force for their review.

Mr. De Grandy suggested that feasibility of implementing a provision similar to the State initiative process, which involved the Florida Supreme Court's review of language after a number of signatures were collected.

Mr. Greenberg clarified that the language in the charter was changed to ensure that issues that the Commission did not wish to consider be kept off a ballot.

Mr. Ginsburg pointed out that the County Commission would be reluctant to approve anything they disagreed with. He stated that this was part of the reason for the language being removed, in an attempt to keep them out of a position where they had to favorably vote on something that they disagreed with based on merit.

Chairman Diaz questioned what the experience of the Citizens for Reform was in terms of soliciting signatures in terms of complying with the current regulations.

Mr. Greenberg noted that Citizens for Reform could collect ten signatures on a page, submit them and move forward; subsequent to that, the BCC enacted ordinances limiting the signature gathering process which required one signature per card, and each one had to be notarized.

Following Mr. Greenberg comments, Chairman Diaz recognized Bishop Victor Curry and invited him to present his remarks.

Bishop Victor Curry noted that the Miami-Dade Branch of the NAACP voted to oppose the Mayor's recommendation for five at-large districts of the County Commission; and argued that any political gains made by the African-American community would be diluted, if the Mayor's recommendation came to pass. He asked that the Strong Mayor form of government question be placed on the ballot for re-consideration and that the Haitian-American community be represented on the County Commission at the NAACP's request.

Responding to Mr. Greenberg's suggestion regarding a cumulative voting system that enhanced the possibility of an African-American at-large candidate, Bishop Curry noted that the NAACP would be open to Mr. Greenberg's proposal.

Mr. Diaz-Padron questioned Bishop Curry's intent to have the Strong Mayor question placed on the ballot for reconsideration.

Bishop Curry noted the African-American community did not understand the full implications of a Strong Mayor form of government; and felt that more opportunities for debate throughout the County should have been available.

Responding to Mr. Smith question regarding the process of choosing a candidate for Strong Mayor, Bishop Curry noted that this was discussed during a forum at Norland Senior High School. He explained that while the African-American community may have liked Mayor Alvarez, he may not have been their top choice for Strong Mayor. Mr. Curry also explained that the citizens of this community voted on a change in the structure of County Government, but they did not have an opportunity to select a candidate of their choice as a Strong Mayor.

Mayor Raul Martinez questioned whether the problem lay with the people that put the system in place.

Bishop Curry noted that the people of this community feared that too much power was being concentrated power in one office. He stated that Mayor Alvarez assured them that he would consult with the County Commissioners before he utilized his newly gained power to hire and fire personnel; that Mayor Alvarez did not keep his promise.

Responding to Mr. Holland's question with regards to reconciling the creation of cities that benefited from district election, Bishop Curry compared that situation to the outcome of the *Brown v. Board of Education*, a case in which a group sought exclusion when inclusion was introduced.

Mr. Holland questioned whether the NAACP had taken a position on whether or not the Supervisor of Elections should be an elected versus an appointed positions.

Bishop Curry noted that the NAACP has not taken a position on that issue; however, he would support such a proposal provided it was fair and provided an opportunity for a competent African-American to be elected.

Responding to Mayor Ferre's question whether the NAACP felt that at-large members should reside within the district in order to be elected, and whether the top two candidates should compete in a County-wide election to ensure equal representation, Bishop Curry noted that the NAACP was open for suggestion.

Commissioner Gimenez questioned whether the NAACP would consider a provision that ensured equal representation from a regional perspective.

Bishop Curry noted that he did not see the need to elect an at-large official to perform a task that could be performed by the existing County Commission

Commissioner Gimenez asked Bishop Curry to coordinate with the Task Force to establish a balance between the governance of a district versus the County.

Mr. De Grandy noted that a second proposal indicated that district elections occur in a primary election, and the top two candidates compete in a County-wide election. He questioned the outcome of an election with a minority-preferred candidate versus a majority-preferred candidate.

Bishop Curry noted that the outcome of an election of that magnitude would be based on ethnicity. He suggested that chances for an African-American or a Haitian-American to be elected to the County Commission were dismal, unless the public was capable of viewing candidate based on their qualifications and competency, as opposed to ethnicity.

Chairman Diaz asked Bishop Curry to submit for review by the Task Force, the NAACP's position (on a national and regional level) regarding proportional voting systems as a means to secure minority voting rights.

Chairman Diaz questioned whether the local Chapter of the NAACP took a position regarding the lack of Haitian-American representation on the County Commission or in single-member districts.

Bishop Curry noted that the NAACP would coordinate with the Task Force to ensure Haitian-American representation in the County Commission.

Chairman Diaz questioned Bishop Curry's opinion on campaign finance reform with respect to securing minority representation.

Bishop Curry said he would refrain from providing a response to Chairman Diaz' question at this time; however, he would consider it and provide a response later given the opportunity.

Chairman Diaz encouraged organizations seeking minority representation to remain active in this process. He invited Bishop Curry and the general public to attend the next Task Force meeting scheduled at 10:00 a.m. on August 29, 2007, at the Miami-Dade Main Public Library to discuss the BCC Composition.

Ms. Maria Roberts, 27700 S.W. 164th Avenue, appeared before the Task Force and presented the following requests:

- That the preliminary recommendations be written to be gender neutral;
- that the Supervision of Elections be an appointed position;
- that a neutral body be created to establish ethical standards for the County Commission; that the Commission on Ethics enforce the standards;
- that the single-members districts be redrawn to ensure Haitian-American representation on the County Commission; and
- that Issue 12 (Study of Zoning and Urban Development Boundary reform) be placed on the ballot for approval by the electorate

Responding to Commissioner Gimenez's suggestion that the Supervisor of Elections as an elected official would change depending on who appointed the individual, Ms. Roberts noted that her opinion would not change provided the appointments were based on technical competence.

Following further questioning by Mr. Holland and Mayor Ferre, Ms. Roberts noted that she favored a checks and balance system.

Mr. Phyllis Williams, 1391 N.W. 95th Street, an NAACP member, called in from the Joseph Caleb Center and spoke in support of Study Issue #8.

Chairman Diaz asked Mr. Williams to inform the Task Force members whether the NAACP had taken a position on that issue.

Mr. Jean Suffrant, 20121 N.W. 32nd Avenue, sent an E-mail requesting that the Task Force ensure that the Haitian-American community be represented on the County Commission.

Mr. Magdalino Rose Avola, 9431 S.W. 55th Street, appeared before the Task Force in support of the proposal to include representation from the Haitian-American community on the County Commission.

Chairman Diaz recognized Mr. Steven Cody and invited him to present his remarks.

Mr. Steven Cody noted that he was the Executive Director of the Citizens Charter Review Committee who advocated the use of single member districts in the Meek v. Dade County, which resulted in 13 single member districts. Mr. Cody noted that in order to win a voting rights case the County must prove:

- 1) That the minority group is large and compact enough to form a majority in a single member district;
- 2) demonstrate that the group is politically cohesive; and
demonstrate that the non-minority group votes as a block to prevent the election of the minority-preferred candidate.

Continuing, Mr. Cody noted that the following should be submitted for the Courts consideration:

- 1) A history of official discrimination that touches on the right of group members to register to vote.
- 2) The extent to which voting is racially polarized.
- 3) The extent to which the subdivision uses unusually large election districts or majority vote requirements.
- 4) Whether campaigns have been characterized by over or subtle racial appeals.
- 5) The extent to which group members have been elected to public office in the jurisdiction

Mr. Cody noted that changing the County Commission to include at-large districts or adopting a system that allowed the use of County-wide run-off elections would adversely impact the gains made by African-Americans in this County; and suggested that a new voting rights lawsuit could be filed whether those proposals were adopted.

Mr. Cody suggested that the Task Force consider making a recommendation to implement the initiative petition amendments with regards to a single subject requirement.

Responding to Mr. Vazquez's question regarding Mr. Cody's stance on the proportional voting proposal, Mr. Cody noted that he had problems with a proportional or cumulative voting system; that he was uncertain whether or not they could be adopted in the County. He stated that cumulative voting system could result in only one minority voice on the entire Commission, which would not be sufficient representation.

Following discussion regarding by Mr. Cody and Commissioner Gimenez regarding the impact on proposed Charter amendments on the voting rights act, Chairman Diaz questioned whether the proportional voting system was rejected by the court as being a violation of the voting rights

act, Mr. Cody noted that he was not aware of any legal proceedings the challenged the proportional voting system.

Chairman Diaz asked Mr. Cody to run the numbers with regard to cases where a proportional voting system was rejected, and to provide that information to the Task Force.

Mr. De Grandy questioned regarding the term “whitewashing” and its applicability to at large run-off elections.

Mr. Cody explained that “whitewashing” occurred when the outcome of an election between a minority-preferred candidate and a majority-preferred candidate favored that the white non-minority candidate to win. He stated that this was evident prior to *Meek v. Dade County*

Responding to Mr. Greenberg’s question regarding whether or not the cumulative or proportional voting system was legally permissible, Mr. Cody noted that the same voting patterns would exist regardless of the number of votes allowed per voter; that a violation of the voting rights act under a cumulative system could be proven whether or not patterns of racially polarized voting existed.

Mayor David Dermer, City of Miami Beach, questioned how fair and equal representation could be maintained despite the decrease in the African-American population.

Mr. Cody noted that nothing could be done to alleviate the demographic changes; however, criteria could be used to redraw districts legally to evaluate a segment of the population’s ability to participate in the political process. He noted strides in civil rights for minorities were made through initiative petitions. He maintained that the public would be better informed through initiative petitions.

Ms. Marva Lightbourne, 5561 N.W. 7th Court, phoned in from the Joseph Caleb Center and noted that the Commission should have challenged the strong mayor form of government. She said the public was unaware of the implications of this proposal when they voted.

Mr. Smith, speaking on behalf of Dr. Rudy Morse, expressed Mr. Morse’s support of the proposal to include representation from the Haitian-American community on the County Commission.

Following Mr. Smith’s comments, the following persons appeared before the Task Force in support of the proposal to include representation from the Haitian-American community on the County Commission:

Ms. Marlene Bastiene, appeared before the Task Force and, noted that Ms. Moslema Louis ACLU would present an official position indicating their support of this proposal.

Responding to Chairman Diaz's question regarding geographical information in Dade County, Mr. La Fortune noted that in 2002 the Haitian American Coalition presented a plan, which outlined geographical boundaries based on the 15-member district plan, which was rejected by the County Commission. He said a report entitled "The Haitian Community in Miami-Dade" was submitted to Task Force members.

Mayor Dermer questioned whether the coalition considered the implications of drawing lines in the districts with regards to representation.

Ms. Gypsy Metulis (phonetic) noted that principles and approaches considered by the Coalition included: protection for the current districts, small districts that provide for the Haitian-American community representation and possible incumbent districts. She said the Coalition was willing to work with anyone with the political experts to guide them in this process.

Mr. Charles Cutler, 706 N.W. 4th Avenue, phoned in from the Joseph Caleb Center and expressed the following:

- That the Strong Mayor question be placed on the ballot for reconsideration;
- that the voting system be reformed;
- that Issue 1 (Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected) be placed on the ballot; and
- that the grievances of the African-American community be considered.

Chairman Diaz noted that this Task Force was committed to diverse and representative government; that the residents of this community must work together to ensure a more representative, efficient, and responsive government.

Ms. Bastiene noted that two members of the Haitian Lawyers Association would prepare a written proposed for consideration by the Task Force.

Chairman Diaz noted that Haitian-American community has been very active in these public hearings; and asked that they spread the word throughout the community regarding the importance of this Charter Review process and the significance of the its findings and recommendations. He noted that the Task Force may need additional time to ensure that sensitive issues were addressed.

Mr. Smith encouraged members of the Haitian-American community to do their part to ensure that a plan was developed and submitted to the Task Force that addressed their concerns.

Mr. Stephen Forrester, Mr. Jean La Fortune, and Mr. Ernest Fernoir appeared before the Task Force and spoke in support of Haitian-American representation on the County Commission.

Mr. Anthony Cutler phoned in from the Joseph Caleb Center and commented on the following issues:

- the African-American economy versus other economies in the County.
- the lack of consideration given to legitimate concerns from the African-American community.

Pastor Eddie Gervais, 100 N.W. 198th Street, appeared before the Task Force and spoke in support of Haitian-American representation on the County Commission. He commented on the racial demographics versus their representation.

Mr. Brady Mohamad, 2258 N.W. 63rd Street, phoned in and suggested that the County Commission be expanded to ensure geographical and racial representation.

Mr. Alan Ringerman, 17910 N.W. 84th Avenue, appeared before the Task Force and expressed the following:

- the recommendations with regards to Study Issues 2 and 3; that the commissioner be full-time and prohibited from lobbying for five years following the end of their tenure as commissioner;
- that lobbyists salaries be disclosed an accessible to the public.

Mr. Jude Al Seguir phoned in and spoke in support of Haitian-American representation on the County Commission. He asked that membership of the Commission include at least two Haitian-American representatives.

Ms. Renita Holmes, 6118 N.W. 7th Avenue, phoned in from the Joseph Caleb Center and expressed that civic investment needed assessment and evaluation with regards to culturally proficient outreach and education. She opposed the utilization of the 4-day rule, and the Study of Zoning and Urban Boundary Development reform. She suggested that Issue 2 (Study of Compensation –Mayor and Board of County Commissioners) be based on performance. She asked that the Haitian-American community be represented on the County Commission. She spoke in support of the Study of Procurement Reform, the Study of Lobbying Reform, and the Study of Ethics Regulations. She so

Ms. Cathy Bird, 1522 N.E 110th Terrace, phoned in and spoke in support of Haitian-American representation in the County Commission, the Study of Compensation-Mayor and Board of County Commissioners, and the Study of Term Limits-BCC or other elected officials. She opposed the at-large seats proposal. She also expressed support of the Study of Procurement Reform.

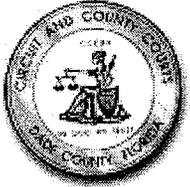
Seeing no other persons wishing to appear before the Task Force, Chairman Diaz closed the public hearing. He provided the dates of forthcoming workshops and public hearings scheduled throughout the County as well as the email address and Website for the public to submitted questions, comments and concerns.

There being no further business to come before the Task Force, the Charter Review Task Force Workshop was adjourned at 9:39 p.m.

Victor M. Diaz, Chairman
Charter Review Task Force



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**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force
Workshop and Public Hearing**

Board of County Commissioners
Stephen P. Clark Government Center
111 NW 1st Street
Miami, Florida 33128

Thursday, August 30, 2007
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Madry Sullivan, Director
Clerk of the Board Division

Jovel Shaw, Commission Reporter
(305) 375-1289



CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW WORKSHOP & PUBLIC HEARING
AUGUST 30, 2007

The Charter Review Task Force (CRTF) convened in a workshop and public hearing on August 30, 2007, in the Stephen P. Clark Government Center, Commission Chambers, located on the Second Floor, 111 N.W. 1st Street, Miami-Dade County, Florida. The following Task Force members were present: Mayor David Dermer; Mr. Maurice Ferre, former Mayor of the City of Miami; Mr. Robert A. Ginsburg; Mr. Murray Greenberg; Mr. Larry Handfield; Ms. Elizabeth Hernandez; Mr. Robert Holland; Mr. Francois Illas; and Mr. Richard Kuper; (Ms. Lynn Dannheiser; Mr. Miguel De Grandy; Mr. Carlos Diaz-Padron, former Mayor of the City of West Miami; Mayor Shirley Gibson; Commissioner Carlos Gimenez; Mr. John Hogan; Mr. Raul L. Martinez, former Mayor of the City of Hialeah; Mr. H. T. Smith; Ms. Yvonne Soler-McKinley, Commissioner Souto; Mr. Ignacio Vazquez; and Chairman Victor M. Diaz, Jr. were absent).

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 Jovel Shaw.

In the absence of Chairman Diaz, Mr. Ferre called the meeting to order at 6:06 p.m. and chaired tonight's public hearing. He introduced himself and welcomed audience members to tonight's (8/30) public hearing. Mr. Ferre noted this was the final public hearing being held to solicit public input on proposed changes to the Miami-Dade County Charter. He noted tonight's public hearing was live via the County's Web casting, www.miamidade.gov/webcast. In addition, Mr. Ferre advised live audiences were watching tonight's proceedings, via remote technology at two locations, from the Miami Beach City Hall and Hialeah City Hall. He noted that three speakers were registered to speak at this time; therefore, he would be lenient and allow more time for them to express their input.

Mr. Ferre noted that the Miami-Dade Home Rule Charter was adopted in 1957; and explained the Charter Review process required that the Miami-Dade Board of County Commission (BCC) to review the Charter every five years, and determine whether revisions were required. Mr. Ferre noted on April 24, 2007, per the BCC's instructions, the Miami-Dade County Charter Review Task Force was created to review the County's Home Rule Charter; and submit recommendations to the BCC, setting forth any proposed amendments to the Charter. He pointed out this Charter Review Task Force consists of 21 appointed members.

Mr. Ferre noted the Task Force would study the final report of the Charter Review Task Force dated July 10, 2001; and members of the community were encouraged to submit recommendations and comments.

Mr. Ferre noted that previous Task Force meetings and public hearing workshops were held; and reiterated that residents may provide public comments in person, remotely from the above-mentioned locations, telephone at (305)375-2055/2059 or email via charter@miamidade.gov.

Mr. Ferre requested the audience's input and suggestions on the following issues for study adopted by the Charter Review Task Force on August 1, 2007:

- (1) Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected;
- (2) Study of Compensation for the Mayor and Board of County Commissioners (BCC);
- (3) Study of Term limits for BCC or other elected officials;
- (4) Study of BCC Composition;
- (5) Study Initiative, Referendum, Petition and Recalls;
- (6) Study of Balance of Power between the Mayor and BCC (review of functions of Mayor vs. County Manager and powers of Commission Auditor);
- (7) Study of Procurement Reform;
- (8) Study of Lobbying Reform;
- (9) Study of Ethics Regulations;
- (10) Study of Municipalities and Unincorporated Municipal Service Area (UMSA) (creating/abolishing municipalities, separation of powers or responsibilities between the County and municipalities, and annexation/incorporation in an effort to eliminate UMSA);
- (11) Study of Public Records; and
- (12) Study of Zoning and Urban Development Boundary (UDB) reform.

Mr. Ferre noted that on August 15, 2007, the Task Force, by a preliminary vote, approved a motion relating to Issues 2 and 3 for public comment and input. He stressed that this was a work in progress and prior to making final recommendations, this Task Force would revisit these issues for a final vote, and include them in the final report. The motion regarded the following issues:

- (1) Commissioners would receive a population-based salary provided by Florida's statutory formula (approximately \$89,000);
- (2) Commissioners' terms in office shall be limited to two, four-year terms;
- (3) Commissioners would be prohibited from having outside employment; and
- (4) Any commissioner 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.

Mr. Ferre noted that the following motions were made by a preliminary vote with regards to Issue No. 1:

- (1) that the Task Force recommend that the County Commission place a question on the ballot to allow voters to determine whether the selection process for the Tax Collector would remain an appointed position; and should the Charter Review Task Force recommend that any of the positions be elected, and determine the conditions, if any, to be placed on the ballot.
- (2) 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 simple majority vote of the County Commission; that the Public Safety Director be removed by the Mayor, subject to the consent of a simple majority vote of the County Commission; that once appointed, interference by the Mayor or the County Commission would be cause for termination.

Mr. Ferre asked that each Task Force member introduce themselves.

Mr. Ferre opened the meeting for public input and the following persons appeared before the Task Force:

Ms. Terri D'Amico, a Bay Harbor Islands resident, expressed concern regarding conflicts of interest with Bay Harbor Islands elected officials for transfer development rights (TDR); the buying and selling of air rights, and then relocating them to another location. She noted the Town Council of Bay Harbor Islands also served as the Planning Zoning Board and the Special Masters. Ms. D'Amico provided the Task Force with an overview of the Town Council process for consideration of its TDR ordinance; and noted this process raised an ethical concern/issue, and informed the Task Force of attempts to address those issues with the United States State Attorney's Office, the State of Florida Department of Community Affairs, and the Miami-Dade Commission on Ethics and Public Trust (CEPT). Ms. D'Amico asked who should Bay Harbor Island residents contact in order to address this concern; and urged the Task Force to assist them.

Mr. Ferre questioned Ms. D'Amico on specific recommendations she felt the Task Force should consider to address as part of this Charter review process.

Responding to Mr. Ferre's inquiry, Ms. D'Amico stated it was an ethical issue.

Mayor Dermer noted should the Ethics Commission acted on the complaint and questioned the response Ms. D'Amico received from the Ethics Commission.

Responding to Mayor Dermer's question, Ms. D'Amico noted the CEPT referred her to the State Attorney's Office, after deeming they could no longer investigate the issue; and the State Attorney's Office informed her that this issue was not within their jurisdiction.

Mayor Dermer stated there were two agencies empowered to conduct investigative activities. He questioned the technical reason for the decline by the agencies or whether they mentioned greater jurisdiction through the Charter was needed.

Ms. D'Amico stated neither agency elaborated on issues raised by Mayor Dermer regarding greater jurisdiction.

Mayor Dermer noted whether the reasoning for decline was due to the lack of power by the CEPT, then the Task Force could consider the issue.

Mr. Ferre asked Ms. D'Amico to provide, in writing or in e-mail, Assistant County Manager Susanne Torriente with a specific recommendation for consideration by the Task Force.

Ms. Alberta Gutierrez, a Bay Harbor Islands resident, spoke in connection with elected and public officials. She expressed concern regarding the procedures followed by the Town Council, and the need for oversight of elected officials.

Mr. Handfield stated as the Task Force members reviewed the Charter, they may consider providing clarification regarding the different roles of municipalities as they integrate with the County system. He stated that the State Attorney's Office had the jurisdiction to investigate illegal activities for municipalities or any other governmental entity; and stated residents must hold their elected officials responsible.

Ms. Gutierrez stressed the need for oversight from other entities.

Mr. Holland discussed the jurisdiction issue within municipalities in which the County had no jurisdiction; particularly, the municipal services including development. He noted the County would have jurisdiction over regional services for municipalities such as transportation, airport and in some municipalities solid waste. Mr. Holland noted that most municipalities had a Charter similar to the County. He informed Ms. Gutierrez that the Charter could only address expanding the CEPT powers for ethics issues.

Following Mr. Holland's comments, Ms. Gutierrez stated the County should provide oversight of each municipality within Miami-Dade County

Mr. Ginsburg noted Ms. Gutierrez and Ms. D'Amico alleged potential violations of the Conflict of Interest Code. He stated the County's Conflict of Interest Code of Ethics was applicable to all municipalities within Miami-Dade County. He stated the Commission on Ethics and Public Trust Executive Director should be informed of the issues raised by both speakers.

Ms. Gutierrez noted her efforts and stressed the need for the process to file complaints to be more transparent and easily accessible.

Ms. Frances Neuhut, a Bay Harbor Islands resident, noted Mr. Robert Meyers, Executive Director, Miami-Dade Commission on Ethics and Public Trust, appeared before the Town Council of Bay Harbor Islands to address the TDR ordinance; and he stated that elected Council members should avoid the appearance of impropriety in their actions. Ms. Neuhut urged the Task Force to address their concerns through the County's Ethic ordinances.

Mr. Greenberg indicated that the question was whether the County should expand the CEPT powers. Mr. Greenberg stated the CEPT felt as an entity, that they were not empowered to investigate certain matters as they would like. He noted not only the issue of giving the CEPT more power, but also additional staff to investigate and enforce, which cost money. Mr. Greenberg noted that everyone was well aware that the County was facing budget cuts; however, he suggested the Bay Harbor Islands resident follow-up with the suggestions offered by Mr. Ginsburg and Mayor Dermer.

Ms. Fran Bohnsack, President, Urban Environment League (UEL), expressed appreciation to the Task Force for its Charter review process. She spoke in support of the at-large district proposal, as opposed to the single-member districts. She also approved any modifications to the UDB. However, the UEL supports the authority of the County Commission to override the public vote in favor of moving the UDB line; but they could not override a negative vote by the public, nor transmit changes to the Department of Community Affairs against the public's wishes.

Discussion ensued between Mayor Dermer and Ms. Bohnsack regarding the recommendation offered by the UEL for consideration by the Task Force.

Mr. Greenberg noted Ms. Bohnsack was a member of the last Charter Review Commission.

Mr. Ferre announced that a telephone call had been received from a Miami-Dade County resident named Ms. Rochenel Marks, 11100 SW 197 Street, representing We Count.

Ms. Marks, via telephone, asked the Task Force to impose changes within the Charter to include Haitian-American representation on the County Commission.

Mr. Steven Forrester, asked the Task Force to consider issues pertaining to the Haitian-American community at a Task Force meeting.

Mr. Ferre noted the Task Force would take preliminary votes on recommendations. He stated that the final vote and action would be made at a future meeting. He indicated that it was very important for the Task Force to consider issues within the Haitian-American community during this Charter Review process. Mr. Ferre stated the Task Force would make a recommendation and the BCC would make the final decision. He also stated that the Haitian community should bring their concerns before the County Commission.

Mr. Ferre noted an email message from Mr. William G. Foot, 5970 NE 7 Avenue, Miami, Florida, who stated that all Charter Review Task Force meetings should be broadcasted. Mr. Ferre noted he would forward this message to the County Administration.

Mr. Santiago Leon presented a Microsoft PowerPoint presentation entitled, "Ranked Choice Voting for Multi-Winner Races" and highlighted the following slides outlined in the presentation: (1) Introduction: The Principle of Proportionality; (2) Geography; (3) How Choice Voting Works: The Basics; (4) How Choice Voting Works: Victory Threshold; (5) How the Numbers might work in Miami-Dade; (6) How choice voting works: counting 1st choices and determining winners; (7) How it works: a choice voting tabulation example; (8) Choice voting tabulation example; (9) Choice voting example: Summary; and (10) Counting surplus ballots. He concluded his presentation by discussing the lack of Haitian-American representation on the County Commission..

A discussion ensued between Mr. Holland and Mr. Leon regarding representation utilizing a Choice voting system..

Mr. Ferre noted the proportional voting system was a brilliant idea; however, he noted problems that already existed in Miami-Dade County with the current voting system. He noted African-Americans had a valid concern for proportional power in this community. Mr. Ferre stated if the County decided to utilize at-large voting for the BCC members, the National Association for Advancement of Colored People (NAACP) would support this voting system.

Mr. Ferre noted changing the BCC composition to reflect the Haitian community would result in other groups seeking the same preference.

Mr. Holland suggested the lines for the current BCC districts be redrawn.

Mr. Gary Johnson, 2320 NW 92 Street, spoke in support of Haitian-American representation on the County Commission..

Mr. Ferre expressed appreciation to the audience for their participation in tonight's hearing.

ADJOURNMENT

There being no further business to come before the Task Force, the meeting adjourned at 7:15 p.m.

Mr. Maurice Ferre, Acting Chairman
Charter Review Task Force