



*Delivering Excellence Every Day*

## **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

### **FINAL 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 (additional attachments and revised 2005 Tables for Case Study Nos. 2 & 3)
  - 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 (additional attachments)
  - C. Next Meeting - October 3, 2007, 10:00 am, Government Center, Conference Rooms 18-3 & 18-4
7. Adjournment

**Charter Review Task Force  
September 19, 2007**

**ADDENDUM  
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.

# MEMORANDUM

**To:** Victor M. Diaz, Jr., Chairperson  
Miami-Dade Charter Review Task Force

**From:** Sen. Javier D. Souto  
Miami Dade County Commissioner

**Date:** September 17, 2007

**Re:** Appointment of Jorge Luis Lopez to the CRTF

Because of time constraints due to the fact that I have been named to the Miami Dade County Budget Conference Committee, I am stepping down from the Charter Review Task Force and appointing Mr. Jorge Luis Lopez as my representative on it. Please convey my respect and salutations to all the members of the Task Force.

CC: Kay Sullivan, Director  
Miami Dade County Clerk of the Courts

Jorge Luis Lopez

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**A**

**Task Force Case Study No.2**  
 (Prepared at the request of Task Force)

**Miami-Dade County**  
**Population by Race and Hispanic Origin Proposed Six At-Large Districts**  
**2000**

Commissioner District	Total Population	White Non-Hispanic		Black Non-Hispanic		Hispanic		Other	
		Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
1	374,551	189,583	50.6%	28,907	7.7%	140,646	37.6%	15,415	4.1%
2	376,797	28,916	7.7%	262,633	69.7%	67,517	17.9%	17,731	4.7%
3	375,877	41,892	11.1%	27,987	7.4%	301,209	80.1%	4,789	1.3%
4	376,705	47,912	12.7%	29,193	7.7%	298,146	79.1%	1,454	0.4%
5	373,431	69,979	18.7%	9,995	2.7%	285,957	76.6%	7,500	2.0%
6	376,019	87,490	23.3%	74,425	19.8%	198,262	52.7%	15,842	4.2%
<b>Total</b>	<b>2,253,380</b>	<b>465,772</b>	<b>20.7%</b>	<b>433,140</b>	<b>19.2%</b>	<b>1,291,737</b>	<b>57.3%</b>	<b>62,731</b>	<b>2.8%</b>

Source: U.S. Census Bureau, Decennial Census 2000.  
 Miami-Dade County, Department of Planning and Zoning, Research Section 2007.

**Task Force Case Study No.2 -- REVISED\*\***  
 (Prepared at the request of Task Force)

**Miami-Dade County**  
**Population by Race and Hispanic Origin Proposed Six At-Large Districts**  
**2005**

Commission District	Total Population	White Non-Hispanic		Black Non-Hispanic		Hispanic		Other	
		Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
1	395,787	186,481	47.1%	32,933	8.3%	161,210	40.7%	15,163	3.8%
2	385,757	24,096	6.2%	270,333	70.1%	76,551	19.8%	14,776	3.8%
3	390,730	38,031	9.7%	27,670	7.1%	320,681	82.1%	4,348	1.1%
4	396,538	39,733	10.0%	29,325	7.4%	326,273	82.3%	1,206	0.3%
5	402,907	63,743	15.8%	10,356	2.6%	321,976	79.9%	6,832	1.7%
6	430,387	90,362	21.0%	82,394	19.1%	241,269	56.1%	16,362	3.8%
<b>Total</b>	<b>2,402,105</b>	<b>442,447</b>	<b>18.4%</b>	<b>453,012</b>	<b>18.9%</b>	<b>1,447,961</b>	<b>60.3%</b>	<b>58,685</b>	<b>2.4%</b>

Source: Miami-Dade County, Department of Planning and Zoning, Research Section, September 2007.

**\*\*NOTE:** This table has been revised from the one included in your agenda packages. This revised table is based on an improved methodology that better captures the spatial distribution of new housing units that have been built since 2000. This methodology yields a more accurate estimate for the 2005 population in each district for both configurations. While this causes the new population estimate for each district to vary from the previous method, the racial/ethnic composition in percentage terms is almost identical to the previous estimate.

**Task Force Case Study No. 3**  
 (Prepared at the request of Task Force)

**Miami-Dade County**  
**Population by Race and Hispanic Origin Proposed Five At-Large Districts**  
**2000**

Commissioner District	Total Population	White Non-Hispanic		Black Non-Hispanic		Hispanic		Other	
		Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
1	450,955	226,510	50.2%	25,858	5.7%	181,670	40.3%	16,917	3.8%
2	450,773	37,314	8.3%	295,264	65.5%	96,632	21.4%	21,563	4.8%
3	450,479	47,786	10.6%	12,126	2.7%	385,646	85.6%	4,921	1.1%
4	450,337	56,866	12.6%	20,609	4.6%	364,509	80.9%	8,353	1.9%
5	450,818	97,296	21.6%	73,283	16.3%	263,280	58.4%	16,959	3.8%
<b>Total</b>	<b>2,253,362</b>	<b>465,772</b>	<b>20.7%</b>	<b>427,140</b>	<b>19.0%</b>	<b>1,291,737</b>	<b>57.3%</b>	<b>68,713</b>	<b>3.0%</b>

Source: U.S. Census Bureau, Decennial Census 2000.

Miami-Dade County, Department of Planning and Zoning, Research Section 2007.

**Task Force Case Study No. 3 -- REVISED\*\***  
(Prepared at the request of Task Force)

**Miami-Dade County**  
**Population by Race and Hispanic Origin Proposed Five At-Large Districts**  
**2005**

Commission District	Total Population	White Non-Hispanic		Black Non-Hispanic		Hispanic		Other	
		Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total
1	481,105	226,885	47.2%	29,086	6.0%	208,189	43.3%	16,945	3.5%
2	460,232	311,139	6.8%	303,248	65.9%	107,851	23.4%	17,995	3.9%
3	463,817	42,042	9.1%	10,735	2.3%	406,741	87.7%	4,330	0.9%
4	491,116	49,171	10.0%	21,058	4.3%	413,665	84.2%	7,223	1.5%
5	505,834	97,202	19.2%	79,722	15.8%	311,967	61.7%	16,943	3.3%
<b>Total</b>	<b>2,402,105</b>	<b>446,439</b>	<b>18.6%</b>	<b>443,848</b>	<b>18.5%</b>	<b>1,448,384</b>	<b>60.3%</b>	<b>63,434</b>	<b>2.6%</b>

Source: Miami-Dade County, Department of Planning and Zoning, Research Section, September 2007.

**\*\*NOTE:** This table has been revised from the one included in your agenda packages. This revised table is based on an improved methodology that better captures the spatial distribution of new housing units that have been built since 2000. This methodology yields a more accurate estimate for the 2005 population in each district for both configurations. While this causes the new population estimate for each district to vary from the previous method, the racial/ethnic composition in percentage terms is almost identical to the previous estimate.

**TO: Victor Diaz Jr., Esq.**  
**Chair**  
**Charter Review Task Force 2007**

**DATE: September 14, 2007**

**FROM: Maurice A. Ferré**  
**Member**  
**Charter Review Task Force 2007**

**RE: Corrected Memorandum**

**ATTACHMENTS:**

- 1.) Corrected Memorandum,  
September 14, 2007.**
- 2.) Memorandum from Santiago  
Leon, September 14, 2007,  
4:53pm.**

I enclose a corrected version of my first proposal. I think this version is much improved.

I wish to thank Mr. Santiago (Sandy) Leon (telephone 305 439.4338) and Mr. Robert Richie for their assistance and clear thinking. I also include a memorandum, from Sandy Leon which further explains his logic.

Mr. Rob Richie is the Executive Director of FAIR VOTE Inc: Center for Voting and Democracy (telephone 301 270.4616) one of our nations prominent think tank organizations, reorganized experts, on voting procedures and methodology in the U.S.

The proposed plan would better safeguard the integrity of proportionality, ethnic/racial representation for all major groups in Miami-Dade, if we go to "at large" representation in the Board of County Commissioners.

I hope after study and consideration, there will be support for an "out of the box", balanced solution for our current local governance quagmire.

**TO: Victor Diaz Jr., Esq.**  
**Chair**  
**Charter Review Task Force 2007**

**DATE: September 14, 2007**

**FROM: Maurice A. Ferré**  
**Member**  
**Charter Review Task Force 2007**

**RE: Request for help on  
an "At Large" issue.**

I hope this letter finds you well, safely back in Miami after a great cruise in the Eastern Mediterranean.

I enclose a memorandum I would like distributed by tomorrow amongst the CRTF-2007 about my view on the need and methodology for some "At Large" representation at the BOCC of Miami-Dade County.

I have looked for the middle of the road on this important issue i.e. keeping the important district representation and softening the ethnic/racial negatives in the proposed "At Large" commission seats.

I have asked the CRTF staff and the MDC Legal Department's help for drafting a properly worded resolution to be presented at the next CRTF-2007 meeting when this issue is discussed.

Unfortunately I will be away from Miami on both September 18 and October 3 on Miami Dade County Expressway Authority (MDX) business. I will be here for the October 17 and the October 31 final meeting. I hope that some member of CRTF-2007 will present my resolution for discussion and hopefully a positive vote on this, or some variation on the "At Large" issue will take place. I will arrive in N.Y.C. by 11:15am, September 18. If someone does make a motion on an "At Large" system and it is seconded. I would like to call by telephone to explain why my proposed "hybrid" system makes sense.

Again my thanks.

Copy: Memorandum to Victor Diaz Jr., Esq. and CRTF-2007 "At Large representation on the MDC- Board of County Commissioners".

**TO: Victor Diaz Jr., Esq.**  
**Chair**  
**Charter Review Task Force 2007**

**DATE: September 14, 2007**

**RE: The need for "At Large"**  
**representation on the Miami-Dade**  
**County Board of County**  
**commissioners**

**FROM: Maurice A. Ferre**  
**Member**  
**Charter Review Task Force 2007**

I have previously sent to the CRTF-2007 my arguments for the need in Miami Dade County for "At Large" commissioners, like Jacksonville/Duval County and others. We are in need of a less parochial, less patronage-prone, less lobbyist-friendly system than we currently have with the existing 13 district commissioners.

I have listened carefully to the arguments ably presented by H.T. Smith, Esq., Robert Holland, Esq., and others in our dynamic African American community. Having been a plaintiff in the original Meek vs. MDC case in 1989, I have not changed my position on our unique need for district representation. My interest, then and now, is to find "Federalist Papers" balance in our local government with a strong elected executive and additional area-wide, more regional views at the legislative branch. Further, I believe the legislative branch should legislate and not be so involved in the administrative procedures of the executive branch of MDC. To that end, I propose the following changes in our Charter:

Expand the BOCC from 13 commissioners to 19. The 13 District commissioners would remain the same. The additional 6 "at large" commissioners would be elected in a hybrid electoral format.

- A.) MDC will be divided into six equal districts. The "at large" commissioner elected must have resided in his/her district for at least one year before being sworn into the office.
- B.) The six "at large" districts will be drawn to respect the ethnic/racial/regional, traditional characteristics of the district, in compliance with the Voting Rights Act.
- C.) Each of the six "at large" commissioners will be elected by the following procedure: In the first, district-level round, voters will be asked to first pick two among the first-rounds nominees. The voter next chooses a third choice, then a fourth, then a fifth. Any nominee who receives a number of first-choice votes equal to a majority of the total votes cast for the office will be elected. However, if there are not two nominees who enjoy majority support, then the second, third, fourth and fifth choice votes will be counted as necessary following "choice voting" rules until two of the nominees have received votes from a majority of the electors. Indicating additional candidates will not count against a voter's top choice candidates. They will only count if a top choice loses. The two winners in the district-level election

will be in an “at large” runoff in the general election, i.e. all electors in Miami Dade County will choose between two candidates for the position of “at large” commissioners from each of the six districts.

- D.) The “at large” commissioners will be elected for one four year term, staggered three, every two years. Beginning in the 2008 election cycle, by lot three will be elected for two years, three for four years. No “at large” commissioner can serve more than two, four year terms, except the first three, two year “at large” commissioners can run for an additional four year term, twice.
- E.) The “at large” commissioners will chair the six Standing Committees, where all legislative matters will be channeled through by the BOCC Chair. The BOCC Chair will be chosen by all 19 commissioners. The BOCC Chair will assign all Standing Committee chairs. No Standing Committee Chair will head any committee for more than four cumulative years. Should an “at large” commissioner chose or not be able to serve as Chair of one of the six Standing Committees, the BOCC Chair will appoint a District commissioner as Chair of a Standing Committee.
- F.) The yearly BOCC budget (currently at \$20 million/year) and the actual compensation package (insurance, automobile, representation expenses – currently close to \$50,000/year, per commissioner) will be fixed at the 2008 budget level for a period of five (5) years, (until 2013). Thereafter the BOCC will revert to the current practice of setting the yearly BOCC budget and expenses.

No plan is perfect. But this proposal will increase the possibility of “at large” commissioners better reflecting the diversity of our community and while at the same time holding a more regional global view of legislation. With the proposed methodology it is highly probable that one of the six “at large” commissioners would be African-American.

The Miami-Dade County Planning Department did a very preliminary and rough outline of six proposed “at large” districts. I do not agree with the proposed boundaries, but note that while there is a 30,000 person discrepancy between high and low districts (384,538 and 415,267), i.e. the median would be 400,000 people per “at large” district, it is easy to discern the pattern of regional and ethnic/racial balance. At anything less than 6 “at large” commissioners it would be impossible to better “ earmark” both a Non Hispanic Black and a Non Hispanic White seat for each group.

Also note that the Hispanic population in Miami-Dade County between 2000 and 2005, has risen from 57.3% to 60.4%, the White Non-Hispanic has gone down from 20.7% to 18.3% and the Black Non-Hispanic reduced from 19.2% to 18.9%. It is my understanding that the projections for 2010 continue these trends. Furthermore, the number of registered electors in MDC has passed 1,065,000. Nearly 55 % of the electors in MDC are now Hispanic. Thus, there is no longer a major discrepancy between population percentage and percentage of, registered voters for the Hispanic community of MDC.

**From:** Santiago Leon <sleon@accbrokers.com>  
**To:** maferre2002@aol.com  
**Subject:** Second revision  
**Date:** Fri, 14 Sep 2007 4:53 pm  
**Attachments:** DIAZ\_JR.,\_VICTOR\_09.13.07\_SECOND\_REVISION.DOC (30K),  
DIAZ\_JR.,\_VICTOR\_09.13.07\_SECOND\_REVISION\_SHOWING\_CHANGES\_FROM\_FIRST\_REVISION.DOC (31K)

I attach a second revision and a document showing changes from the first revision. The voting system outlined in the second revision is in use in Hendersonville, North Carolina. It will virtually guarantee that there will be two African American nominees from a majority African American district. That is because no one can be nominated who has not received votes from a majority of the voters. If the district is a majority African American district, and African American voters vote only for African Americans, both of the nominees will be African Americans. This will work better for this purpose than the two-vote system, since the African American vote could be split and a non- African American be nominated.

Rob will send us some more on this. This will have to do for the moment:

[http://www.hendersonvillenews.com/article/20070815/NEWS/708150324/1016/OPINION02/NEWS/Voting\\_change\\_beneficial](http://www.hendersonvillenews.com/article/20070815/NEWS/708150324/1016/OPINION02/NEWS/Voting_change_beneficial)  
Published Wednesday, August 15, 2007

## Voting change beneficial

The instant runoff experiment for Hendersonville city elections is a stroke of common sense that will save money and, we hope, increase voter interest.

Along with Cary, Hendersonville is test driving the instant runoff procedure for the fall City Council election. That means the county elections board, with the candidates' assent, has eliminated the wasteful and poorly attended primary.

Ten cities were eligible for the instant runoff pilot but Hendersonville was one of the few that drew enough candidates. Five people have signed up for two seats, including incumbents Barbara Volk and Jon Laughter. Under the old primary system, voters would have gone to the polls in October, eliminating one of the five.

Now, voters will be asked on Nov. 6 to first pick two among the five, as they always have. The voter next chooses a third choice, then a fourth, then a fifth. "Indicating additional candidates," the ballot instructions say, "will not count against your top choice candidates. They only count in a runoff if a top choice loses." Cost saving for the city is estimated to be \$10,000.

Elections director Beverly Cunningham is quick to say that the new way will require voter education. "Several other states and cities have it but we're kind of making history here in North Carolina," Cunningham says, "so we want to do it right."

If voters are a bit bewildered, we think the savings in campaign time and public money will make the pilot well worth the learning curve.

=====  
Santiago Leon, J.D.  
ACC Hall Insurance Brokers  
1101 Brickell Avenue Suite 1002-S  
Miami FL 33131  
Telephone 305-577-4270 - Fax 305-577-3502 -  
Cellular 305-439-4338  
Email [sleon@accbrokers.com](mailto:sleon@accbrokers.com)

-Independent brokerage of medical, dental, life, disability and long-term care insurance, self-funded plans, professional employer organization (PEO) services and commercial property and liability coverages-

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**B**

**Fernandez, Margarita (CMO)**

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**From:** Citizen\_Email  
**Sent:** Friday, September 14, 2007 1:47 PM  
**To:** Charter (CMO)  
**Subject:** Charter Review Task Force

**Charter Review Comment Form**

Name: **Natalie French**

Street Address: **750 N.E. 64th Street B-101**

City: **miami**

State: **FI**

Zip: **33138**

Comment: **I would like to comment on this issue: 1. Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected According to an article published yesterday on Miami Today (see below) I was quite dissapointed that nine members were absent during a very important vote. Also, no matter how much the municipalities lower their millage or cut their budgets, if the property appraiser continues increasing the values, there is no end in sight to what has been going on in South Florida. they cannot use the standard calculations anymore... family income needs to be taken into account. We are trying to cover the sun with one finger. Charter panel endorses status quo on offices By Wayne Tompkins The Supervisor of Elections and Property Appraiser should remain appointed offices in Miami-Dade County, but commissioners should be able to remove them with a two-thirds vote, the Charter Review Task Force decided last week in a preliminary recommendation. The vote came a week after the task force decided to keep the county's top law enforcement official and tax collector as appointed positions as well, leaving Miami-Dade as the only county not to directly elect the four offices. (...) However, with public emotions still running high over property assessments, the vote on the property appraiser failed only by a 6-6 tie, with nine of 21 members absent. The 12 members present decided to hold a revote on the issue at a future meeting when more members are present. The task force also recommended allowing the county commission to remove the sheriff, property appraiser and elections supervisor by a two-thirds majority, or nine votes. The tax collector would continue to serve at the pleasure of the mayor.**

09/17/2007

**Fernandez, Margarita (CMO)**

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**From:** Citizen\_Email  
**Sent:** Friday, September 14, 2007 3:46 PM  
**To:** Charter (CMO)  
**Subject:** Charter Review Task Force

**Charter Review Comment Form**

Name: **Maria Quinoa**

Street Address: **14480 SW 155 Street**

City: **Miami,**

State: **FL**

Zip: **33177**

Comment: **Item #3. Commissioners may have outside employments, as long that it does not have a conflict of interest with it county work.**

**Fernandez, Margarita (CMO)**

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**From:** Citizen\_Email  
**Sent:** Sunday, September 16, 2007 11:10 PM  
**To:** Charter (CMO)  
**Subject:** Charter Review Task Force

**Charter Review Comment Form**

Name: **Silvia M Valles**

Street Address: **2314 SW 59 Ave**

City: **Miami**

State: **FL**

Zip: **33**

Comment: **Is the public allowed to participate? That will give you "our" ideas and point of view.  
Thanks,**

**Fernandez, Margarita (CMO)**

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**From:** Citizen\_Email  
**Sent:** Monday, September 17, 2007 11:31 AM  
**To:** Charter (CMO)  
**Subject:** Charter Review Task Force

**Charter Review Comment Form**

Name: **nancy Lee**

Street Address: **20448 NE 34th Court**

City: **aventura**

State: **FL**

Zip: **33180**

Comment: **The last minutes on line are for Aug. 15th. Can you get minutes up any faster. The public needs to know what is happening.**

**Fernandez, Margarita (CMO)**

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**From:** Citizen\_Email  
**Sent:** Tuesday, September 18, 2007 7:09 AM  
**To:** Charter (CMO)  
**Subject:** Charter Review Task Force

**Charter Review Comment Form**

Name: **Jose Rodriguez**

Street Address: **14255 SW 38th Ter.**

City: **Miami**

State: **FL**

Zip: **33175**

Comment: **No for item# 1. The voters have repeatedly turned this item down. Stop wasting our time. Yes to the rest of the items.**

**Fernandez, Margarita (CMO)**

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**From:** Citizen\_Email  
**Sent:** Tuesday, September 18, 2007 9:31 AM  
**To:** Charter (CMO)  
**Subject:** Charter Review Task Force

**Charter Review Comment Form**

Name: **Enid W Demps**

Street Address: **11025 SW 223 Street**

City: **Goulds**

State: **FL**

Zip: **33170**

Comment: **Unincorporated areas should be given the opportunity to incorporate. And not become part of already incorporated areas. The Goulds Municipal Advisory Committee should be able to move forward with its' study area. The Goulds MAC negotiated in good faith and should not be held responsible because Redland chose not to negotiate in good faith. I have resided in Goulds for the past 48 years and DO NOT want to become a part of Cutler Bay. And the boundaries agreement between Goulds and Cutler Bay (Cutler Ridge at that time) should be adhered to. The agreement was negotiated in good faith with the Florida Conflict Resolution Consortium. Goulds has two Commissioners (Moss and Sorenson). And because part of Goulds is in District 8 does not mean it automatically becomes part of Cutler Bay.**

**Fernandez, Margarita (CMO)**

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**From:** Citizen\_Email  
**Sent:** Tuesday, September 18, 2007 9:35 AM  
**To:** Charter (CMO)  
**Subject:** Charter Review Task Force

**Charter Review Comment Form**

Name: **Enid W Demps**

Street Address: **11025 SW 223 Street**

City: **Goulds**

State: **FL**

Zip: **33170**

Comment: **The composition of the BCC should remain as is. With the distinct districts, all residents are given a say in our government. We should not revert to AT LARGE BCC seats. Taxation without representation is unfair.**