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Miami-Dade charter review task force holds public hearing on slew of proposed changes

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After last year's recall of Miami-Dade Mayor Carlos Alvarez, charter reform was all the rage.

Businessman Norman Braman called for it. Candidates campaigned on it. And county commissioners, fearing they might be activists' next target, made a half-hearted effort to implement some changes that, not surprisingly, were met with little public support.

Now, a year later, a group tasked with reviewing the county's charter wants voters to weigh through more than a dozen proposed changes, many of which could have a profound effect on how county government does business.

Yet the most contentious of the proposals are a couple that weren't even on the radar at this time last year — including a plan to create new cities or grow existing ones without any input from commissioners who represent Miami-Dade's unincorporated neighborhoods.

Also under consideration are proposals that would require petitioners to specify reasons for recalling an elected county official, another attempt at raising commissioners' salaries, and a plan that would set a permanent governance structure for the Jackson Health System.

"Everyone's frustrated," said state Sen. Rene Garcia, a Hialeah Republican and the task force's chairman. "They're frustrated with the county commission not wanting to move forward with new items."

The charter review task force will hear from the public one last time at a 6 p.m. hearing Wednesday before voting on final recommendations next week.

Commissioners called for the task force in March after months of stalling over how to tackle charter reform, which gained political traction after last year's recall of Alvarez and Commissioner Natacha Seijas. The commission created the new group instead of adopting proposals that a charter review group put forth in 2008 that would have largely limited the commission's power.

Some of the new task force's proposals are directly linked to the recall. Consider:

- Setting a line of succession of sorts for mayoral vacancies by temporarily vesting some mayoral powers in the commission chairperson (or, in that person's absence, the vice

chairperson, followed by the clerk of the courts), with one condition: the person vested with the powers would not be allowed to run for mayor in the subsequent election. That election, if called, would take place in 90 days instead of the current 45;

- Eliminating the notarization requirement that Braman and other activists have criticized as onerous and expensive for petition-initiated ballot questions;
- Requiring petitions to list a reason for recalling an official — a provision in state law not currently required by the county. Some reform proponents have already opposed that suggestion.

“For many decades, the people of Dade County have had a right to remove their elected officials without the necessity of stating a reason,” said Miami Lakes Mayor Michael Pizzi, a lawyer and recall activist. “By adding a ‘for-cause’ standard, they are radically taking away a right that the people of this county just exercised in overwhelming numbers.”

When commissioners created the new task force, they agreed to place any proposed charter amendments directly before voters in the November general election if two thirds of the task force backed the measures. Commissioners would have discretion over whether any remaining proposals go on the ballot.

The 20-member task force, which has rarely had enough members present at a meeting to reach the two-thirds threshold, has yet to take a final vote on its proposals — or even an initial vote on a late batch of ideas, including two relating to the governance of cash-strapped Jackson.

One proposal would create a seven-member trust with sole responsibility to set the public health system’s budget. The county commission now has the final say over the budget. Though commissioners would appoint the inaugural board, trust members would appoint their own replacements, keeping commission politics out of the process.

Another proposal would create a board of seven to nine members, with at least one physician, with commissioners still having a vote over Jackson’s budget — much like the existing but temporary Jackson financial recovery board. The task force has yet to vote on other proposals, including prohibiting outside employment for commissioners and giving oversight responsibilities to the clerk of the courts any time the mayor has a conflict of interest in a procurement bid.

The group will take up the pending measures at a meeting Wednesday an hour before the public hearing.

The group has already given tentative approval to a dozen additional charter amendments, with some drawing more controversy than others.

The closest vote — 7-5 — came in favor of restricting the mayor’s power so that he is unable to veto commission decisions resolving collective bargaining impasses. Earlier this year, Mayor Carlos Gimenez vetoed commissioners when they shot down his plan to impose an additional concession on unionized employees. Without enough votes to override the veto, commissioners ultimately approved a compromise concession.

Two of the county’s largest unions, the Police Benevolent Association and the Government

Supervisors Association of Florida OPEIU Local 100, which represents professional employees and supervisors, urged the task force to take away the mayor's veto power in the future because the mayor, like the unions, is a party to the impasse.

The proposal was put forth by former Coral Gables Mayor Don Slesnick, a task force member and labor lawyer who represented the GSAF union during the impasse.

No proposal, however, has attracted more attention than the one to sidestep commissioners to create new cities.

Former Miami-Dade School Board member Evelyn Greer, a task force member and incorporation proponent, drafted the plan to bring new cities to a vote after citizens collect enough petitions to do so — without commission approval, as required now.

She said she pushed her proposal because commissioners have been reluctant to allow cityhood efforts to move forward. Earlier this year, commissioners lifted a nearly five-year ban on the creation of new cities.

When commissioners put the breaks on incorporation, "they failed us," said task force member Joe Arriola, a former Miami city manager who agreed with Greer's proposal.

But others on the board and several residents, particularly from the unincorporated neighborhood of the Falls, questioned leaving commissioners out of the decision.

"There has to be a referee at some point," task force member Terry Murphy, a former Seijas aide, said at a recent meeting. "The governing body still has to play a role in this."

Among the task force's other proposals:

- Raising commissioners' salaries beginning in 2016 to the county's median income — currently about \$43,605, according to the U.S. Census — from \$6,000, even though task-force members admitted the idea is unlikely to pass muster with voters, who have rejected similar hikes 13 times in five decades;
- Imposing two, four-year term limits for commissioners, though the measure is redundant. Commissioners have already agreed to place that question on the November ballot;
- Requiring two thirds of the commission to sign off on expanding the Urban Development Boundary that limits growth on the county's southern and western fringes. That requirement is already set by ordinance; the previous task force, and Mayor Gimenez, had endorsed setting a three-fourths majority in the charter;
- Requiring the mayor to transfer the functions of the "sheriff" — the head of the county's law enforcement — to the police department director. Under the existing charter, the mayor does, but is not obligated to, delegate those powers to the police director, meaning the mayor could keep those powers for himself.

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