

Vivant Skin Care has moved to Miami Lakes and started serving the direct-to-retail market, the company said this week. The transition from a locale in Medley allows the family-owned company to integrate its corporate office, developmental laboratory, warehouse, fulfillment services and an education center. "We are proud and excited to have joined the Miami Lakes business community," CEO **Kelly Kendrick** said in a statement. "The timing was just right for us to expand our wholesale ca beautiful new center to better new facility at 5753 NW 158th St.



Photo by Marlene Quaroni

Saif Ishoof

Leads young volunteers aiming to alter students' lives

The profile is on Page 4

Miami Today
Week of June 28, 2012

Final county charter step: guarantee public vote

By LOU ORTIZ

The Miami-Dade County Home Rule Charter should be reviewed every eight years and revision recommendations should go directly to residents for an up or down vote, bypassing the county commission.

That was one of the final amendment recommendations made by the Charter Review Task Force on Tuesday, when the committee met at County Hall to wrap up last-minute business.

The amendment calls for the regular eight-year review to begin June 1, 2013, and any recommendation that garners a two-thirds vote among the 20-member task force would automatically go on the ballot. Currently, the commission must approve any amendment recommendations regardless of the task force vote.

Under the Home Rule Charter, which was adopted in 1957 and allows voters to determine their form of government, the commission must appoint a task force to review the charter every five years to decide whether changes or revisions are necessary.

■ **Jackson Health oversight plan dies fast, pg. 10**

■ **Charter team targets interest conflicts, pg. 11**

The commission formed the current team in March, and it has until July 17 to present amendment recommendations to the commission.

The previous task force also tried but failed in 2008 to get the commission to place charter recommendations on the ballot if the amendments won a two-thirds task force vote. But the current team voted 12-0 to try again.

"The people deserve it," said task force member Victor M. Diaz Jr., who chaired the previous task force. "This county badly needs reform."

The recommendation wouldn't prevent the commission from appointing charter review committees in between the eight-year intervals. But, if the amendment passes muster in the commission and voters approve, the charter would still require an automatic review by a committee every eight years.

"It's more important that we have a process that we can plan around," said committee member Lawrence Percival, who presented the amendment recommendation.

In other business, the task force denied a

request by Clerk of Courts Harvey Ruvin to remove his office from an amendment that would include the clerk as third in line in temporary succession in the event of a mayoral vacancy.

The committee also declined Mr. Ruvin's request to remove his office from a proposal that would require the clerk to make the final recommendation in a procurement contract if the mayor declared a conflict of interest; and the committee said no to reconsidering a recommendation that would require the clerk to certify signatures in an incorporation petition.

Mr. Ruvin told the committee that mayoral succession and procurement would interfere with the neutrality of his office and that certifying signatures is the job of the supervisor of elections.

Meanwhile, the task force reconsidered its vote from June 20 and rejected a proposal that would make the Jackson Health System Financial Recovery Board a permanent fixture in the charter.

Finally, the task force designated chairman Rene Garcia as its official spokesperson until its recommendations are presented to the commission July 17.

he said, the public boat ramps would stay and parking would serve both facilities.

Jungle Island would ideally build a hotel and parking to add revenue, he said.

The future of the yacht club and ramps, as well as that of nearby Japanese Garden and Jungle Island itself, are all pieces of a puzzle due before Miami commissioners today (6/28).

Boat owner Mike Powers says Jungle Island's expansion plan could affect use of the public boat ramps.

"The documents show that they plan on providing restaurants along the water," said Mr. Powers.

He cited a lack of public feedback and said more community views and talks with the boating industry, Jet Ski clubs and fishing clubs are vital before the plan advances.

In 1997, the yacht club signed a 20-year lease with the city, with two five-year options for extensions.

The 85-year-old yacht club, on Watson Island since the mid-1940s, is open to negotiations but concerned for its future, said Commodore Donita Leavitt. "It is our fondest desire to stay there, but we are listening and open to possibilities."

■ **Many yacht club site links, pg. 3**

■ **Japanese Garden may go, pg. 19**

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Healthy plan for hospital oversight quickly presumed dead

BY LOU ORTIZ

What a difference one meeting makes.

The apparent enthusiasm of the Charter Review Task Force to fashion a proposed amendment to etch a permanent oversight board in the Miami-Dade County charter for Jackson Health System went from good condition June 6 to presumed dead two weeks later.

The task force voted June 20 to create a seven-member board — similar to the Financial Recovery Board now in place — by 12-4 vote. But not only did the committee fail to garner the required two-thirds vote so the county commission would consider the amendment, seven members reserved the right to change their “yea” votes to “no” at the final meeting Tuesday.

On June 6, most committee members seemed prepared to back an amendment that would prohibit what was termed “political meddling” after hearing testimony from recovery board Chairman Marcos Lapciuc and Frank Sacco, president and CEO of Broward County’s Memorial Healthcare System.

Both men encouraged the task force to make the recovery-style board permanent. Martha Baker, president of the union representing doctors, nurses and other healthcare professionals at Jackson, spoke against



Marcos Lapciuc backed Jackson recovery board in county charter.

making it a charter issue.

On June 20, the committee seemed to worry about whether a charter amendment with its provisions, if the county commission and voters both approved, would conflict with county ordinances and federal and state laws governing Jackson.

The county commission formed the 20-member charter task force to review the county’s Home Rule Charter and proposing amendments.

Task Force Chairman Rene Garcia proposed an amendment that would limit the recovery board to seven members, would have oversight of the day-to-day operations, and would include a licensed healthcare practitioner. The county commission, which would act as a check on the oversight board, would appoint the members of the board and maintain control of Jackson’s budget.



File photo by Marlene Quaroni

“The proposal does not privatize Jackson,” said Chair Rene Garcia.

“The proposal does not privatize Jackson,” Mr. Garcia said, contrary to rumors among attendees at the meeting in County Hall, where a flyer was circulated that said: “Our Jackson Health System Keep Jackson Public!”

Task force member Joe Arriola, who is also a recovery board member, urged the committee to approve Mr. Garcia’s proposed amendment.

“We feel extremely comfortable with this,” Mr. Arriola said, adding that Jackson CEO Carlos Migoña also supported the measure. With the county in control of the budget, Mr. Arriola said, “We have a happy medium, but at the same time we are protected from politics.”

“There are protections for the

public,” he said. “And there are protections for us” the proposed board.

But task force member Terry Murphy disagreed with the proposed amendment. “I am curious about what is being fixed,” he said. “This is an illusion of independence. I don’t see what we’ve accomplished.”

Mr. Murphy said provisions in the health trust already maintain a wall of separation between the hospital and the hospital.

Assistant County Attorney Eugene Shy Jr. told the committee that the commission also controls the financing of hospital bonds and labor contracts. He said his legal analysis would include any inconsistencies or conflicts with current ordinances or laws the amendment would cause.



Joe Arriola said he felt “extremely comfortable” with charter entry.

“A rush to judgment may create more problems,” said committee member Pamela Perry.

But Mr. Garcia said he was comfortable with the proposal. “This isn’t something new,” he said.

Mr. Arriola agreed. “This [recovery board] is the first time that something has worked at Jackson.”

In May, Mr. Lapciuc told Miami Today that his board is working to ensure that Jackson breaks even this year despite monetary setbacks, which would signify an \$85 million turnaround. But cash on hand continued to be a concern.

According to Jackson’s latest financial report, while admissions have remained below budget, they appear to have improved.

The task force has until July 17 to present recommendations to county commissioners.

Changing Miami-Dade's 'constitution'

Charter task force wondering if commission will let voters decide

By LOU ORTIZ

Will the Miami-Dade County Commission act, and will voters eventually get to decide?

Those questions were on the minds of Miami-Dade County Charter Review Task Force members last week when they debated a handful of issues as they neared the end of their brief tenure.

"The previous committee had more time," Victor M. Diaz Jr., chairman of the 2008 task force who sits on the current committee, told members. Nonetheless, "This committee has done a magnificent job."

Under the Home Rule Charter, which was adopted in 1957 and allows voters to determine their form of government, the county commission is required to appoint a task force to review the charter every five years

to decide whether changes or revisions are necessary. If the county commission agrees with the task force recommendations, charter amendments are placed before voters as ballot questions for approval.

The commission formed the current 20-member task force in March, and it has until July 17 to present amendment recommendations to the commission.

But the committee didn't first meet until April 19 and its last session was slated for Tuesday of this week, giving the group just a little more than two months to conduct business. By comparison, the 2008 task force had 18 months to complete its deliberations.

Mr. Diaz said final "recommendations will not fall on deaf ears."

Commissioners have said they



"The previous committee had more time," said Victor M. Diaz Jr.

would consider amendment recommendations the task force passed by a two-thirds vote.

Before the June 20 meeting, 11 of 13 recommendations lacked the two-thirds (or 14-vote) majority. And most of those lacking the qualifying votes were big-issue proposed amendments such as requiring a two-thirds county commission vote to expand the Urban Development Boundary, giving residents more incorporations rights, easing petition rules for recalls and referendums, and requiring the mayor to transfer the duties of sheriff to a police director.

Mr. Diaz suggested the task force come up with some mechanism at its final meeting to achieve the commission threshold. The last task force submitted "18 recommendations and most had 14 votes," he said.

Assistant County Attorney

Oren Rosenthal told task force members that they could reopen the voting on each proposed charter recommendation but could add nothing new — by way of amendments. Otherwise, he said, a public hearing would be required after the vote.

Most committee members seemed receptive to reopening the votes. But Chairman Rene Garcia said: "Fourteen votes or not, it's still up to the county board."

Task force members were chosen by different entities. The county commission appointed 13, one by each commissioner. The mayor also made an appointment, along with each of the mayors of the four largest cities in the county: Miami, Hialeah, Miami Gardens and Miami Beach. The Miami-Dade League of Cities appointed two members.

Incorporation moratorium 'unconscionable,' says task force member

Incorporation moratorium 'unconscionable,' says task force member

By LOU ORTIZ

Disturbed by the lack of freedom and power of citizens in the annexation and incorporation process — along with a current moratorium — a Charter Review Task Force is proposing an amendment that would require the Miami-Dade County Commission to share its authority with residents.

"I am crazy about this issue," said task force committee member Hans Ottinot. "If you allow incorporation without the interference of the board of county commissioners, it will take place."

Mr. Ottinot and other committee members expressed concern over the commission's "cherry-picking" of communities to incorporate before the moratorium was passed in 2005, and the absence of the right of self-determination by residents.

Under the Home Rule Charter, which was adopted in 1957

'Just let the people vote.'
Evelyn Greer



and allows voters to determine their form of government, the county commission is required to appoint a task force to review the charter every five years to decide whether changes or revisions are necessary. If the commission agrees with task force recommendations, proposed charter amendments are placed before voters.

The current 20-member task force committee has until July 17 to present amendment recommendations.

Committee member Luis Gonzalez said the seven-year community incorporation moratorium, which ends this year, is "unconscionable and should not happen again. No entity, no government should prevent that [incorporation] from happening. This is something the people should decide."

The move against allowing unabated commission control over incorporation has been championed by Evelyn L. Greer, task force vice chair. Her un-

swerving and repeated call on the issue of incorporation has been: "Just let the people vote."

"If the people can elect the president of the United States, they can understand the incorporation of their neighborhood and vote it up or down," Ms. Greer wrote in a local opinion piece this month about the incorporation process.

Under the task force proposal, a resident petition drive with at least five electors would qualify the group to form an incorporation committee. Then the committee would have 120 days to gather support from 10% of registered voters in the area.

Once signatures were certified and the clerk of the courts approved the petition, the commission would prepare a budget analysis. But the amendment "ultimately allows the voters of those areas the ability to vote it up or down," according to the proposal, which the task force initially approved by an 11-2

vote.

"The only solution is if you have an incorporation process that allows people to move forward," committee member JC Bermudez said during the last meeting June 20. "Give residents the right to organize at the most basic grassroots level as possible."

Ms. Greer that day endorsed a modification to her amendment proposed by task force member Don Slesnick. It would allow the commission to reject a request for incorporation if the area lacked contiguous boundaries, would leave an unincorporated enclave within the boundaries of the area to be incorporated, or "is not amenable to separate municipal government, as provided by Florida statute and law," the modification said.

Mr. Slesnick's change is "reasonable and fair and makes sense," said Ms. Greer. The issue passed by a 15-1 vote.

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Commissioners could face tight employment, contracts conflict rule

By LOU ORTIZ

The Miami-Dade County Charter Review Task Force hopes to uproot any commissioner who violates conflict of interest rules involving contracts and employment, among other things.

"The greatest public concern is conflict of interest," said committee member JC Bermudez. "Open and transparent government is critical."

The proposed amendment, raised in the task force meeting June 6 but modified June 20, would bar commissioners from having a stake in companies doing business with the county and prohibit firms with family ties to commissioners from bidding on or receiving county contracts.

The proposal defines family as spouse, domestic partner, parents, stepparents, children, stepchildren,

and spouses of a child or stepchild.

"We should have a complete ban on outside employment," said committee member Victor M. Diaz Jr., who chaired the 2008 task force. "But this is a step in the right direction."

Under the Home Rule Charter, which was adopted in 1957 and allows voters to determine their form of government, the county commission is required to appoint a task force to review the charter every five years to decide whether charter changes or revisions are necessary. If the county commission agrees with the task force recommendations, charter amendments are placed before voters as ballot questions for approval.

The commission formed the current 20-member task force in March, and it has until July 17 to present its amendment recommendations to the

commission.

Under the proposal, commissioners could also lose their jobs for moving outside their districts, failing to attend meetings over a period of six months without good cause, engaging in consulting or being employed by a firm doing business with the county, or becoming a candidate for any federal, state or municipal office.

The county's inspector general would investigate complaints and make a determination, with the courts having the final say. If the commission and voters approve, the amendment would take effect in 2016.

Task force member Terry Murphy told the committee the language concerning family in the proposal was too broad.

"The number of entities that do business with the county is incred-

ible," he said. "The extent of this is extreme. We have a code of ethics. There's a conflict of interest section that governs conduct."

But Mr. Diaz said people who run for public office should not expect incentives if elected.

Mr. Murphy voted for the proposal, which passed 16-0, when the effective date was moved to the commission election of 2016.

Different entities chose the charter task force members. The county commission appointed 13, one by each commissioner. The mayor also made an appointment, along with each of the mayors of the county's four largest cities: Miami, Hialeah, Miami Gardens and Miami Beach. The Miami-Dade League of Cities appointed two members.

The task force held the last of six public hearings on Tuesday.

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