Decision day: Will charter change proposals reach the ballot?

By Lou Ortiz

Will Miami-Dade commissioners place charter amendment recommendations before voters?

Commissioners face that question as they prepare to debate Aug. 23 amendment recommendations from the Charter Review Task Force, which met from April to June.

The commission created the 20-member task force to review the county's charter by a 7-6 vote on March 8.

Under the Home Rule Charter adopted in 1957, the county electorate determines its form of government. Every five years, the commission is to decide whether the charter needs revisions or changes and then appoints a task force to make amendment recommendations. If the commission agrees with recommendations, charter amendments go before voters as ballot questions.

However, when commissioners created the task force this year, the resolution expressed the "commission's intent to forward any recommendation of the task force approved by two-thirds vote of its membership for placement on ballot of the next general election."

"It is my hope that the Board of County Commissioners will fulfill the intent of [the] resolution... and place the four recommendations approved by two-thirds of the membership of the task force on the Nov. 6, 2012, ballot for consideration by voters," State Sen. Rene Garcia (R-Hialeah), the chairman of the task force, wrote in a July 17 memorandum to the commission.

"Additionally, the task force approved 12 recommendations with a simple majority," he said. "It is also my hope that the board will carefully consider these recommendations for placement on the Nov. 6 ballot."

The recommendations that won a two-thirds margin include raising commission salaries to the median income in the county to coincide with the 2016 election; allowing the commission to fill a mayoral vacancy until an election is held; and prohibiting commissioners from holding or taking office, in part, if they are employed by an entity doing business with the county.

The fourth proposal would require a two-thirds vote before the commission could change municipal boundaries, and residents could initiate a petition process for incorporation.

But before Senator Garcia took the podium July 17, some commissioners criticized the task force for its members' chronic absentee rates and for questionable charter proposal amendments. Some also began to debate what the word "intent" actually meant in the March resolution.

The word "intent is the big deal here," said Commissioner Javier Souto. "We have to be very careful what we say and do. This a very serious process."

"We cannot say one thing one day and say another thing another day," he said. "I don't want to rush. On the other hand, we have to listen to the people and respect the things we have created. We need to respect process... that is the system of government in the USA."

There were also questions about the scant time the task force had to study recommendations.

After the task force was formed by resolution, it did not hold its first meeting until April 19 and finished up June 26. The group met 13 times and included five public hearings. Its report was due to the commission July 19. By contrast, the commission gave the 2008 charter task force 18 months to work.

"The time period given to the task force within which to accomplish its mission was unrealistically compressed, and, thus, towards the end of the deliberations a number of decisions were hastily made before the discussion had truly concluded," said task force member Don Slesnick in an opinion to commissioners included with Senator Garcia's memorandum.

But that was not Mr. Slesnick's only concern. "It is disappointing to me that so few persons gave input to the task force," he said. "This is, in part, due to the time constraints under which we operated; the congested nature of the urban landscape which discourages in-person participation... and a regrettable lack of interest in government."

"Thus, the commission should note that the 'input' received came from fewer than 150 people either in live testimony or by e-mail," Mr. Slesnick wrote. "Thus, it would be difficult for me to conclude that the task force took an accurate 'pulse' of a community numbering more than two and a half million residents."

Other task force recommendations included:

- A requirement for a two-thirds commission vote to move the Urban Development Boundary. The line was initially implied in 1975 in the county's first Comprehensive Development Master Plan and explicitly noted in the land use map in 1983. The line defines where development is allowed and where it can't go. The aim is to protect agricultural land, the Everglades and wetlands, among other things.

  Development is prohibited roughly west of Southwest 172nd Avenue and into Southwest 157th Avenue. The development border extends to Eureka Drive in Cutler Ridge south to Southwest 137th Avenue in Homestead.
- An increase from one year to three on a bar to repeal or amend an ordinance enacted via petition.
- A move to require the mayor to delegate policing authority to the police director on the second Tuesday after election.
- A shift of the intergovernmental affairs office from the commission to the mayor, whose duty is to carry out legislative policies.
- A limit of two consecutive four-year terms for commissioners, starting with the 2012 election.
- A process that would include the clerk of the courts in the county procurement process if the mayor signals a conflict of interest.
- A call for charter review by a task force every eight years, with recommendations approved by two-thirds majority placed on the ballot, bypassing the commission.

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

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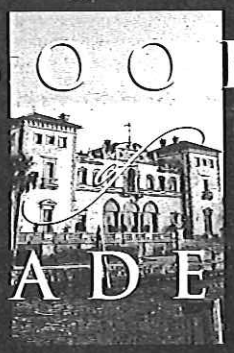

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