



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners
Stephen P. Clark Government Center
111 NW 1st Street, 2nd Floor
Miami, Florida 33128

Tuesday, August 14, 2007
As Advertised

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FINAL OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE WORKSHOP & PUBLIC HEARING
August 14, 2007

The Charter Review Task Force convened in a meeting on August 14, 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, Mayor David Dermer, Mr. Maurice A. Ferre, Mayor Shirley Gibson, Commissioner Carlos A. Gimenez, Mr. Robert A. Ginsburg, Mr. John Hogan, Mr. Murray Greenberg, Mr. Robert Holland, Mr. Richard Kuper, Mr. Raul L. Martinez, Mr. H. T. Smith, Ms. Yvonne Soler-McKinley, and Mr. Ignacio Vasquez; (Ms. Lynn Dannheiser, Mr. Carlos Diaz-Padron, Mr. Larry Handfield, Ms. Elizabeth Hernandez, Mr. Francois Illas, and Commissioner Javier D. Souto were absent).

Staff members present were Assistant County Manager Susanne Torriente, Assistant to the County Manager Margaret Fernandez, and Deputy Clerks Diane Collins and Mary Smith-York.

1. CALL TO ORDER

Chairman Diaz called the meeting to order at 6:00 p.m. and welcomed those members of the community present in the Chambers and the viewing audience. He invited those watching this broadcast on television to call in their comments and/or questions with respect to the issues to be discussed today. 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. Chairman Diaz informed attendees that the subject for discussion was how to make the operations of County government more efficient, more representative of the residents of Miami-Dade County; and tax dollars more efficiently spent.

Following individual Task Force members introducing themselves, and further comments by Chairman Diaz regarding the selection process of the Task Force members, Chairman Diaz provided a brief overview of the format for tonight's public hearing, advising that he would call registered speakers by name to come forward and present their comments/questions. He noted several distinguished members of the community received special invitations from Task Force members to address specific issues. Chairman Diaz then recognized Commissioner Tomas Regalado, City of Miami (District 4), and invited him to present his remarks.

City of Miami Commissioner Tomas Regalado noted he would address the issue of election of the County Property Appraiser. He stated that the two largest cities of Miami-Dade County (Miami and Hialeah) had posed the non-binding ballot question regarding the election of the property appraiser and more than 70% of the votes were in favor of electing the property appraiser. He pointed out that Miami-Dade County was the only county in the State of Florida that did not elect its property appraiser.

Commissioner Regalado emphasized the need for Miami-Dade County to have an independent property appraiser who would be accountable to the residents of this community. He acknowledged that the property appraiser's functions were governed by the State Statutes, which

were flexible. He further noted the State Statutes allowed appraisals to be assessed based on income, which was the method used by Broward County's Property Appraiser, Lori Parrish. Commissioner Regalado informed that the Property Appraiser was sending the TRIM notices for commercial property, particularly apartment buildings that were 50-70% higher than last year. He urged the Task Force place the question of election of the Property Appraiser on the ballot this January 2008. Commissioner Regalado advised that in light of the recent failed promises of reduced homeowners' insurance rates and property taxes, people were losing faith in government. Therefore, he recommended having an independent property appraiser who would be accountable to the people and their needs.

Chairman Diaz expressed appreciation to Commissioner Regalado for his attendance today. He explained that the Task Force had preliminarily identified 12 areas of the Charter being considered for possible reform and provided a brief overview of each area. Chairman Diaz then recognized the Executive Director of the Commission on Ethics and Public Trust, Mr. Robert Meyers, as the next invited speaker.

Mr. Robert Meyers, Executive Director, Commission on Ethics and Public Trust (COE), advised that his presentation would address issues dealing with the size of the Ethics Commission and the authority of the COE to enforce the Citizens' Bill of Rights. Mr. Meyers distributed a report listing the major points of his discussion, which included the following:

- Although the Citizens' Bill of Rights specifically gave the COE the authority to review, interpret, render advisory opinions and enforce county and municipal codes of ethics ordinances, conflict of interest ordinance, lobbyist registration and reporting ordinances, ethical campaign practices ordinances and the Citizens' Bill of Rights, the COE lacked the authority to impose specific sanctions against violators of the Citizens' Bill of Rights.
- In order for the COE to gain the authority to enforce the Citizens' Bill of Rights, the Home Rule Charter would need to be amended to identify the penalties that the COE could impose.

Mr. Meyers provided the following recommendations should the Charter Review Task Force determine the principles that make up the Citizens' Bill of Rights ought to be enforced:

- The Task Force should create penalties for violations of the Citizens' Bill of Rights enabling the COE to enforce the law; and

The sixteen standards should be redrafted in an effort to narrow the provisions to enable the COE to apply those provisions to actions of local public officials.

Increase the membership on the COE for greater occupational diversity.

- Utilize hearing examiners in certain cases which would have a positive impact on the COE's workload.

Following Mr. Meyers' presentation, Chairman Diaz acknowledged a request from a member of the Task Force that questions for the speakers be permitted. He commented on the large amount of public interest evidenced by the number of phone calls on hold and emails received. Chairman Diaz then opened the floor to questions for Mr. Meyers and the following comments were made:

Mayor David Dermer, City of Miami Beach, requested information regarding the COE's budget; specifically whether Mr. Meyers felt that he was under any pressure from his current funding source (County Commission), as far as who and how he investigated; and whether he felt a more expansive funding source would improve his ability to conduct proper investigating—even when investigating the body that provided the funding.

In response, Mr. Meyers noted a dedicated source of revenue for the COE made sense, and an expanded source of revenue would provide some insulation from the body that funded it. Mr. Meyers pointed out that other than the Commission, only the Courts had authority hold the COE accountable for its actions. He noted the COE staff consisted of 16 employees with a \$2 million budget, which he explained was not sufficient given the agency's countywide responsibility. He further noted the COE had six investigators to handle approximately 350 requests for opinion annually, plus training and outreach services.

Mayor Raul Martinez, City of Hialeah, questioned who held the COE accountable, and suggested that based on the responsibilities of the COE and of the Commissioners, the Charter Review Task Force consider whether the Director of the Commission on Ethics and Public Trust should be an elected position.

In response, Mr. Meyers explained that the courts review the COE's actions, and people can appeal up to the Circuit Court if they felt a decision was wrong; the County Commission also delivered oversight as the funding source. Pertaining to the issue of electing the Ethics Commission, he noted no elected officials were involved in the employment process, and except for the Chief Judge or Circuit Judge, the courts had no involvement with the County Commission, which made this system work well. Mr. Meyers stated he did not support the concept of electing the Ethics Commission. He noted the idea of people "running" for this position would negate the notion of having experts in the field of ethics who could make the objective decision required by the COE and create the possibility for conflicts of interest.

Mayor Martinez questioned who appointed the Ethics Commission Director and why the creation of a Commission on Ethics and Public Trust was in the Charter.

Mr. Meyers responded that he felt the Ethics Commission was in the Charter to provide it some degree of independence and insulation from the political process. Mr. Meyers agreed with Mayor Martinez' comment that the Task Force should address the issue of funding for the COE in the Charter.

Chairman Diaz read into the record the following comment emailed by an unidentified writer:

- "Thank you for allowing the public to provide public comment by email. (Mayor) Raul Martinez brings up a good point. The Inspector General should be elected too."

After requesting Mr. Meyers to expand on the issue regarding use of hearing examiners, Mr. Miguel De Grandy asked whether Mr. Meyers had conveyed the aforementioned questions to the County Commission and whether some of the issues could be addressed via ordinance, rather than in the Charter.

In response, Mr. Meyers advised that the size of the COE could only be addressed by the Charter. In regards to hearing examiners, the County Commission was in the process of addressing this matter in an effort to reduce the current backlog in the COE. Mr. Meyers noted that a process by which recommendations could be made by a hearing examiner would allow for faster due process.

Mr. Robert Holland proposed the concept of bringing the COE under the auspices of the Office of the Inspector General (OIG) and having the OIG's position elected by the voters.

Mr. Meyers responded by stating the two bodies addressed two different areas and declined to speak on the OIG's behalf with respect to Mr. Holland's question. He acknowledged that the two entities occasionally overlapped, but noted there were more differences than similarities.

Chairman Diaz thanked Mr. Meyers for making his presentation today and for performing his job for the County. He acknowledged the arrival of former Miami Mayor and former County Commissioner, Mr. Maurice Ferre; Mr. H.T. Smith; County Commissioner Carlos Gimenez; Mr. Miguel De Grandy; and City of South Miami Manager, Ms. Yvonne Soler-McKinley before recognizing Mr. Chris Mazzella, the County's Inspector General, as the next invited speaker.

Mr. Christopher Mazzella, Inspector General, provided a brief historical review of the reason the Office of Inspector General, (OIG) was created. Mr. Mazzella explained that much of the OIG's budget was directed at corruption, such as criminality, bribery, etc. He noted that a great deal of the OIG's resources were devoted towards the non-traditional areas of corruption, eg mismanagement, abuse, and waste. Mr. Mazzella noted most Federal and State agencies, did not look at those issues, so the OIG and the COE were needed, as well as any other auditing agency within the framework of government that looked at those areas of corruption that cost taxpayers a lot of money. Mr. Mazzella further noted that by ordinance, the OIG operated as an independent autonomous agency with subpoena power and was designated by the FBI as a criminal justice agency. He stated the OIG operated with a contract between the County Commission and the Inspector General.

In response to Chairman Diaz' request for comments regarding areas the Task Force should address within the OIG, Mr. Mazzella directed attention to the issue of whether the OIG should be part of the Charter. He referenced a prior request by a former Charter Review Task Force to include the OIG in the Charter, pointing out that at that time the County Commission voted not to present that question to the voters. Mr. Mazzella stated he felt this was still a viable issue.

Regarding Chairman Diaz' inquiry as to whether the OIG should be separate from County government, Mr. Mazzella advised that he felt the County Commission should continue its maintenance over the OIG's funding and powers to ensure accountability. He noted although the

OIG's actions were reviewed by the courts, there should be a body that performed oversight of the actions of the Inspector General's office. Pertaining to Chairman Diaz' question regarding whether there were elected Inspector Generals in other major metropolitan areas, Mr. Mazzella stated he was unaware of any elected Inspector General in the United States. He acknowledged the County Commission's jurisdiction over the OIG's budget and power, but advised that the OIG did not report to that body regarding its investigations.

In response to Mr. H.T. Smith's inquiry regarding the process in place to evaluate the OIG's annual performance, Mr. Mazzella stated that he had a renewable four-year contract with the County. He advised that he would receive a cost of living increase and a meritorious pay increase of five percent on an annual basis. Mr. Mazzella pointed out that at any time during the course of his contract, the County Commission could convene a meeting and evaluate his performance, but confirmed that this had not occurred to date, other than during the budget process.

Following an emailed comment concerning exemption of disclosing phone numbers and email addresses in public records, discussion ensued regarding emailed comments being accompanied by the senders name and address. Chairman Diaz requested all email senders include their names and addresses along with their comments so it could be read into the record. He then read Mr. Jean Souffrant's email comment regarding Haitian American representation into the record.

Chairman Diaz requested that all speakers limit their comments to two minutes.

Mr. Warren Lovely, 15323 S.W. 74th Place, Palmetto Bay Steering Committee and Let's Incorporate Now Coalition (LINC), provided the following comments:

Issue 10: Study of Municipalities and Unincorporated Municipal Service Area (UMSA)

- the current incorporation and petition process was too difficult;
- the average County Commissioner was elected by less than 15% of the registered voters in their respective districts in the last two elections and would not have been elected using the 25% required for Incorporation;
- the concern for the creation of enclaves should be directed more towards annexations that permitted cities to "cherry-pick" areas, than municipal incorporations;

Issue 4: Study of BCC Composition

- opposed single member district commissioners, and supported a majority of the Commission being elected at-large; and
- if sufficient changes could not be made to put taxpayers in charge, the Home Rule Charter should be abolished.

In response to Mr. Richard Kuper's question regarding discussion of the issues presented today, Chairman Diaz announced that a Task Force meeting would be held tomorrow morning (8/15) at 10:00 a.m. on the 18th Floor of the Stephen P. Clark Center, in Conference Rooms 3 and 4. Chairman Diaz then invited a caller to present remarks.

Mr. McHenry Hamilton, 7860 S.W. 86th Street, via telephone, expressed his opinion that the Task Force was imbalanced as to its representation of the citizens of Unincorporated Municipal Service Area (UMSA). He stated over 50% of the County's population resided in the UMSA area, but observed that only a few members of the Task Force were from that area. Mr. Hamilton commented that no municipality within close proximity desired to annex East Kendall, and provided reasons supporting his opinion.

Ms. Beverly Gerald, 14271 S.W. 74th Court, LINC Chairwoman, advised that she would address Issue #10 (Study of Municipalities and UMSA). She stated the study of municipal incorporation should require that once a Municipal Advisory Committee (MAC) established a pro forma municipal budget that the Managers/Designees of two Miami-Dade cities had approved, an up or down vote would be held without delay. She further noted no additional moratorium on incorporation should be approved. Ms. Gerald acknowledged that annexation should be explored by existing cities, but not at the expense of areas already seeking incorporation. She spoke in opposition to the requirement to obtain signatures of 25% of registered voters to launch petitions and provided reasons why it was an insurmountable burden. Ms. Gerald suggested the County Commission reinstate the 10% signature requirement for petitions.

Mr. De Grandy asked whether Ms. Gerald thought the area outside the Urban Development Boundary (UDB) should be annexed, incorporated, or remain as UMSA; whether she was advocating for a total incorporation of the County; and if so, what would happen when people voted against incorporation.

Ms. Gerald responded by stating she supported the democratic process and when a vote failed it reflected the will of the people. She advised that she felt whether inside or outside the UDB, individuals should have the opportunity to consider whether or not they want to incorporate. She further noted that maintaining the County's control over those areas outside the UDB often deprived the residents from making decisions for themselves.

Mr. H.T. Smith inquired as to whether any empirical data had been developed comparing the petition standards in other metropolitan areas throughout the State of Florida to support Ms. Gerald's opinion that 25% of registered voters was too much.

Commissioner Gimenez advised that the standard petition signature requirement for changing government was 10% and the standard for a recall was 4%. He pointed out that the standard for becoming a municipality was two and a half times greater than the standard for changing the form of government.

Chairman Diaz read into the record the following email comment submitted by Ms. Janet Robinson, 2200 NW 120 Street:

