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## ***Charter Review Task Force Meeting***

Tuesday, November 20, 2007

10:00 am

Stephen P. Clark Government Center

111 NW 1st Street

Mayor's Conference Room – 29th Floor

Miami, Florida

### **AGENDA**

1. Call to Order
2. Roll Call
3. Approval of Minutes
  - A. Approval of October 31, 2007 meeting minutes
4. Old Business
  - A. Discussion of Issue 5 - Study of Municipalities and Unincorporated Municipal Service Area (UMSA)
    - Creating/Abolishing Municipalities
    - Separation of Powers or Responsibilities between the County and municipalities
    - Annexation/Incorporation in effort to eliminate UMSA
  - B. Discussion of Issue 6 - Study of Initiative, Referendum, Petition & Recall
5. New Business
  - A. Report on Board of County Commissioners Action related to Charter Revisions
  - B. Review and Prioritization of Pending Issues of Study
  - C. Procedure for Workshop Requests/Public Hearings
6. Adjournment – Next Meeting:                      Wednesday, November 28, 2007  
10:00 am  
Vizcaya Village "Garage"  
3250 South Miami Avenue  
Miami, Florida

**Charter Review Task Force  
November 20, 2007**

**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.

**3-A**



# **MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE**

Board of County Commissioners  
Historical Museum of Southern Florida  
101 West Flagler Street  
Miami, Florida 33130

October 31, 2007  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Kay Madry Sullivan, Director  
Clerk of the Board Division

Akira Spann, Commission Reporter  
(305) 375-2510



**CLERK'S SUMMARY AND OFFICIAL MINUTES**  
**CHARTER REVIEW TASK FORCE MEETING**  
**OCTOBER 31, 2007**

The Charter Review Task Force convened in a meeting on October 31, 2007, at 10:00 a.m. in the Historical Museum of Southern Florida, 101 West Flagler Street, Miami, Florida. The following members were present: Chairman Victor M. Diaz Jr. and members City of Miami Beach Mayor David Dermer, former City of Miami Mayor Maurice Ferre, City of Miami Gardens Mayor Shirley Gibson, Mr. Robert Ginsburg, Mr. Murray Greenberg, Ms. Elizabeth Hernandez, Mr. Francois Illas, Mr. Richard Kuper, Mr. Jorge Luis Lopez, Mr. H.T. Smith, and Mr. Ignacio Jesus Vazquez; (Mr. Miguel De Grandy, former City of West Miami Mayor Diaz-Padron, Commissioner Gimenez, and Ms. Yvonne Soler-McKinley were late); (Ms. Lynn Dannheiser, Mr. Larry R. Handfield, Mr. John M. Hogan, Mr. Robert W. Holland, and former City of Hialeah Mayor Raul L. Martinez were absent).

**1. Call to Order**

Chairman Diaz called the meeting to order at 10:12 a.m.

**2. Roll Call**

The following staff members were present: Assistant County Manager Susanne M. Torriente; Assistant County Attorney Wilfredo Ferrer; Assistant County Attorney Mandana M. Dashtaki; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Doris Dickens and Akira Spann.

Chairman Diaz noted that a quorum was present and the Task Force proceeded with today's (10/31) agenda.

**3. Minutes and Reports of Statements**

**A. Approval of October 17, 2007 meeting minutes**

It was moved by Mayor Gibson that the October 17, 2007 Charter Review Task Force meeting minutes be approved. This motion was seconded by Mr. Vazquez, and upon being put to a vote, passed by a vote of 12-0 (Ms. Lynn Dannheiser, Mr. Miguel De Grandy, former City of West Miami Mayor Diaz-Padron, Mr. Larry R. Handfield, Mr. John M. Hogan, Mr. Robert W.

Holland, Commissioner Gimenez, former City of Hialeah Mayor Raul L. Martinez and Ms. Yvonne Soler-McKinley were absent).

**4. Old Business**

**A. Review and Approval of Interim Report to the Board of County Commission**

Mayor Ferre questioned whether Task Force members who were absent when the final vote was taken at the October 17, 2007, Charter Review Task Force meeting would have an opportunity to record their vote(s).

Mayor Gibson questioned whether the option to vote on the Task Force recommendations would be extended to those members absent when the vote was taken.

Mr. Ginsburg noted that Mayor Ferre could express how he would have voted on the final recommendations to Study Issues 1-4, which would be reflected in today's (10/31) minutes.

Mayor Ferre asked that the minutes be corrected to reflect that he voted "No" on the motions that the Public Safety Director (i.e. Sheriff, Police Chief) shall be appointed position; that the position of the Property Appraiser becomes an elected position; and that the County Commissioners shall receive a population based salary. He also asked that the minutes be corrected to reflect that he voted "Yes" on the motion that the Supervisor of Elections shall be an appointed position.

Chairman Diaz noted that Board of County Commission (BCC) Chairman Barreiro expressed appreciation on behalf of the BCC to Task Force members for completing the Interim Report timely. He stated that Chairman Barreiro and Commissioner Seijas, as the Chair of the Government Operations and Environment (GOE) had agreed to waiver the County Commission's rules and procedures and allow initial report of this Task Force to be forwarded for consideration by the County Commission on the November 6, 2007. Chairman Diaz urged all Task Force members to attend this meeting in order to reflect that this report was a collective opinion of this body.

Chairman Diaz clarified that the Initial Report reflected the Task Force final recommendations made to date. He noted Task Force members would continue to work on the remaining issues, particularly considering the request to extend the deadline to January 29, 2008 was granted. The Task Force would submit its final report with any additional recommendations on remaining issues by January 29th, and a new meeting schedule had been developed and would be presented for approval later, Chairman Diaz noted.

Chairman Diaz noted the Independent Body to Establish County Commission District, and the Discussion of Issue 5—Study of Municipalities and Unincorporated Municipal Service Area (UMSA) were pending Agenda Items to be considered by the Task Force today (10/31). He said the Task Force could consider the feasibility of re-prioritizing the remaining Issues of Study based on the amount of discussion for each issue.

Mayor Dermer encouraged Chairman Diaz to emphasize during his presentation that this Task Force continued to work on the remaining Issues of Study for reform..

Chairman Diaz noted that he would be sure to include that in his presentation before the Board of County Commission (BCC) meeting on Tuesday November 6, 2007.

**9:22:18 A.M.**

It was moved by Mr. Illas that the Initial Report and Recommendations of the Charter Review Task Force be approved. This motion was seconded by Mr. Smith, and upon being put to a vote passed by a vote of 12-0 (Ms. Lynn Dannheiser, Mr. Miguel De Grandy, former City of West Miami Mayor Diaz-Padron, Mr. Larry R. Handfield, Mr. John M. Hogan, Mr. Robert W. Holland, Commissioner Gimenez, former City of Hialeah Mayor Raul L. Martinez and Ms. Yvonne Soler-McKinley were absent).

Chairman Diaz noted that no dissenting opinions were submitted for inclusion in this report.

Responding to Mr. Lopez's question regarding how much time would be allotted to allow Task Force members to submit their dissenting opinions for inclusion in this report, Chairman Diaz noted that this report was issued on Friday October 26, 2007 for review and members were invited to submit their dissenting opinions. He stated that this Task Force was obliged to submit this report today (10/31); however, he did not see a problem with inserting language stating that dissenting opinions would be prepared and submitted by Task Force members. Chairman Diaz noted that any dissenting opinions should be submitted to staff timely enough to be included in the presentation before the County Commission.

Chairman Diaz encouraged on-going meetings between Task Force members and the County Commissioner who appointed them with respects to this report.

**B. Independent Body to Establish Commission Districts**

Chairman Diaz noted that the independent body to establish Commission Districts would hold public hearings in the community and would collaborate with other experts. He stated this body would address the sentiments expressed to this Task Force regarding disenfranchisements of

certain groups and how the district boundaries were drawn with regards to preserving the integrity of those districts.

Chairman Diaz suggested that this proposed panel of individuals could be composed of law faculty or appointees from the University of Miami and Florida International University. He also suggested that the BCC, the County Attorney's Office, and the County Mayor could appoint an individual to the proposed panel. Chairman Diaz noted that the body of individuals should be nominated and the BCC retained the authority to approve or ratify the appointments as a group.

Responding to Mr. Vazquez's question regarding the make-up of the current County Commission Districts, Mr. Greenberg noted that the County Commission failed to act when given the opportunity to redistrict; therefore the Commission Districts were set up by the Courts. He stated that the only legal requirement was that the districts be equal in population and the boundaries be contiguous; but beyond that there was an unwillingness to redistrict because incumbents would have to run against each other or an incumbent would lose a large percentage of support in their district. Mr. Greenberg noted that he felt an independent body should redraw the Commission Districts.

Mr. Greenberg noted that the Court believed that legislative body could consider incumbency but weren't required to give credence to incumbency. He questioned whether a ten (10) percent deviation from one district to another would hold.

It was moved by Mayor Dermer that this Task Force consider appointing a three person panel made up of Federal Judges to redraw the Commission Districts; that County Staff assist them in the demographic make-up of the new make-up of those districts; and that the Board of County Commission not have final approval of the new demographic make-up of the Commission Districts. This motion was seconded by Mayor Ferre.

Chairman Diaz noted that a formal legal opinion of the Office of the General Council for the Conference of Judges was required to determine whether sitting Federal Judges would be allowed to sit on the proposed independent body.

Mayor Gibson suggested that the demographic results of the 2010 Census also be considered by the proposed appointed panel of Federal Judges to make their recommendations on the Commission district lines.

Chairman Diaz noted that this recommendation could be amended to provide for that information be put together at the time of the 2010 Census.

Responding to Mr. Smith's comments claiming that the impact of this motion, Chairman Diaz noted that discussion between this Task Force and the public must occur with vigorous input in a

very open and public process. He stated that this Task Force should give the community an opportunity to know that their voices would be heard.

Following additional comments from Task Force members, Chairman Diaz noted this was an initial recommendation that required a great deal of fine tuning due to legal issues.

Mr. Ginsburg noted that the 1990 and the 2000 Census were grossly unfair to this community with regards to how they were conducted and counted. He stated that he informed the Haitian American community that they must vigorously participate in the Census if they wanted representation on the County Commission. Mr. Ginsburg noted that this County must ensure an accurate count of the 2010 Census demographic results. He stated that the current County Commission was a good diverse that should be preserved at all cost.

Discussion ensued among the Task Force pertaining to the issue of the independent panel upsetting the Board of County Commission.

Mr. Illas noted that the Commission Districts could not be redrawn unless a drastic change occurred in the County's population.

Chairman Diaz asked Mayor Dermer to restate his motion.

It was moved by Mayor Dermer that the Task Force recommend to the County Commission request that a panel of three (retired or sitting) Federal Judges be appointed to redraw district boundaries for the 13 County Commission Districts based on the demographics of the 2010 Census; to hold public hearings throughout the community to include input and feedback from the citizens; and to submit this plan for review and input from the County Commission, with the provision that Federal Judges would make the final decision on how the boundaries would be drawn. This motion was seconded by Mayor Ferre for discussion.

Hearing no further questions or comments, the Task Force proceeded to vote. The motion passed with a vote of 9-7 (Mr. De Grandy, Mr. Ginsburg, Mr. Illas, Mr. Kuper, Mr. Lopez, Mr. Smith, and Mr. Vazquez voted "No"); (Ms. Dannheiser, Mr. Handfield, Mr. Hogan, Mr. Holland, and Mayor Martinez were absent).

Following further discussion, it was moved by Mr. Ginsburg that the Task Force recommend that the County Commission request that the same panel of (retired or sitting) Federal Judges appointed to redraw the County Commission District boundaries also establish all municipal boundaries where municipalities have districts. This motion was seconded by Mr. Lopez.

Mr. Ginsburg subsequently withdrew the foregoing motion.

**Discussion of Issue 5—Study of Municipalities and Unincorporated Municipal Service Area (UMSA)**

**Creating/Abolishing Municipalities**

**Separation of Powers or Responsibilities between the County and Municipalities**

**Annexation/Incorporation in effort to eliminate UMSA**

Mayor Ferre noted that he made a previous motion that the Unincorporated Municipal Service Area (UMSA) would no longer exist and would be divided into municipalities. He questioned whether that decision was reversed.

Mr. Ginsburg noted that the Board of County Commission (BCC) rescinded that resolution.

Chairman Diaz noted that in November 1997 the BCC considered an intent resolution to incorporate or annex the remaining unincorporated areas by December 2007, but no action was taken. He stated that in April 2002, the BCC considered another intent resolution incorporate or annex the remaining unincorporated areas by January 2018, but failed by a vote of 5-6.

Responding to Mayor Gibson's question regarding County staff actively corresponding with unincorporated areas despite the failure of the intent resolution, Ms. Jennifer Glazer-Moon, Office of Strategic Business Management Director, noted that the BCC directed that they survey all municipalities to determine whether they were interested in annexing the areas rather than incorporating them. She stated that they anticipate presenting a report to the BCC in December 2007, but all municipalities have yet to respond.

Responding to Mayor Gibson's question whether revenues would be withheld if certain areas were annexed, Ms. Glazer-Moon noted that they have not received a clear direction from the BCC pertaining to that issue.

Chairman Diaz noted that there were important advantages that needed to be addressed pertaining to dramatically shifting the focus of County Government to regional issues. He stated that additional testimony was needed regarding problems that existing municipalities were having in interfacing with County Government. Chairman Diaz suggested that the following questions should be considered:

- 1) Would the creation of all municipalities' increase or decrease lobbyists?
- 2) Would politics be localized better with the creation of all municipalities?

- 3) Would fewer opportunities for good government exist with the creation of all municipalities?
- 4) What impact would creating all municipalities have on taxes?

It was moved by Mr. De Grandy that the Task Force recommend that the County Commission request that a panel of Federal Judges or an Independent Body to appointed to submit a comprehensive plan for County-wide annexation and/or incorporation to be completed by 2009 and placed on the ballot for approval by the voters in the form of a referendum in 2010. This motion was seconded by Commissioner Gimenez.

Discussion ensued among Task Force members regarding the intent of Mr. De Grandy's motion.

Mr. De Grandy noted that two major impediments to bring the County into municipal mode included piece meals, which never worked because the people voted against it; and having the Board of County Commission enforce annexation or incorporation, which would run afoul with the people's right to decide. He stated that his motion would provide input from everyone.

Chairman Diaz noted that foregoing motion was on the table and would be considered at the next Charter Review Task Force meeting scheduled on Wednesday November 14, 2007.

## **5. New Business**

### **A. Approval of Future Meeting Schedule**

Chairman Diaz asked that all Task Force members examine the future meeting schedule.

## **6. Adjournment**

There being no further business to come before this body, the Charter Review Task Force was adjourned at 1:00 p.m.

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Victor M. Diaz Jr., Chairman  
Charter Review Task Force

**4-B**

# Memorandum



**Date:** September 4, 2007

**To:** Victor M. Diaz, Chairman  
Charter Review Task Force

**From:** Susanne M. Torriente  
Assistant County Manager

**Subject:** Information Package for Charter Review Task Force – Issue 5/6

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At its August 1, 2007 meeting, the Charter Review Task Force (CRTF) approved a list of issues, in priority order, for study during this process.

Per your direction, research on Issue 5, the Study of Initiative, Referendum, Petition & Recalls has been performed. Specifically, staff has conducted general research regarding the use of initiatives and recalls in the United States. The attached presentation includes information regarding the history and major pros and cons of these processes, as well as specific strategies used by communities to improve them. Additionally, we have attached detailed findings regarding provisions for initiative and recall in seven Florida counties and thirteen large counties nationwide.

I would like to thank Amy Horton-Tavera, Paul Mauriello, Cara Tuzeo, John Murphey and Tracie Auguste for pulling this data together. Staff will continue to research this issue, as well as the other issues approved by the Task Force.

c: Charter Review Task Force Members and Staff

