



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Charter Review Task Force
Workshop and Public Hearing**

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

Tuesday, August 28, 2007
As Advertised

Harvey Ruvlin, 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 WORKSHOP & PUBLIC HEARING
August 28, 2007

The Charter Review Task Force convened in a meeting on August 28, 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, Mr. Carlos Diaz-Padron, Mayor Shirley Gibson, Mr. Robert A. Ginsburg, Mr. Murray Greenberg, Mr. John Hogan, Mr. Holland, Mr. Richard Kuper, Mayor Raul Martinez, Mr. H.T. Smith, and Mr. Ignacio Vazquez; (Ms. Lynn Dannheiser, Mayor David Dermer, Mayor Maurice A. Ferre, Commissioner Carlos A. Gimenez, Ms. Elizabeth Hernandez, and Commissioner Javier Souto were late); (Mr. Larry Handfield, Mr. Francois Illas, and Ms. Yvonne Soler-McKinley were absent).

Staff members present were Assistant County Manager Susanne Torriente, Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Diane Collins and Akira Spann

1. CALL TO ORDER

Chairman Diaz called the meeting to order at 6:00 p.m. and welcomed members of the Task Force, the County Administration and the viewing audience. He invited those watching this broadcast on television or via Internet Webcasting to call in or submit comments, questions, concerns via email with respect to the issues being discussed today (8/28). 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. He informed attendees that the subject for discussion was how to make the operations of County Government more efficient.

Following individual Task Force member introductions and further comments by Chairman Diaz regarding the Task Force member selection process, Chairman Diaz provided a brief overview of tonight's (8/28) public hearing format. He noted that several distinguished members of the community were invited by Task Force members to address specific issues.

Chairman Diaz opened the public hearing.

Mr. Steven Rosenthal, 7431 S.W. 53rd Court, appeared before the Task Force and addressed concerns regarding Issue 5 (Study of Initiative, Referendum, Petition & Recalls). He maintained that two key ambiguities existed in Section 8.07 of the Home Rule Amendment and Charter as follows:

- 1) The vague language regarding the petition form those citizens circulate for signatures to qualify for ballot placement

2) The question of who had the power to craft the ballot summary and title.

Mr. Rosenthal suggested that the first ambiguity be resolved by inserting the ordinance (Section 12-23 of the County Code) within the Charter; which would be the disclosure of the full text of the petition and the names of individuals who organize and circulate the petition. Additionally, Mr. Rosenthal noted the second ambiguity be resolved by giving the Board of County Commissioners power to craft the summary to appear on the ballot. He presented his proposal to members of the Task Force for their review.

Mr. De Grandy suggested that feasibility of implementing a provision similar to the State initiative process, which involved the Florida Supreme Court's review of language after a number of signatures were collected.

Mr. Greenberg clarified that the language in the charter was changed to ensure that issues that the Commission did not wish to consider be kept off a ballot.

Mr. Ginsburg pointed out that the County Commission would be reluctant to approve anything they disagreed with. He stated that this was part of the reason for the language being removed, in an attempt to keep them out of a position where they had to favorably vote on something that they disagreed with based on merit.

Chairman Diaz questioned what the experience of the Citizens for Reform was in terms of soliciting signatures in terms of complying with the current regulations.

Mr. Greenberg noted that Citizens for Reform could collect ten signatures on a page, submit them and move forward; subsequent to that, the BCC enacted ordinances limiting the signature gathering process which required one signature per card, and each one had to be notarized.

Following Mr. Greenberg comments, Chairman Diaz recognized Bishop Victor Curry and invited him to present his remarks.

Bishop Victor Curry noted that the Miami-Dade Branch of the NAACP voted to oppose the Mayor's recommendation for five at-large districts of the County Commission; and argued that any political gains made by the African-American community would be diluted, if the Mayor's recommendation came to pass. He asked that the Strong Mayor form of government question be placed on the ballot for re-consideration and that the Haitian-American community be represented on the County Commission at the NAACP's request.

Responding to Mr. Greenberg's suggestion regarding a cumulative voting system that enhanced the possibility of an African-American at-large candidate, Bishop Curry noted that the NAACP would be open to Mr. Greenberg's proposal.

Mr. Diaz-Padron questioned Bishop Curry's intent to have the Strong Mayor question placed on the ballot for reconsideration.

Bishop Curry noted the African-American community did not understand the full implications of a Strong Mayor form of government; and felt that more opportunities for debate throughout the County should have been available.

Responding to Mr. Smith question regarding the process of choosing a candidate for Strong Mayor, Bishop Curry noted that this was discussed during a forum at Norland Senior High School. He explained that that the while the African-American community may have liked Mayor Alvarez, he may not have been their top choice for Strong Mayor. Mr. Curry also explained that the citizens of this community voted on a change in the structure of County Government, but they did not have an opportunity to select a candidate of their choice as a Strong Mayor.

Mayor Raul Martinez questioned whether the problem lay with the people that put the system in place.

Bishop Curry noted that the people of this community feared that too much power was being concentrated power in one office. He stated that Mayor Alvarez assured them that he would consult with the County Commissioners before he utilized his newly gained power to hire and fire personnel; that Mayor Alvarez did not keep his promise.

Responding to Mr. Holland's question with regards to reconciling the creation of cities that benefited from district election, Bishop Curry compared that situation to the outcome of the Brown v. Board of Education, a case in which a group sought exclusion when inclusion was introduced.

Mr. Holland questioned whether the NAACP had a taken a position on whether or not the Supervisor of Elections should be an elected versus an appointed positions.

Bishop Curry noted that the NAACP has not taken a position on that issue; however, he would support such a proposal provided it was fair and provided an opportunity for a competent African-American to be elected.

Responding to Mayor Ferre's question whether the NAACP felt that at-large members should reside within the district in order to be elected, and whether the top two candidates should compete in a County-wide election to ensure equal representation, Bishop Curry noted that the NAACP was open for suggestion.

Commissioner Gimenez questioned whether the NAACP would consider a provision that ensured equal representation from a regional perspective.

Bishop Curry noted that he did not see the need to elect an at-large official to perform a task that could be performed by the existing County Commission

Commissioner Gimenez asked Bishop Curry to coordinate with the Task Force to establish a balance between the governance of a district versus the County.

Mr. De Grandy noted that a second proposal indicated that district elections occur in a primary election, and the top two candidates compete in a County-wide election. He questioned the outcome of an election with a minority-preferred candidate versus a majority-preferred candidate.

Bishop Curry noted that the outcome of an election of that magnitude would be based on ethnicity. He suggested that chances for an African-American or a Haitian-American to be elected to the County Commission were dismal, unless the public was capable of viewing candidate based on their qualifications and competency, as opposed to ethnicity.

Chairman Diaz asked Bishop Curry to submit for review by the Task Force, the NAACP's position (on a national and regional level) regarding proportional voting systems as a means to secure minority voting rights.

Chairman Diaz questioned whether the local Chapter of the NAACP took a position regarding the lack of Haitian-American representation on the County Commission or in single-member districts.

Bishop Curry noted that the NAACP would coordinate with the Task Force to ensure Haitian-American representation in the County Commission.

Chairman Diaz questioned Bishop Curry's opinion on campaign finance reform with respect to securing minority representation.

Bishop Curry said he would refrain from providing a response to Chairman Diaz' question at this time; however, he would consider it and provide a response later given the opportunity.

Chairman Diaz encouraged organizations seeking minority representation to remain active in this process. He invited Bishop Curry and the general public to attend the next Task Force meeting scheduled at 10:00 a.m. on August 29, 2007, at the Miami-Dade Main Public Library to discuss the BCC Composition.

Ms. Maria Roberts, 27700 S.W. 164th Avenue, appeared before the Task Force and presented the following requests:

- That the preliminary recommendations be written to be gender neutral;
- that the Supervision of Elections be an appointed position;
- that a neutral body be created to establish ethical standards for the County Commission; that the Commission on Ethics enforce the standards;
- that the single-members districts be redrawn to ensure Haitian-American representation on the County Commission; and
- that Issue 12 (Study of Zoning and Urban Development Boundary reform) be placed on the ballot for approval by the electorate

Responding to Commissioner Gimenez's suggestion that the Supervisor of Elections as an elected official would change depending on who appointed the individual, Ms. Roberts noted that her opinion would not change provided the appointments were based on technical competence.

Following further questioning by Mr. Holland and Mayor Ferre, Ms. Roberts noted that she favored a checks and balance system.

Mr. Phyllis Williams, 1391 N.W. 95th Street, an NAACP member, called in from the Joseph Caleb Center and spoke in support of Study Issue #8.

Chairman Diaz asked Mr. Williams to inform the Task Force members whether the NAACP had taken a position on that issue.

Mr. Jean Suffrant, 20121 N.W. 32nd Avenue, sent an E-mail requesting that the Task Force ensure that the Haitian-American community be represented on the County Commission.

Mr. Magdalino Rose Avola, 9431 S.W. 55th Street, appeared before the Task Force in support of the proposal to include representation from the Haitian-American community on the County Commission.

Chairman Diaz recognized Mr. Steven Cody and invited him to present his remarks.

Mr. Steven Cody noted that he was the Executive Director of the Citizens Charter Review Committee who advocated the use of single member districts in the Meek v. Dade County, which resulted in 13 single member districts. Mr. Cody noted that in order to win a voting rights case the County must prove:

- 1) That the minority group is large and compact enough to form a majority in a single member district;
- 2) demonstrate that the group is politically cohesive; and
demonstrate that the non-minority group votes as a block to prevent the election of the minority-preferred candidate.

Continuing, Mr. Cody noted that the following should be submitted for the Courts consideration:

- 1) A history of official discrimination that touches on the right of group members to register to vote.
- 2) The extent to which voting is racially polarized.
- 3) The extent to which the subdivision uses unusually large election districts or majority vote requirements.
- 4) Whether campaigns have been characterized by over or subtle racial appeals.
- 5) The extent to which group members have been elected to public office in the jurisdiction

Mr. Cody noted that changing the County Commission to include at-large districts or adopting a system that allowed the use of County-wide run-off elections would adversely impact the gains made by African-Americans in this County; and suggested that a new voting rights lawsuit could be filed whether those proposals were adopted.

Mr. Cody suggested that the Task Force consider making a recommendation to implement the initiative petition amendments with regards to a single subject requirement.

Responding to Mr. Vazquez's question regarding Mr. Cody's stance on the proportional voting proposal, Mr. Cody noted that he had problems with a proportional or cumulative voting system; that he was uncertain whether or not they could be adopted in the County. He stated that cumulative voting system could result in only one minority voice on the entire Commission, which would not be sufficient representation.

Following discussion regarding by Mr. Cody and Commissioner Gimenez regarding the impact on proposed Charter amendments on the voting rights act, Chairman Diaz questioned whether the proportional voting system was rejected by the court as being a violation of the voting rights

act, Mr. Cody noted that he was not aware of any legal proceedings the challenged the proportional voting system.

Chairman Diaz asked Mr. Cody to run the numbers with regard to cases where a proportional voting system was rejected, and to provide that information to the Task Force.

Mr. De Grandy questioned regarding the term “whitewashing” and its applicability to at large run-off elections.

Mr. Cody explained that “whitewashing” occurred when the outcome of an election between a minority-preferred candidate and a majority-preferred candidate favored that the white non-minority candidate to win. He stated that this was evident prior to *Meek v. Dade County*

Responding to Mr. Greenberg’s question regarding whether or not the cumulative or proportional voting system was legally permissible, Mr. Cody noted that the same voting patterns would exist regardless of the number of votes allowed per voter; that a violation of the voting rights act under a cumulative system could be proven whether or not patterns of racially polarized voting existed.

Mayor David Dermer, City of Miami Beach, questioned how fair and equal representation could be maintained despite the decrease in the African-American population.

Mr. Cody noted that nothing could be done to alleviate the demographic changes; however, criteria could be used to redraw districts legally to evaluate a segment of the population’s ability to participate in the political process. He noted strides in civil rights for minorities were made through initiative petitions. He maintained that the public would be better informed through initiative petitions.

Ms. Marva Lightbourne, 5561 N.W. 7th Court, phoned in from the Joseph Caleb Center and noted that the Commission should have challenged the strong mayor form of government. She said the public was unaware of the implications of this proposal when they voted.

Mr. Smith, speaking on behalf of Dr. Rudy Morse, expressed Mr. Morse’s support of the proposal to include representation from the Haitian-American community on the County Commission.

Following Mr. Smith’s comments, the following persons appeared before the Task Force in support of the proposal to include representation from the Haitian-American community on the County Commission:

Ms. Marlene Bastiene, appeared before the Task Force and, noted that Ms. Moslema Louis ACLU would present an official position indicating their support of this proposal.

Responding to Chairman Diaz's question regarding geographical information in Dade County, Mr. La Fortune noted that in 2002 the Haitian American Coalition presented a plan, which outlined geographical boundaries based on the 15-member district plan, which was rejected by the County Commission. He said a report entitled "The Haitian Community in Miami-Dade" was submitted to Task Force members.

Mayor Dermer questioned whether the coalition considered the implications of drawing lines in the districts with regards to representation.

Ms. Gypsy Metulis (phonetic) noted that principles and approaches considered by the Coalition included: protection for the current districts, small districts that provide for the Haitian-American community representation and possible incumbent districts. She said the Coalition was willing to work with anyone with the political experts to guide them in this process.

Mr. Charles Cutler, 706 N.W. 4th Avenue, phoned in from the Joseph Caleb Center and expressed the following:

- That the Strong Mayor question be placed on the ballot for reconsideration;
- that the voting system be reformed;
- that Issue 1 (Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected) be placed on the ballot; and
- that the grievances of the African-American community be considered.

Chairman Diaz noted that this Task Force was committed to diverse and representative government; that the residents of this community must work together to ensure a more representative, efficient, and responsive government.

Ms. Bastiene noted that two members of the Haitian Lawyers Association would prepare a written proposed for consideration by the Task Force.

Chairman Diaz noted that Haitian-American community has been very active in these public hearings; and asked that they spread the word throughout the community regarding the importance of this Charter Review process and the significance of the its findings and recommendations. He noted that the Task Force may need additional time to ensure that sensitive issues were addressed.

