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Charter Review Task Force Meeting

Wednesday, August 29, 2007
10:00 am
Main Library Auditorium
101 W. Flagler Street, 1st Floor
Miami, Florida

AGENDA

1. Call to Order
2. Roll Call
3. Approval of August 15, 2007 Meeting Minutes
August 14, 2007 Workshop & Public Hearing Report of Statements
4. Old Business
 - Discussion of Issue 1 - Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected (Included is information previously provided to the Task Force on this issue only)
5. New Business
 - Discussion of Issue 4 - Study of Board of County Commissioners Composition
 - Discussion on Public Feedback and Prioritization of Issues
6. Reports by Chairman Diaz
 - Report on Public Hearings
 - Report on Media & Charter Review Website/E-mails
 - Report on Input from the Office of Community Relations
7. Adjournment

**Charter Review Task Force
August 29, 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

**CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
AUGUST 15, 2007**

The Charter Review Task Force convened in a meeting on August 15, 2007, at 10:00 a.m. on the 18th Floor, Conference Rooms 18-3 and 18-4 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. Carlos Diaz-Padron, former Mayor of the City of West Miami, Commissioner Carlos Gimenez, Mr. Robert A. Ginsburg, Mr. Murray Greenberg, Mr. John Hogan, Mr. Robert Holland, Mr. Francois Illas, Mr. Richard Kuper, Mr. Raul L. Martinez, former Mayor of the City of Hialeah, Mr. H.T. Smith, Commissioner Javier Souto, Mr. Ignacio Vazquez; (Mr. Miguel De Grandy, Mayor David Dermer, Mr. Maurice Ferre, former Mayor of the City of Miami; Mayor Shirley Gibson and Ms. Yvonne Soler-McKinley were late); (Ms. Lynn Dannheiser, Mr. Larry Handfield and Ms. Elizabeth Hernandez were absent).

1. Call to Order

Chairman Diaz called the meeting to order at 10:09 a.m.

2. Roll Call

The following staff members were present: Assistant County Manager Susanne M. Torriente; Assistant County Attorneys Monica Rizo and Wilfredo Ferrer; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Kay Sullivan and Jill Thornton.

Chairman Diaz welcomed Senator Alex Villalobos, whom he noted was observing today's proceedings.

3. Approval of August 1, 2007 Meeting Minutes

It was moved by Mr. Martinez that the August 1, 2007 Charter Review Task Force meeting minutes be approved. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed unanimously by those members present.

Chairman Diaz noted he received a comment at last night's (8/14) public hearing requesting the Charter Review Task Force meeting minutes be posted before being approved. He asked the Task Force members to voice their opinions as to whether the meeting minutes should be posted in draft form before being approved by the Task Force.

Mr. Martinez noted he felt the minutes should be posted after they had been approved to allow for needed changes.

Hearing no further comments, Commissioner Diaz stated he would continue to post the minutes after they were approved.

4. Reports

Report by County Manager's Office

- **Report on Public Hearings**

Chairman Diaz expressed appreciation to members of the County Manager's Office, the Communications Department, and the Office of Public Information for making yesterday's public forum possible. He also commended Assistant County Manager Susan Torriente and her staff for spearheading that effort.

Chairman Diaz asked that "Thank you" letters be prepared for his signature on behalf of the Charter Review Task Force and sent to each county employee who volunteered their services at yesterday's forum.

Chairman Diaz noted in less than 180 minutes, 50 public comments were fielded by staff at yesterday's forum, which he thought was a very efficient use of the time. He also noted members from the Miami Herald, Channel 4 and De Los Americas were present to report on that hearing.

Chairman Diaz stated he would like an open discussion regarding the three remaining public hearings and the interactive communication used at yesterday's (8/14) forum. He asked Assistant County Manager Torriente to provide an update on the County's remote capability for televising the remaining hearings at the regional locations.

Assistant County Manager Susanne Torriente advised that the Chamber was the only location that could facilitate remote access and allow public hearings to be broadcast live on Miami-Dade TV and via web casting. She noted the only outside location capable of televising would be the City of Miami Beach; that the City of Miami Beach had access to television and would work with County staff to televise its regional meeting. She further advised that the remaining outside public hearings could be filmed and then replayed later.

Chairman Diaz opened the floor for Task Force members to voice their comments/concerns regarding future public forums.

Commissioner Gimenez stated he felt that yesterday's (8/14) forum was a success and suggested this type of forum be used with County Commission meetings as well. He also stated he felt more public input would be received with the interactive communication, and that anybody in the County could participate in these hearings from the convenience of their home.

Mr. Kuper noted it was incumbent on the Task Force members to correct inaccurate statements and to prevent people from using the forum to promote their own agenda, without engaging in a debate.

Chairman Diaz called for input from Task Force members regarding Mr. Kuper's proposal that speakers be excused while Task Force members rebut the speaker's comments.

Mr. H.T. Smith noted he supported the 80/20 rule, meaning that 80% of the comments represented significant interest while 20% represented extreme views, which always get exposed when using live television. He stated he appreciated the democracy of last night's (8/14) forum and that all of Miami-Dade County could be present at these forums by e-mail or telephone, without the Task Force needing to travel anywhere. Mr. H.T. Smith stated he felt that Mr. Kuper's proposal to correct inaccurate statements made by speakers should be used cautiously, and only when the misstatement was significant in terms of the Task Force's deliberations on an issue. He also encouraged the Chair of the Task Force to use discretion to discourage individuals from making personal attacks against public servants.

Chairman Diaz apologized to Mr. De Grandy for not instantly responding to the personal comments made against him at last night's meeting, and that he should have made it clear to the public that personal attacks directed against any Task Force member would not be tolerated. He noted he would not correct the subject matter of an individual's opinion, but he would correct personal attacks against members of the Task Force.

Mr. Martinez noted he also felt that last night's (8/14) forum was a success; that it provided much opportunity for public input and allowed people to participate in this process from their homes. He suggested staff be instructed to compile a list of the names, phone numbers and e-mail addresses of callers providing input since the meetings were recorded and maintained as an official public record; and that staff use this list to call speakers back and let them know when the Task Force was ready to address a specific topic. He noted the forum needed to be transparent and identify who was speaking and the nature of their concerns. He stated he had no issues with personal comments; that he was open-minded and felt the people should have the liberty to express themselves, however, he felt certain positions stated to this Task Force should be clarified, especially from individuals on the County's payroll.

Chairman Diaz expressed appreciation to Commissioner Gimenez and staff for their efforts in extending yesterday's meeting and ensuring it was televised. With respect to phone calls, he explained the procedure followed by staff at last night's meeting to register and screen the callers. He noted staff identified the issues of callers and instructed them that they would be called back to make their comments at the appropriate time, and staff tried to address those speakers who had legitimate concerns regarding a specific topic. Chairman Diaz noted the process was not perfect and could be improved, but staff did a commendable job. He said he would personally thank staff/phone operators who registered those callers and took much criticism from callers.

Regarding e-mails, Chairman Diaz noted last night's procedures were adjusted to inform the people that they needed to register their names and email addresses. He noted however, that after callers were informed that their names and e-mail addresses would be

announced, the number of e-mail responses dropped. Chairman Diaz noted it would be inappropriate, however, to give out e-mail addresses, and they were not read after implementing that rule. He called for more comments from Task Force members regarding whether or not remote access should be provided for the remaining public hearings. He noted the public hearing dates could be changed at the discretion of Task Force members.

Commissioner Gimenez stated he felt it was important that individuals be allowed to express their comments on the record; that it was a public record and an informational process. He concurred with Mr. Kuper's proposal, noting the Task force members could rebut, accept or reject that information without a debate. He also stated he thought the technical interactive forum process was good, convenient and would invite more public participation and input; and that it was his preference to continue this process for the balance of the public hearings.

Mr. De Grandy echoed Commissioner Gimenez' comments and asked that the Task Force members consider the process used at last night's forum for the remaining public hearings. He also expressed appreciation to Chairman Diaz and Mr. H.T. Smith for their comments in his defense.

Mr. Ferre noted public perception was important and public servants should go out into the community as much as possible. He suggested continuing the public hearings as advertised in the regional locations, and if the public participation was low in the first two hearings, than they could consider changing the forum. He also noted this would not preclude the Task Force from convening in another forum as the last one at the end of this process.

Mr. H.T. Smith noted he liked the idea that everybody had an opportunity to participate in every forum by telephone, e-mail or in person, rather than the perception that public servants needed to be seen in the community. He suggested the Task Force members consider allotting a designated time for e-mail responses and delay addressing them until after those who appeared in person were addressed.

Chairman Diaz clarified the proposal as follows: to advertise the e-mail and phone capability to begin one hour after the public hearing started.

Commissioner Souto concurred that e-mail and phone access was great but expressed concern that Task Force members should meet at the various locations.

Mayor Gibson noted she initially supported going out into the community but subsequently changed her position based on the high level of participation at last night's forum and feels that the remaining public hearings should be held in the Chambers. She stated she believed the public would expect the interactive technology to be available at future public hearings.

Chairman Diaz emphasized the need for Task Force members to think creatively, outside-the-box, about how to increase the public participation in future hearings. He noted it was necessary at one time to travel around County due to the lack of technology; and this Task Force had an opportunity to provide a model for future forums that would allow greater inclusion from any geographical location. He noted he concurred with Mr. Ferre's comments that public perception was important on some issues, but he would encourage Task Force members to establish a different, yet better process.

Mr. Greenberg noted he was pleasantly surprised with the success of last night's public hearing and commended Chairman Diaz for an amazing job. He noted the only way they would have any impact with the County Commission was to assure the Board that the citizens supported the Task Force's recommendations. He recommended that future Task Force meetings be held in the Chambers so that they could be televised; and that public transportation be provided to the Stephen P. Clark Center from the various locations.

Ms. Soler-McKinley noted she received a fax from the Community Relations Board (CRB) regarding their public hearings being conducted at the same locations. She suggested the Task Force's public hearings be held at a central location to avoid confusing the public.

Chairman Diaz noted he prepared a letter in response to the CRB's request that their meetings be held jointly with the Task Force meetings; that this request was declined at the last Task Force meeting; and that a copy of his letter was included in today's agenda package.

Mr. John Hogan and Mr. Holland concurred that the meetings should be held in the Chamber with remote technology to various locations, particularly because of the level of participation in last night's public hearing process. Mr. Hogan noted this process may prove to be more efficient considering the time constraints this Task Force was working under. Mr. Holland suggested, however, that remote location(s) should be identified for some pockets of the community that may not have the technology capabilities or transportation, such as the elderly population, who appeared to be more politically involved.

Mayor Dermer commended Chairman Diaz on the way he handled last night's meeting. He noted the Task Force members could reach a consensus very quickly on certain issues based on the public input received, however, he suggested the public be encouraged to offer some solutions as oppose to identifying the problems.

Chairman Diaz noted he tried to guide the speakers in that direction, but the nature of speakers' comments was that solutions would largely need to come from the Task Force. He noted his primary concern was to ensure integrity in the process and that the final recommendations of the Task Force were valuable. He also noted he felt the County Commission would be more inclined to accept the recommendations of this Task Force if they received the public support.

Mayor Diaz-Padron concurred that if the public supported the Task Force recommendations than the County Commission would listen.

It was moved by Mr. Ferre that the Task Force continue with the public hearing process as scheduled at the regional locations at the South Dade Government Center, the City of Miami Beach and the Caleb Center; that a subcommittee of this Task Force be created to attend forums in various regions; and that an additional televised interactive technology meeting be added to this process. This motion was seconded by Mr. Holland and upon being put to a vote, the motion failed to carry.

It was moved by Mr. H.T. Smith that the three remaining public forums, already scheduled and advertised for the remote locations in South Dade Government Center, the Caleb Center and the City of Miami Beach, be conducted in the Commission Chambers at the Stephen P. Clark Center. This motion was second by Mr. Illas for discussion.

Mr. Kuper offered a friendly amendment to provide public transportation from the regional locations to the Stephen P. Clark Center.

Chairman Diaz pointed out that the chambers may not be available on those dates; however, the dates could be changed.

Mr. H.T. Smith accepted the friendly amendment to the motion extended by Mr. Kuper and Mr. Illas seconded the amendment.

Following Mr. Holland's suggestion that at least one televised meeting be scheduled on the weekend, Chairman Diaz pointed out that Saturday meetings could interfere with religious holidays and some people may feel excluded.

Commissioner Gimenez offered a friendly amendment to have staff provide the interactive technology at the remote locations, on the same date and time the public hearing of that region was scheduled to be televised in Chambers.

Mr. H.T. Smith, the mover of the motion and Mr. Illas, the second of the motion, noted the amendment was acceptable.

Following further discussion, the Task Force members proceeded to vote on the pending motion as amended, that the three remaining public forums already scheduled and advertised for the remote locations in South Dade, the Caleb Center and Miami Beach, be held in the County Commission Chambers at the Stephen P. Clark Center, subject to the availability of the Chambers; that public transportation be provided from the regional locations to the Stephen P. Clark Center; and that Interactive Technology (e-mail and telephone capability) be provided by staff at the regional locations on the same date and time the public hearing of that region was scheduled to be held in Chambers. Upon being put to vote, the foregoing motion passed unanimously by those members present.

- **Report on Media/Outreach & Charter Review Website**

Clerk's Summary and Official Minutes
Charter Review Task Force Meeting
August 15, 2007

Chairman Diaz expressed appreciation to Mr. Vasquez and Mayor Gibson for representing him in a media opportunity. He also expressed appreciation to Mayor Gibson for contacting him in advance regarding her participation in a media opportunity. Chairman Diaz requested more volunteers, specifically to appear on the Creole radio station, WRHB, for three days during the week. He noted that the Task Force could decide the dates and that he preferred some representation from the African American community, considering the sensitive nature of comments expressed at yesterday's forum.

In response to Chairman Diaz' request for volunteers, Mayor Gibson, Mr. Smith and Mr. Holland agreed to volunteer. Mr. Ferre noted he would volunteer as well, but that he needed to have the scheduled dates and times in advance.

Chairman Diaz said he would coordinate the times and schedules and that the Task Force members who volunteered would be contacted. He noted there would be other media opportunities. He asked members to respond to staff's e-mails soliciting volunteers, if they wish to be designated.

Mr. Vasquez suggested a media opportunity be scheduled with the Hispanic Radio Station "La Poderosa" (WWFE 670 AM) for a Task Force member to participate in.

Chairman Diaz asked that any Task Force member wishing to participate in future media opportunities to contact him in advance as Mayor Gibson did, so that he could remind Task Force members not to take a position when representing the Task Force.

Mr. H.T. Smith noted his recent involvement with a public service announcement on a local radio station, WMBM, and that he did not communicate that with the Chair of the Task Force because he believed it to be a violation of the Sunshine Law, however, he did communicate it with staff.

Chairman Diaz explained that as a procedural matter, the Task Force members could communicate with him regarding their participation in media opportunities provided that they did not discuss the substance of the Task Force deliberations. He asked that they communicate with his office or staff in advance before appearing before the media.

Chairman Diaz stated he maintained his position that any Task Force member was free to exercise their first amendment rights to state their personal position on any issue; that Task Force members should exercise their discretion when appearing before the media and consider whether doing so would improve the process.

Mr. De Grandy advised that Ms. Rosa Ortega contacted his office regarding some media opportunities, but he respectfully declined the invitation. He said he felt that he should not participate in any media opportunity on behalf of the Task Force, but he would continue to share his own personal views and opinions with this Task Force and the public, if asked.

