



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

Board of County Commissioners
Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, FL 33128

Monday, November 19, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Scott Rapple, Commission Reporter, (305) 375-5108



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Members Present: Bruno Barreiro; Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez; Sally A. Heyman; Joe A. Martinez; Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca Sosa; Javier D. Souto

Members Absent: Barbara J. Jordan

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY

Report: *Scott Rappleye, Commission Reporter, (305) 375-5108*

1A MOMENT OF SILENCE

Report: *Chairman Barreiro called the meeting to order at 9:56 am. The Commission convened in a moment of silence, followed by the Pledge of Allegiance.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff members were present: County Manager George Burgess; County Attorney Robert Cuevas, and Deputy Clerks Diane Collins and Scott Rappleye.*

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Special Item No. 1

073309

Resolution

Bruno A. Barreiro

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATEWIDE ELECTION TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT: EACH COUNTY COMMISSIONER SHALL DEVOTE FULL-TIME SERVICE TO THE OFFICE OF COUNTY COMMISSIONER AND HOLD NO OTHER EMPLOYMENT; NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE POPULATION BASED SALARY PROVIDED BY STATE STATUTORY FORMULA (CURRENTLY APPROXIMATELY \$91,995) AND USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD COUNTY; AND SHALL SERVE NO MORE THAN THREE CONSECUTIVE FOUR-YEAR TERMS IN OFFICE

No Action Taken

Report: *Chairman Barreiro noted the Governmental Operations and Environment Committee had prepared a matrix of today's Agenda Items; and that staff would make and distribute copies of this matrix.*

Commissioner Martinez noted his aide was distributing his analysis of Agenda Item Nos. 4 through 8.

Chairman Barreiro suggested the County Commission first consider the issue of Commissioner salary, and following discussion on each issue of Special Item Nos. 1 through 3, the Commission would vote. He spoke in support of commissioners receiving a salary based on the State Statutory Formula (State Formula salary). He spoke in opposition to term limits for commissioners; however, he thought the citizens supported term limits. Chairman Barreiro pointed out the citizens voted against the question of four four-year terms for commissioners by only 5,000 votes the last time this question was on the ballot; however, this proposed resolution included a term limit of three four-year terms, included the State Formula salary, and included a provision that would prohibit outside employment.

Commissioner Sosa concurred with Chairman Barreiro regarding commissioners receiving the State Formula salary and regarding the no outside employment provision. She expressed concern regarding a question on the ballot that would include term limits. She cited the Legislature as an example to support the position of no term limits for commissioners. Commissioner Sosa noted she did not see public support for term limits.

Commissioner Martinez spoke in opposition to a question on the ballot that would include term limits. He pointed out that longevity brought institutional knowledge, which would be lost by imposing term limits. He spoke in opposition to a question on the ballot that would change commissioners' salary.

Commissioner Sorenson expressed concern regarding the County Commission considering the Special Items on the Agenda before the Charter Review Task Force had concluded its deliberations. She questioned why the County Commission would place these questions on the ballot for January 2008, versus November 2008, which was a presidential election and would have higher voter turnout. She spoke in support of the County Commission waiting until November 2008. Commissioner Sorenson also spoke in support of a question on the ballot that did not include term limits for commissioners and did not allow commissioners to hold outside employment. She pointed out that incumbent officials could be beaten; and that special interests could influence the election of commissioners and their voting record with employment promises after their term in office.

Commissioner Heyman spoke in support of the County Commission placing today's Agenda Items on the ballot in January 2008. She also spoke in support of the commissioners receiving the State Formula salary; the exclusion of term limits; and the commissioners not holding outside employment. She pointed out the Florida Association of Counties indicated the trend of public support for term limits was decreasing.

Commissioner Gimenez noted Special Item Nos. 2, 4, and 8, were the final recommendation from the Charter Review Task Force concerning those issues. He explained that if a question was placed on the ballot that included term limits, then the term limits should be two four-year terms. He spoke in support of the County Commission placing these proposed ballot questions on

the ballot in November 2008. He pointed out November 2008, would provide the County Commission time to educate voters and to respond to the opposition's arguments on the issues, and that seven commission seats would begin a new term.

Commissioner Diaz spoke in opposition to a question that included term limits for commissioners. He noted he thought the issue of outside employment was the public's major concern regarding the commissioners receiving the State Formula salary. He pointed out he included in Special Item No. 3, the option for a commissioner to hold no outside employment and receive the State Formula salary, or to hold outside employment and receive the existing \$6,000 salary. Commissioner Diaz noted more individuals would run for Commissioner if they could receive the State Formula salary; however, that would not be an issue for incumbents that had earned the trust of their constituents.

Commissioner Moss noted that term limits for commissioners already existed in the form of elections every four years; and that constituents would vote commissioners out of office if they did not approve of their performance. He concurred with Commissioner Sorenson regarding incumbent officials. He spoke in support of a question on the ballot that did not include term limits; that did include the State Formula salary; and that did not allow commissioners to hold outside employment. He also spoke in support of waiting until November 2008; and in support of the County Commission allowing the Charter Review Task Force to finish their recommendations and considering them all together.

Commissioner Edmonson concurred with Commissioners Sorenson, Gimenez, and Moss regarding the election date. She spoke in support of the argument that elections every four years allowed the voters to control term limits; however, she spoke in support of the County Commission allowing the voters to vote separately on the issue of term limits. Commissioner Edmonson spoke in support of the County Commission receiving a full-time salary equal to one-half of the Mayor's salary.

Commissioner Souto spoke in support of commissioners not holding outside employment; and of commissioners receiving the State Formula salary. He noted he had defeated an incumbent for every political office he had held. He pointed out that commissioners should have term limits if they were needed to prevent a perception of corruption.

Following discussion on each issue of Special Item Nos. 1 through 3, Chairman Barreiro noted he would call a straw vote for each issue in Special Item Nos. 1, 2, and 3, regarding the office of County Commissioner; and that the Commission could formulate a proposal using the result of the straw vote for each issue.

Chairman Barreiro explained that the question concerning Commissioner salary could be placed on the ballot in January 2008, and again in November 2008, if it did not pass in January. He clarified that the four issues to consider were:

- The salary (State Formula salary versus another formula) for commissioners;
- The outside employment of commissioners;
- The term limits (no terms or four terms) for commissioners; and
- The election date (January 2008 versus November 2008).

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Chairman Barreiro conducted a straw vote regarding the issue of the salary for commissioners, and upon being put to a vote, a majority of the Commission supported the State Formula salary.

Commissioner Seijas pointed out the Commission should first vote on the issue of the election date.

Chairman Barreiro conducted a straw vote regarding the issue of the election date, and upon being put to a vote, a majority of the Commission opposed January 2008.

Chairman Barreiro noted he called this Special Meeting of the County Commission for the intent to place these Agenda Items on the ballot in January 2008. He pointed out the Charter Review Task Force had recommended these Agenda Items be placed on the ballot in January 2008. He spoke against the argument that voter turnout was low for a January election date.

Commissioner Martinez noted he would support a January 2008, election date if the Commission committed to not place the questions that failed to receive a majority vote on the November ballot. He stated this Special Meeting was called for the Special Items concerning the elected positions; and that January 2008, for these Special Items would allow time for individuals to campaign for the election in November 2008.

In response to Commissioner Edmonson's inquiry on whether the Charter Review Task Force intended to have their recommendations placed on the ballot in January 2008, Commissioner Gimenez noted the Charter Review Task Force provided its recommendations in response to the County Commission's charge to provide recommendations by a date that would allow the County Commission to consider placing them on the ballot in January 2008. He pointed out he did not support the January 29, 2008, election date for these issues. He noted the Charter Review Task Force did not recommend a specific election date.

Commissioner Seijas clarified that the issue of the election date applied only to the question regarding Commissioner salary. She pointed out that the question regarding Commissioner salary would fail if the process was done in haste and without a plan. She noted the Commission would need people to speak in support of the Commissioner salary, as was done in the City of Miami; and that an education oriented process needed to be followed to educate the public on this issue.

Discussion ensued concerning the educational process regarding the issue of the Property Appraiser being an elected position, which the County Commission approved on November 6, 2007, to be placed on the ballot for January 29, 2008.

Commissioner Sosa noted she thought if the County Commission would not place the Charter Review Task Force's recommendation concerning Commissioner salary on the ballot in January 2008, then the County Commission should not entertain any recommendation for January 2008.

Following further discussion, Commissioner Sorenson pointed out the Community Relations Board had prepared a memorandum that recommended the November 2008, election date for all of the Special Items on today's agenda (11/19).

Commissioner Diaz pointed out his intent for proposing the creation of the Charter Review Task Force was for the Task Force to provide recommendations that would be placed on the ballot on January 29, 2008.

Responding to Commissioner Diaz's comments regarding the intended election date, Commissioner Gimenez clarified that the Charter Review Task Force understood that the County Commission wanted the Task Force's recommendations regarding certain issues by a certain date to provide the County Commission the option of placing those issues on the ballot for January 29, 2008; however, he did not recall the Task Force making a recommendation for January 29, 2008. Commissioner Gimenez noted he thought the Commission should discuss the other Special Items today (11/19).

Following further comments by Commissioner Heyman regarding the election date for the other Charter Review Task Force recommendations, Chairman Barreiro conducted a straw vote regarding the issue of the election date for any of the Special Items on the Agenda, and upon being put to a vote, a majority of the Commission opposed January 2008, for any of the Special Items on the Agenda.

11/13/2007 Forwarded to BCC without a recommendation from the Governmental Operations and Environment Committee

Special Item No. 2

073310

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATEWIDE ELECTION TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT: EACH COUNTY COMMISSIONER SHALL DEVOTE FULL-TIME SERVICE TO THE OFFICE OF COUNTY COMMISSIONER AND HOLD NO OTHER EMPLOYMENT; NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE STATUTORY FORMULA, ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$91,995), AND USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD COUNTY; AND SERVE NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS IN OFFICE

No Action Taken

Report: See Report Under Agenda Item Special Item No. 1, Legislative File No. 073309.

11/13/2007 Forwarded to BCC without a recommendation from the Governmental Operations and Environment Committee

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Special Item No. 3

073331 **Resolution** **Jose "Pepe" Diaz**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATEWIDE ELECTION TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT COMMENCING ON MARCH 1, 2008 AND EACH YEAR THEREAFTER, EACH COUNTY COMMISSIONER MAY CHOOSE TO CONTINUE TO RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY WITHOUT ANY PROHIBITION ON OUTSIDE EMPLOYMENT; OR CHOOSE TO DEVOTE FULL-TIME SERVICE TO THE OFFICE OF COUNTY COMMISSIONER, HOLD NO OTHER EMPLOYMENT, AND RECEIVE THE SALARY PROVIDED BY STATE STATUTORY FORMULA (CURRENTLY APPROXIMATELY \$91,995 BUT ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION) [SEE ORIGINAL ITEM UNDER FILE NO. 073318]

No Action Taken

Report: See Report Under Agenda Item Special Item No. 1, Legislative File No. 073309.

11/13/2007 Forwarded to BCC without a recommendation from the Governmental Operations and Environment Committee

Special Item No. 4

073376 **Resolution** **Carlos A. Gimenez,
Jose "Pepe" Diaz,
Sally A. Heyman**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATEWIDE ELECTION TO BE HELD ON JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO REQUIRE APPOINTMENT OF A SUPERVISOR OF ELECTIONS AND TO PROVIDE A METHOD OF APPOINTMENT, REAPPOINTMENT AND DISMISSAL OF SUCH SUPERVISOR AND TO REQUIRE THAT, EXCEPT FOR THE PURPOSE OF TRANSMITTING CONSTITUENT INQUIRIES, BUDGETING, AND FUNDING, SUCH SUPERVISOR SHALL PERFORM HIS/HER DUTIES WITHOUT SUPERVISION AND INTERFERENCE FROM THE MAYOR OR COUNTY MANAGER [SEE ORIGINAL ITEM UNDER FILE NO. 073315]

No Action Taken

Report: See Report Under Agenda Item Special Item No. 1, Legislative File No. 073309.

11/13/2007 Forwarded to BCC without recommendation with committee amendments from the Governmental Operations and Environment Committee

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Special Item No. 5

073377

Resolution

Joe A. Martinez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATEWIDE ELECTION, TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE FOR THE TRANSFER OF THE POWERS AND FUNCTIONS OF THE COUNTY SUPERVISOR OF REGISTRATION OR ELECTIONS FROM THE MAYOR OR HIS OR HER APPOINTEE TO A COUNTY OFFICIAL ELECTED AND SUBJECT TO RECALL BY THE VOTERS [SEE ORIGINAL ITEM UNDER FILE NOS. 073313 AND 073350]

No Action Taken

Report: *See Report Under Agenda Item Special Item No. 1, Legislative File No. 073309.*

11/13/2007 *Forwarded to BCC without recommendation with committee amendments from the Governmental Operations and Environment Committee*

Special Item No. 6

073378

Resolution

Joe A. Martinez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATEWIDE ELECTION, TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE FOR THE TRANSFER OF THE DUTIES OF THE COUNTY TAX COLLECTOR FROM THE MAYOR OR HIS OR HER APPOINTEE TO A PERSON ELECTED AND SUBJECT TO RECALL BY THE VOTERS [SEE ORIGINAL ITEM UNDER FILE NOS. 073316 AND 073351]

No Action Taken

Report: *See Report Under Agenda Item Special Item No. 1, Legislative File No. 073309.*

11/13/2007 *Forwarded to BCC without recommendation with committee amendments from the Governmental Operations and Environment Committee*

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Special Item No. 7

073375 **Resolution** **Joe A. Martinez**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE MIAMI-DADE COUNTY HOME RULE CHARTER SHALL BE AMENDED TO PROVIDE FOR THE TRANSFER OF THE POWERS AND FUNCTIONS OF THE COUNTY SHERIFF FROM THE MAYOR OR HIS APPOINTEE TO A COUNTY OFFICIAL ELECTED BY THE VOTERS [SEE ORIGINAL ITEM UNDER FILE NOS. 073312 AND 073349]

No Action Taken

Report: See Report Under Agenda Item Special Item No. 1, Legislative File No. 073309.

11/13/2007 Forwarded to BCC without recommendation with committee amendments from the Governmental Operations and Environment Committee

Special Item No. 8

073379 **Resolution** **Carlos A. Gimenez,
Jose "Pepe" Diaz,
Sally A. Heyman**

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A STATEWIDE ELECTION TO BE HELD ON JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO REQUIRE APPOINTMENT OF A POLICE DEPARTMENT DIRECTOR AND TO PROVIDE A METHOD OF APPOINTMENT, REAPPOINTMENT AND DISMISSAL OF SUCH DIRECTOR, AND TO REQUIRE THAT, EXCEPT FOR THE PURPOSE OF TRANSMITTING CONSTITUENT INQUIRIES, BUDGETING, AND FUNDING, THE POLICE DEPARTMENT DIRECTOR SHALL PERFORM HIS/HER DUTIES WITHOUT SUPERVISION OR INTERFERENCE FROM THE MAYOR OR COUNTY MANAGER [SEE ORIGINAL ITEM UNDER FILE NOS. 073314 AND 073336]

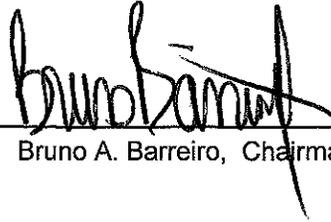
No Action Taken

Report: See Report Under Agenda Item Special Item No. 1, Legislative File No. 073309.

11/13/2007 Forwarded to BCC without recommendation with committee amendments from the Governmental Operations and Environment Committee

ADJOURNMENT

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Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: Kay Sullivan, Deputy Clerk