



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

Board of County Commissioners

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

Friday, July 18, 2008
As Advertised

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Judy Marsh, Commission Reporter
(305) 375-1967



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

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 **MINUTES PREPARED BY:**

Report: *Judy Marsh, Commission Reporter
(305) 375-1967*

1A **MOMENT OF SILENCE**

1B **PLEDGE OF ALLEGIANCE**

Report: *The County Commission observed a Moment of Silence, followed by the Pledge of Allegiance.*

1C **ROLL CALL**

Report: *Chairman Barreiro called the meeting to order at 10:08 a.m.*

County Attorney Robert Cuevas advised today's (7/18) meeting was a special County Commission meeting at which only proposed amendments to the Home Rule Charter would be considered by the Board. He noted Commissioner Gimenez was requesting that Agenda Item 16, be withdrawn.

SPECIAL ITEMS

SPECIAL ITEM NO. 1

073310

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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

Amended

Report: (See Special Item No. 1 Amended, Legislative File No. 082265)

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

11/19/2007 No Action Taken by the Board of County Commissioners

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 1 AMENDED

082265

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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; HOLD NO OTHER EMPLOYMENT; AND 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 [SEE ORIGINAL ITEM UNDER FILE NO. 073310]

Adopted as amended
Resolution R-873-08
Mover: Carlos A. Gimenez
Seconder: Sally A. Heyman
Vote: 8- 1
No: Sosa
Absent: Jordan, Rolle,
Edmonson, Diaz

Report: *Commissioner Martinez suggested the County Commission proceed to vote on the Charter amendments proposed by the Charter Review Task Force.*

Commissioner Moss said he felt more members of the County Commission should be present to discuss the proposed Charter amendments.

Commissioner Sosa said she was supportive of salaries with no outside employment, however, she did not believe this was the proper time to place the salary question on the ballot. Commissioner Sosa indicated she would support this item in future elections. She noted she was not supportive of term limits because she felt term limits were established by the public through their vote.

Commissioner Heyman said she felt the salary question was always timely regardless of the economy, and she pointed out that Miami-Dade County was the only county that did not have a state formula. She noted she was opposed to proposals 1, 2 and 3 outlined in the matrix (Special Item No. 23), especially the proposal with two consecutive four-year terms. Commissioner Heyman spoke in support of proposal 5 which she sponsored, which included three consecutive four-year terms and did not exclude outside employment. She noted she felt excluding outside employment would have a chilling effect on professionals and people who wanted to work.

Commissioner Gimenez said he supported the foregoing proposed resolution because the ballot question must be simple and concrete. He noted the County Commission had no say over the state formula. Commissioner Gimenez said the Commission could decide to delete the provision that County Commissioners serve no more than two consecutive four-year terms in office, but he felt the first two principles were necessary.

In response to Commissioner Souto's inquiry, County Attorney Cuevas noted a Charter amendment would be required to adjust commissioners' salaries.

Commissioner Sorenson said when lobbyists were term-limited she would support term limits. She spoke in support of a salary by state formula and full-time service as County Commissioner; however, she noted she would not campaign for the salary issue.

In response to Commissioner Seijas' inquiry regarding the relationship between salaries and terms of office for elected commissioners, Chairman Barreiro said he felt the relationship added a certain level of comfort for voter approval. He noted he felt 8 or 12 years in office was a short timeframe and the term in office should be 16 years.

Commissioner Seijas said she would not campaign either and agreed with Commissioner Sorenson that it would be self-serving. She noted she felt individually commissioners had the respect of their community but had not delivered the right message. Commissioner Seijas said the message should come from organizations within the private sector that were served by the County. She noted she felt commissioners should be dedicated to the County Commission; however, she would not support term limits.

There being no objection, Chairman Barreiro asked that a straw vote be taken by the County Commission on its support of the foregoing proposed resolution. Upon being put to a voice vote, Chairman Barreiro announced

that the straw vote had failed by a majority vote of those members present. (Commissioners Diaz, Edmonson, Jordan and Rolle were absent).

Pursuant to the request of Commissioner Gimenez, sponsor, the County Commission by motion duly made, seconded and carried, voted to adopt the foregoing proposed resolution as amended to delete the provision that County Commissioners serve no more than two consecutive four-year terms in office.

SPECIAL ITEM NO. 2

073331	Resolution	Jose "Pepe" Diaz	<i>Not adopted</i>
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RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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, 2009 AND EACH YEAR THEREAFTER, EACH COUNTY COMMISSIONER, THEN IN OFFICE, 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 THE STATE STATUTORY FORMULA (CURRENTLY APPROXIMATELY \$91,995 BUT ADJUSTED ANNUALLY BASED ON THE COUNTY'S POPULATION)

Report: *There being no objection, Chairman Barreiro asked that a straw vote be taken by the Board on its support of the foregoing proposed resolution. Upon being put to a voice vote, Chairman Barreiro announced that the straw vote had failed by a majority vote of those members present. No further action was taken by the Board on the foregoing item. (Commissioners Diaz, Edmonson, Jordan and Rolle were absent).*

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

11/19/2007 No Action Taken by the Board of County Commissioners

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 3

080956

Resolution

Bruno A. Barreiro

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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; AND NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD A SALARY EQUIVALENT TO HALF OF THE SALARY RECEIVED BY THE COUNTY MAYOR (MAYOR'S SALARY IS CURRENTLY APPROXIMATELY \$239,555)

Not adopted

Report: *There being no objection, Chairman Barreiro asked that a straw vote be taken by the Board on its support of the foregoing proposed resolution. Upon being put to a voice vote, Chairman Barreiro announced that the straw vote had failed by a majority vote of those members present. No further action was taken by the Board on the foregoing item. (Commissioners Diaz, Edmonson, Jordan and Rolle were absent).*

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 4

073309

Resolution

Bruno A. Barreiro

Not adopted

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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 SHALL SERVE NO MORE THAN THREE CONSECUTIVE FOUR-YEAR TERMS IN OFFICE

Report: *There being no objection, Chairman Barreiro asked that a straw vote be taken by the Board on its support of the foregoing proposed resolution. Upon being put to a voice vote, Chairman Barreiro announced that the straw vote had failed by a majority vote of those members present. No further action was taken by the Board on the foregoing item. (Commissioners Diaz, Edmonson, Jordan and Rolle were absent).*

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

11/19/2007 No Action Taken by the Board of County Commissioners

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 5

080975

Resolution

Sally A. Heyman

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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 PRIMARY SERVICE TO THE COMMISSION AND WORK IN NO OTHER EMPLOYMENT FOR MORE THAN 20 HOURS WEEKLY; NO LONGER RECEIVE THEIR CURRENT \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, BUT RECEIVE INSTEAD THE SALARY PROVIDED BY STATE FORMULA USED BY ALL OTHER FLORIDA COUNTIES, INCLUDING BROWARD, ADJUSTED ANNUALLY BY THE COUNTY'S POPULATION (CURRENTLY APPROXIMATELY \$91,995); AND SHALL SERVE NO MORE THAN THREE CONSECUTIVE FOUR-YEAR TERMS IN OFFICE

Not adopted

Report: *There being no objection, Chairman Barreiro asked that a straw vote be taken by the Board on its support of the foregoing proposed resolution. Upon being put to a voice vote, Chairman Barreiro announced that the straw vote had failed by a majority vote of those members present. No further action was taken by the Board on the foregoing item. (Commissioners Diaz, Edmonson, Jordan and Rolle were absent).*

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 6

080948 Resolution Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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 FOR THE CREATION AT LEAST EVERY 5 YEARS OF A 21-MEMBER CHARTER REVIEW TASK FORCE APPOINTED BY THE COUNTY COMMISSION, THE MAYOR, EACH OF THE 4 LARGEST CITIES, AND THE LEAGUE OF CITIES TO CONSIDER CHARTER REVISIONS AND TO HAVE THOSE REVISIONS APPROVED BY A 2/3 MAJORITY OF THE TASK FORCE SUBMITTED DIRECTLY TO THE ELECTORATE

Not adopted

Report: *Commissioner Moss noted he would not be supportive of the foregoing proposed resolution.*

There being no objection, Chairman Barreiro asked that a straw vote be taken by the Board on its support of the foregoing proposed resolution. Upon being put to a voice vote, Chairman Barreiro announced that the straw vote had failed by a majority vote of those members present. No further action was taken by the Board on the foregoing item. (Commissioners Diaz, Edmonson, Jordan, Martinez and Rolle were absent).

4/3/2008 *Presented by the Board of County Commissioners*

SPECIAL ITEM NO. 7

080966 Resolution Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION, TO BE HELD ON TUESDAY, NOVEMBER 4, 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 INCREASE THE PERIOD OF TIME FOR CIRCULATING INITIATORY PETITIONS FROM 60 TO 120 DAYS AND REQUIRE THAT ELECTIONS TO AMEND THE CHARTER BE HELD IN CONJUNCTION WITH THE NEXT AVAILABLE GENERAL ELECTION RATHER THAN A SPECIALLY CALLED ELECTION

The motion that this Resolution be Adopted failed.

Mover: Carlos A. Gimenez

Seconder: Sally A. Heyman

Vote: 4- 4

No: Barreiro, Moss, Souto, Seijas

Absent: Jordan, Rolle,

Edmonson, Martinez, Diaz

4/3/2008 *Presented by the Board of County Commissioners*

SPECIAL ITEM NO. 8

080970

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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 THE BOARD OF COUNTY COMMISSIONERS TO HOLD A PUBLIC HEARING ON ANY CITIZEN OR BOARD INITIATED CHANGE TO THE HOME RULE CHARTER ON THE DATE THE BOARD SETS THE ELECTION DATE ON THE PROPOSED CHARTER AMENDMENT

Withdrawn

Report: *It was moved by Commissioner Gimenez that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Heyman.*

Commissioner Seijas noted the County Commission currently held public hearings.

Mr. Victor Diaz, Chairman, Charter Review Task Force, said under the current process when the County Commission approved a Charter initiative, the Commission had no discretion and a public hearing was not held; the petition was only approved as to form. He noted this proposed Charter amendment would require a public hearing and initiative petitions would not be circulated in the community without an opportunity for a public hearing.

County Attorney Cuevas advised the foregoing proposed resolution required the County Commission to hold a public hearing at the time the Commission called an election on a proposed Charter amendment, whether it was the result of an initiatory process or the result of the Commission's commencement of that process. He noted currently, when the County Commission adopted a resolution calling an election on a Charter amendment, it was not a public hearing.

In response to Commissioner Moss' inquiry, County Attorney Cuevas noted the intent of the foregoing proposed resolution could be addressed by an ordinance.

Commissioner Gimenez withdrew the foregoing proposed resolution and requested that an ordinance be prepared in its place, under his sponsorship, to address public hearings on proposed Charter amendments. Commissioner Seijas asked to be listed as a co-sponsor.

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 9

080971

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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 THE COUNTY COMMISSION TO HOLD A PUBLIC HEARING ON ANY CITIZEN INITIATIVE PETITION PROPOSING PASSAGE OR REPEAL OF AN ORDINANCE AT THE TIME SUCH PETITION IS CONSIDERED BY THE BOARD OF COUNTY COMMISSIONERS FOR APPROVAL AS TO FORM

Amended

Report: (See Special Item No. 9 Amended, Legislative File No. 082266)

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 9 AMENDED

082266

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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 THE CLERK, NOT THE BOARD, SHALL APPROVE INITIATIVE PETITIONS PROPOSING PASSAGE OR REPEAL OF AN ORDINANCE AS TO FORM AND REQUIRE THE COUNTY COMMISSION TO HOLD A PUBLIC HEARING ON ANY SUCH PETITION AT THE NEXT COUNTY COMMISSION MEETING SUBSEQUENT TO THE CLERK'S APPROVAL OF THE PETITION [SEE ORIGINAL ITEM UNDER FILE NO. 080971]

*Adopted as amended
Resolution R-874-08
Mover: Carlos A. Gimenez
Seconder: Sally A. Heyman
Vote: 8- 0
Absent: Jordan, Rolle,
Edmonson, Martinez, Diaz*

Report: *In response to Chairman Barreiro's inquiry, County Attorney Cuevas advised that currently as written in the Charter, a public hearing could be held before signatures were collected; however, there were proposed Charter amendments before the County Commission today that would preclude the Commission's authority to adopt by ordinance, additional procedures that were not included in the Charter.*

Later in the meeting, it was moved by Commissioner Gimenez that the foregoing proposed resolution be withdrawn. He noted the intent of the resolution could be accomplished by ordinance. This motion was seconded by Commissioner Heyman.

County Attorney Cuevas noted he felt the foregoing proposed resolution would conflict with Agenda Item 10 because the proposed resolution related to holding a public hearing at the time the County Commission approved a citizen initiative petition as to form, while Agenda Item 10 removed the Commission from that process and required the Clerk of the Circuit Court to approve the petition as to form.

Following further discussion, the County Commission by motion duly made, seconded and carried, voted to adopt the foregoing proposed resolution as amended to provide that the Clerk, not the County Commission, shall approve as to form initiative petitions proposing passage or repeal of an ordinance and require the Commission to hold a public hearing on any such petition at the County Commission meeting subsequent to the Clerk's approval of the petition.

SPECIAL ITEM NO. 10

080968

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION, TO BE HELD ON TUESDAY, NOVEMBER 4, 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 THAT THE CLERK OF THE CIRCUIT COURT, RATHER THAN THE BOARD OF COUNTY COMMISSIONERS, APPROVE CITIZEN INITIATIVE PETITIONS AS TO FORM

Report: *Commissioner Moss asked whether the intent of the foregoing proposed resolution could be accomplished by ordinance, as the County Commission's function in this process was ministerial.*

County Attorney Cuevas noted the foregoing proposal would require a Charter amendment.

4/3/2008 Presented by the Board of County Commissioners

*Adopted**Resolution R-875-08**Mover: Carlos A. Gimenez**Seconder: Sally A. Heyman**Vote: 8-0**Absent: Jordan, Rolle,
Edmonson, Martinez, Diaz*

SPECIAL ITEM NO. 11

081974

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER THE HOME RULE CHARTER SHALL BE AMENDED TO: SPECIFY THE EXCLUSIVE PROCESS, FORM, CONTENT, AND METHOD FOR CERTIFICATION OF CITIZEN INITIATIVE, REFERENDUM, RECALL, AND CHARTER AMENDMENT PETITIONS, REPEAL ALL PROVISIONS IN CURRENT ORDINANCES AND RESOLUTIONS THAT REGULATE CITIZEN INITIATIVE, REFERENDUM, RECALL, AND CHARTER AMENDMENT PETITIONS, PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL NOT ADOPT ANY RESOLUTION OR ORDINANCE THAT REGULATES SUCH PETITIONS, PROVIDE THAT THE CLERK, NOT THE BOARD, SHALL APPROVE PETITIONS AS TO FORM, AND PROVIDE THAT ELECTIONS ON CHARTER AMENDMENT PETITIONS SHALL ONLY TAKE PLACE AT GENERAL ELECTIONS

The motion that this Resolution be Adopted failed.

Mover: Carlos A. Gimenez

Seconder: Sally A. Heyman

Vote: 4- 4

No: Sosa, Moss, Souto, Seijas

Absent: Jordan, Rolle,

Edmonson, Martinez, Diaz

Report: *It was moved by Commissioner Gimenez that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Heyman.*

Commissioner Sosa expressed concern that the proposed resolution contained too many issues and might be confusing to voters.

Chairman Barreiro and Commissioner Seijas concurred with Commissioner Sosa.

Commissioner Moss expressed concern regarding the provision in the foregoing proposed resolution to repeal all provisions in current ordinances and resolutions that regulate such petitions and prohibit regulation of such petitions by the County Commission.

Commissioner Heyman suggested that the provision that elections on Charter amendment petitions shall only take place at general elections be added to Special Item No. 10 as a cost-saving initiative.

Commissioner Moss noted some Charter issues had occurred in the past that were time sensitive and special elections were held and he was not sure he wished to relinquish that flexibility.

County Attorney Cuevas noted the provision regarding elections on Charter amendment petitions pertained only to citizen initiative petitions.

Charter Review Task Force Chairman Victor Diaz said the power of the County Commission to propose a Charter amendment was not affected by the foregoing proposed resolution. He noted the Task Force's recommendation was that if a citizen initiative was going to be put to a vote, it should be done during a general election to ensure a larger voter turnout.

Ms. Lynn Dannheisser, Charter Review Task Force member, said the County had asked the municipalities to consider going to the general election as a cost-saving measure and she felt it would be a contradiction to not support this proposal.

In response to Chairman Barreiro's inquiry as to how the foregoing proposed resolution was in conflict with Special Item 9, Assistant County Attorney Cynthia Johnson-Stacks advised if the Clerk—not the County Commission—approved initiatives as to form, the item would not be presented to the Commission in order for the Commission to hold a public hearing.

Mr. Diaz noted the County Commission could amend the Charter to provide that when the Clerk certified an initiatory petition, the Commission shall hold a public hearing on that petition, or it could be done by ordinance.

County Attorney Cuevas noted the foregoing proposed resolution precluded the County Commission from adopting ordinances relating to the initiatory process.

Commissioner Sosa spoke in opposition to Section 9.07.D on handwritten page 10 of the foregoing proposed resolution which provided that the initiatory process to amend the Charter shall be governed exclusively by the provisions of the Charter and the County Commission shall not adopt any ordinance or resolution.

Upon being put to a vote, the motion to adopt the foregoing proposed resolution failed by a vote of 4-4.

Mr. Diaz noted he felt the County Commission could reach a consensus if it amended the foregoing proposed resolution to provide that elections on citizen initiative petitions shall only take place at general elections.

Chairman Barreiro concurred with the comments made by Mr. Diaz.

It was moved by Commissioner Sorenson that if the Supervisor of Elections certifies the sufficiency of the petitions, the County Commission shall call an election on the proposed Charter amendment to be held in conjunction with the next available general election. This motion was seconded by Commissioner Heyman.

In response to Commissioner Gimenez' request to withdraw the foregoing proposed resolution; Chairman Barreiro said a motion and a second were previously made.

Upon being put to vote, the motion made by Commissioner Sorenson and seconded by Commissioner Heyman, failed by a majority vote of those members present. (Commissioners Diaz, Edmonson, Jordan, Martinez and Rolle were absent).

SPECIAL ITEM NO. 12

082035

Resolution

Bruno A. Barreiro

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PERMIT CANDIDATES FOR THE OFFICE OF COUNTY COMMISSIONER OR MAYOR TO SUBMIT A PETITION SIGNED BY SPECIFIED NUMBER OF REGISTERED VOTERS TO QUALIFY FOR OFFICE RATHER THAN PAY A QUALIFYING FEE

*Adopted
Resolution R-876-08
Mover: Carlos A. Gimenez
Seconder: Rebeca Sosa
Vote: 8-0
Absent: Jordan, Rolle,
Edmonson, Martinez, Diaz*

Report: In response to Commissioner Seijas' inquiry, County Attorney Cuevas noted the foregoing proposed resolution provided that candidates for the Office of County Commissioner or Mayor could submit a petition signed by at least one percent of the total number of registered voters to qualify for office rather than pay a qualifying fee.

SPECIAL ITEM NO. 13

082155

Resolution

Barbara J. Jordan,
 Audrey M. Edmonson,
 Carlos A. Gimenez,
 Sally A. Heyman,
 Natacha Seijas,
 Rebeca Sosa

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO TRANSFER THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE COUNTY MANAGER TO THE COUNTY MAYOR AND PROVIDE THAT THE COUNTY MANAGER SHALL ASSIST THE MAYOR IN THE ADMINISTRATION OF COUNTY GOVERNMENT ONLY TO THE EXTENT DIRECTED BY THE MAYOR

*Adopted**Resolution R-877-08**Mover: Barbara J. Jordan**Seconder: Rebeca Sosa**Vote: 13- 0*

Report: *Commissioner Jordan spoke in support of the foregoing proposed resolution which she noted clarified the Mayor's responsibilities. She noted she felt the Charter Review Task Force would have discussed the issues outlined in the proposed resolution, but it had not.*

Commissioners Edmonson, Gimenez, Heyman, Seijas and Sosa requested to be listed as co-sponsors to the foregoing proposed resolution.

In response to Commissioner Gimenez' inquiry, Assistant County Attorney Cynthia Johnson-Stacks noted the County Manager was responsible for recommending a bid waiver; preparing budget summaries and quarterly budget reports; providing access to County facilities for registration and voting purposes; and requiring County employees to provide reports regarding outside employment.

SPECIAL ITEM NO. 14

080963

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION, TO BE HELD ON TUESDAY, NOVEMBER 4, 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 THAT THE URBAN DEVELOPMENT BOUNDARY AND LAND USE CLASSIFICATIONS OUTSIDE THE URBAN DEVELOPMENT BOUNDARY SHALL BE AMENDED ONLY UPON (1) EXTRAORDINARY VOTE OF THE BOARD OF COUNTY COMMISSIONERS OR (2) RECOMMENDATION OF AN INDEPENDENT BODY, APPROVAL BY MAJORITY VOTE OF THE COMMISSION, AND REFERENDUM

Motion to adopt failed

Report: *Commissioner Seijas said she did not believe the foregoing proposed resolution should be placed as a Charter amendment as the County had applied for a grant from the federal government.*

It was moved by Commissioner Gimenez that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Sosa, and upon being put to a vote, failed by a majority vote of those members present. (Commissioners Diaz, Edmonson, Martinez, Rolle and Jordan were absent).

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 15

080965

Resolution

Bruno A. Barreiro

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION, TO BE HELD ON TUESDAY, NOVEMBER 4, 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 A PERMANENT DEVELOPMENT BOUNDARY WHICH SHALL BE ESTABLISHED AND MODIFIED ONLY UPON APPROVAL OF THE ELECTORATE

Withdrawn

Report: *The foregoing proposed resolution was withdrawn at the request of its sponsor, Chairman Barreiro. Chairman Barreiro noted he was looking closely at the grant process and he was hopeful the County would receive the dollars to conduct further study. He stated he would continue to meet with all parties involved with the Permanent Development Boundary in an effort to obtain consensus.*

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 16

080969

Resolution

Carlos A. Gimenez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION, TO BE HELD ON TUESDAY, NOVEMBER 4, 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 CREATE AN INDEPENDENT TASK FORCE TO DEVELOP A PLAN IN 2009 FOR INCLUSION OF ALL UNINCORPORATED AREAS OF THE COUNTY WITHIN CITIES BY MEANS OF ANNEXATION AND/OR INCORPORATION WHICH PLAN, AS MAY BE AMENDED BY SUPERMAJORITY VOTE OF THE COUNTY COMMISSION, SHALL BE SUBMITTED TO THE VOTERS AT THE GENERAL ELECTION IN 2010 AND UPON VOTER APPROVAL, SHALL ACCOMPLISH THE PROPOSED ANNEXATIONS AND/OR INCORPORATIONS THEREIN

Withdrawn

Report: *The foregoing proposed resolution was withdrawn at the request of its sponsor, Commissioner Gimenez.*

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 17

082036

Resolution

Bruno A. Barreiro,
Joe A. Martinez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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 THE BOARD OF COUNTY COMMISSIONERS TO TRANSFER FIRE PROTECTION AND RESCUE SERVICES FROM ALL MUNICIPALITIES TO THE COUNTY AND PROVIDE A UNIFORM, COUNTYWIDE SYSTEM OF FIRE PROTECTION AND RESCUE SERVICES

Withdrawn

Report: *(See Special Item No. 17 Substitute, Legislative File No. 082236)*

SPEC. ITEM NO. 17 SUB.

082236

Resolution

Bruno A. Barreiro

Deferred to no date certain

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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 THE BOARD OF COUNTY COMMISSIONERS TO TRANSFER FIRE PROTECTION AND RESCUE SERVICES FROM ALL MUNICIPALITIES TO THE COUNTY AND PROVIDE A UNIFORM, COUNTYWIDE SYSTEM OF FIRE PROTECTION AND RESCUE SERVICES, REQUIRE MUNICIPALITIES TO PROVIDE FOR THE TRANSFER OF FIRE AND RESCUE PROTECTION ASSETS TO THE COUNTY, AND FULLY FUND ACCRUED BENEFITS AND EXISTING PENSION PLANS FOR AFFECTED EMPLOYEES [SEE ORIGINAL ITEM UNDER FILE NO. 082036]

Report: County Attorney Cuevas read the foregoing proposed resolution into the record.

Chairman Barreiro announced that the foregoing proposed resolution was open for public participation. He acknowledged the following elected officials who requested to speak in connection with the proposed resolution:

Mayor Charles Burkett, Town of Surfside, appeared before the County Commission in opposition to the foregoing proposed resolution. He discussed the issues of safety with regard to the taxpayer and practicality. Mayor Burkett noted although the County's Fire Department was large and had more equipment, fire fighters and specialty gear, the firemen and women in the other cities performed the exact same job and performed it extremely well. He questioned the argument of cost-savings and elimination of duplication of services.

Mayor Julio Robaina, City of Hialeah, said more discussion and studies regarding the impact of the foregoing proposed resolution were needed. He noted this was an unfunded mandate as the cost to residents and the service costs were not known. Mayor Robaina said to allow the entire County to make a decision that would affect the five cities that were involved was disfranchising residents who lived in those cities. He noted the impact of the pensions coming into the County was not known, nor the number of fire stations that would remain open and the number of firefighters that would be needed. Mayor Robaina asked Chairman Barreiro to defer the proposed resolution and allow it to go through the right process.

Commissioner Marc Sarnoff, District 2, City of Miami, questioned whether the County Commission was giving due process. He noted the Florida Constitution provides due process and the County must afford the cities the opportunity for their citizens to take a vote. Commissioner Sarnoff said the City of Miami had a Class 1 Fire Department while the County had a Class 4 Fire Department, and he explained the difference in classification. He questioned whether the County was being a good steward of the taxpayers' money by removing a Class 1 Fire Department from the City of Miami. Commissioner Sarnoff suggested the County Commission look at the mutual aid agreements with the City of Miami to determine who had provided more aid to the County.

Commissioner Jonah Wolfson, City of Miami Beach, spoke in opposition to the foregoing proposed resolution. He noted the taxpayers would suffer as a result of this proposal and it would remove the principle that local control was best. Commissioner Wolfson urged the County Commission to vote "no" on this proposal.

Mr. Chip Iglesias, Village Manager, Village of Key Biscayne, 88 West McIntyre Street, Key Biscayne, appeared on behalf of Mayor Robert Vernon, Village of Key Biscayne, in opposition to the foregoing proposed resolution. He noted the Village was proud of its accredited fire services. Mr. Iglesias urged the County Commission to discuss this issue in an operational and not a political environment. He asked that the Village of Key Biscayne be involved in any further discussions regarding the proposed resolution.

City of Miami Commission Chairman Joe Sanchez spoke in opposition to the foregoing proposed resolution. He said more time was needed time to study the proposed resolution and noted issues should not continue to divide the

cities and the County.

Mayor Matti Bower, City of Miami Beach, said she was not supportive of the foregoing proposed resolution being adopted at this time. She noted sufficient information was not available for her to determine whether a regional fire system would be better for the citizens of Miami Beach, its Fire Department and employees. Mayor Bower said should this proposed resolution be adopted it was not known what would happen to the land and the buildings that were being renovated by the City. She noted the lack of a communication system between the cities and the County should be addressed immediately, and she urged the County Commission to table the foregoing proposed resolution.

The following persons appeared before the County Commission in opposition to the foregoing proposed resolution:

Mr. Dean Parkerson, President, South Florida Council of Firefighters, 800 NW 21 Street, representing firefighters, said the Council felt it was unacceptable for any fire department or union to annex services for other cities or service areas, but supported regionalization. He referenced Jacksonville's consolidation of services which went to the voters in 1968 and noted this consolidation was not done unilaterally by any government body. Mr. Parkerson urged the County Commission to table the foregoing proposed resolution and forward it to a committee for further study.

Mr. Dan Thornhill, 12189 SW 132 Court, Coral Gables Fire Fighter, noted the fire service in the community would be destroyed if the foregoing proposed resolution was adopted. He pointed out that millions of dollars would be spent on lawsuits; and the layoff of employees and the severing of ties with all municipalities would just be the beginning. Mr. Thornhill urged the County Commission to withdraw this proposed resolution.

Mr. Adonis Garcia, President, Miami Beach Fire Local 1510, urged Chairman Barreiro to table the foregoing proposed resolution. He noted he had not seen any fiscal studies to prove that this resolution would save taxpayers money, and felt the resolution would result in a tax increase to the taxpayers of the City of Miami Beach.

Mr. Robert Suarez, Miami Association of Firefighters, Local 587, 2980 NW South River Drive, said he was informed by County staff that no study or financial analysis were available. He noted a countywide referendum would easily overpower the votes of municipal residents and remove the service that these residents had asked their elected officials to maintain. Mr. Suarez said while he did not disagree with the concept of regionalization, voters should know the impact to their service before voting on the proposed regional fire system and residents of each affected municipality should be able to voice their opinions. He noted he did not believe the Home Rule Charter was being used in the manner it was created for.

Mr. William Bryson, City of Miami Fire Chief, 1151 NW 7 Street, noted the City's Fire Department was a Class 1 rated fire department that provided efficient service, and was a leader in establishing fire standards in the United States. He asked the County Commission to defer the foregoing proposed resolution and studies be conducted in the interim to determine the impact on firefighters.

FINAL OFFICIAL

Mr. Walter Reed, Fire Chief, City of Coral Gables, 2815 Salzedo Street, provided an overview of the Coral Gables Fire Department. He noted the Department was a Class 1, fully accredited fire department, and along with the City of Miami Beach Fire Department, were two of only 11 departments in the country that held that honor. Chief Reed said the City's fire rescue service was second to none and enjoyed a harmonious working relationship with other fire departments. He noted the Department was never approached by any member of the County Commission or the Charter Review Task Force regarding input on how to improve fire rescue services in Miami-Dade County. Chief Reed asked the County Commission to table the foregoing proposed resolution and to create a committee to study the long-term impact of this resolution.

Mr. Eric Yuhr, Fire Chief, City of Miami Beach, 11473 SW 126 Terrace, noted residents of Miami Beach should have the opportunity to vote on the proposed regional fire system. He said no facts, studies or figures were available to support the foregoing proposed resolution. Chief Yuhr urged the County Commission to study this proposal carefully.

Ms. Kathleen Phillips, Phillips and Richards, 98360 SW 72 Street, representing firefighter locals, including the Miami Local and Miami Beach Local, said the foregoing proposed resolution could be considered a dictatorial confiscation of assets of the cities involved, leaving them with monetary and potential safety liabilities. She noted the County administration could not provide studies that analyzed the effect of the proposed resolution on the citizens and taxpayers of the cities implicated; and she felt it was unfair to ask the County Commission to vote on legislation for which no statistics, cost analysis or safety analysis were available. Ms. Phillips said studies had been done which indicated that a cost savings would not necessarily be achieved, and would result in a decrease in manpower and an increase in response time. She urged the Commission not to be forced into voting on a measure without information.

Mr. Guillermo Chacon, 2410 SW 7th Avenue, City of Miami resident, asked that residents from each city be allowed to vote on the proposed regional fire system. He also asked that the County Commission defer the proposed resolution until everything was in place to make a sound decision.

Mr. David Aubury, 8401 SW 90 Street, said the short notice and expeditious manner in which the County was moving on the proposed resolution was unprecedented. He urged the County Commission to study this proposal further. Mr. Aubury noted the fire departments had always worked together in South Florida and would continue to work together.

Mr. David Brown, Coral Gables City Manager, said the Coral Gables' City Commission opposed the foregoing proposed resolution. He noted service levels would decrease and it was imperative that the City be allowed to make decisions regarding its fire services.

The following persons appeared before the County Commission in support of the foregoing proposed resolution:

Mr. Cristobal Aguirre, 1800 SW 25 Street, Miami-Dade Fire Rescue Department, expressed appreciation for the City of Miami Fire Department's response when his father suffered a heart attack and his mother suffered a stroke. He noted he worked in the Hazmat Unit and responded throughout

FINAL OFFICIAL

the Miami-Dade County community, including municipalities. Mr. Aguirre referenced incidents in which he was unable to communicate with other departments to share information and intelligence because his radio was not compatible with other fire departments' radios.

Ms. Maria Chin, 8000 NW 21 Street, Miami-Dade Fire Rescue Department, (MDFR), said she felt the foregoing proposed resolution would result in annual savings of millions of dollars to taxpayers while providing better services to all residents. She noted by unifying radio systems the cost of maintaining five separate systems that did not communicate with each other could be reduced. Ms. Cruz said this would also provide, with the recommendations of the 911 Commission, that all emergency responders share a common radio frequency. She noted the biggest inefficiency of having six fire departments was not dispatching the closest unit to the calls because of artificial jurisdictional lines. Ms. Chin said the MDFR Department was a result of growth in Miami-Dade County and the merger of 17 municipal departments. She noted she was hopeful this resolution would be adopted.

Mr. Al Cruz, 8000 NW 21 Street, Miami-Dade Fire Rescue Department, (MDFR), said the foregoing proposed resolution was not only about saving money and making the fire protection and rescue services more efficient, but also about saving lives.

Mr. Roberto Godoy, 9041 Kendall Drive, former Miami-Dade County Fire Commissioner, said he conducted a report on the consolidation of the fire services years ago and felt the public would support this proposal.

Mr. Stan Hills, 8000 NW 21 Street, representing firefighters serving 30 cities in the unincorporated area, said the proposed resolution would eliminate the duplication of services, firefighters would become more efficient and the artificial lines would be removed. He noted money was being wasted in the County by having five radio systems that could not communicate with each other and having different training. Mr. Hills said firefighters who were brought in from other departments would receive seniority and would keep their pensions once they were part of the Florida Retirement System. He referenced a study that was conducted one year ago which provided a comparison of personnel and staff; and he expressed appreciation to the County Commission for improving the fire service.

There being no other persons to appear before the Board, the public hearing was closed.

Discussion ensued among members of the County Commission on the foregoing proposed resolution.

Chairman Barreiro said he met with both sides and heard the issues. He noted sometimes the results of studies were based on who requested the studies. Chairman Barreiro pointed out that at the end of the day the issue of a regional fire system was a political issue with elected officials responding to their individual districts, cumulatively reaching a decision to put forth what was in the best interest of the whole. He noted he felt today's meeting was the right process to discuss this issue openly and arrive at conclusions.

Commissioner Gimenez said being a former City of Miami firefighter, his position on a regional fire system was unique. He noted the City of Miami was one of several cities in Miami-Dade County that had a rich tradition of

excellent fire service and had a Class 1 rating, along with the cities of Hialeah and Coral Gables. Commissioner Gimenez said the Miami-Dade Fire Department was a fine fire department and was based on models of the cities that came before them. He noted if the foregoing proposed resolution was adopted, a level of service may be imposed on the cities of Miami, Hialeah, Miami Beach, and the Village of Key Biscayne, which citizens may not wish to have because they had invested millions of dollars in those departments to provide a certain level of service. Commissioner Gimenez pointed out the communication issue could be addressed without consolidation of services and noted he had co-sponsored the ordinance relating to cities opting out of the County's Fire Rescue Service District. He stated Miami-Dade County citizens enjoyed the best fire rescue service because of competition and pride among the departments. Commissioner Gimenez noted the City of Miami Fire Department was a great department which he would not wish to see destroyed and he promised to work with Chairman Barreiro to resolve some of the issues that were discussed, including automatic response and similar communication issues. He asked Chairman Barreiro to withdraw the foregoing proposed resolution.

Commissioner Heyman said she shared the respect and reverence for the fire rescue services. She noted the issue of a regional fire system was too important to rush and the decisions would be significant countywide. Commissioner Heyman said the radio communication system could be a separate issue that could be addressed immediately by administrators in the five cities, and the County. She noted she would support an independent study to examine the proposed regional fire system with a clear audit in mind with coordination and communication, short-term and long-term efficiency, and the delivery of service and the consequences of change.

Commissioner Moss said he had tremendous respect for the men and women from all fire departments within the community. He noted Miami-Dade County must be able to provide a countywide regional service and that could not be accomplished if communities were constantly being cherry picked and County services eroded. Referring to comments regarding County government, Commissioner Moss said all governments had experienced their share of concerns. He stated he was hopeful that this issue would result in discussions regarding a regionalized fire service.

Commissioner Sorenson noted she had always supported a regional fire system; however, she had not studied the foregoing proposed resolution extensively and was not prepared to make a decision today. Commissioner Sorenson said she felt communication must be addressed immediately and asked that in addition to the independent study requested by Commissioner Heyman, a task force be created comprised of all departments, including financial analysts and insurance representatives, to study the impacts of a regional fire system before the issue was placed on the ballot.

Commissioner Diaz spoke in support of the foregoing proposed resolution.

In response to Commissioner Diaz' inquiry regarding the timeframe for placing the question of a countywide fire protection and rescue service system on the ballot, County Attorney Cuevas advised the County Commission had until September 5, 2008.

Commissioner Jordan also commended the firefighters. She said her focus on the lack of a regional fire department began with the September 11, 2001

FINAL OFFICIAL

terrorist attacks, and the fact that a number of firefighters lost their lives because some communications did not occur timely. She noted she was biased towards the regionalization of public safety in general (police and fire) and expressed concern regarding the "cherry picking" that had been attempted and future attempts at "cherry picking." Commissioner Jordan said she might not be present to vote on the foregoing proposed resolution as she must leave at 12:00 noon.

Commissioner Sosa noted while she supported regional services for the safety and welfare of the community, she questioned the impact of the foregoing proposed resolution on the County's budget, pensions, firefighters' jobs, fire stations, liability and potential change in services to the community at large. She read into the record a legal opinion which she requested from the County Attorney's Office regarding the transfer of municipal fire protection and rescue services to the County, which stated that an additional vote by the affected municipalities would not be required.

County Manager George Burgess stated the proposed resolution required an enormous decision; and while staff was aware of the issues, they did not possess the kind of well processed information necessary for the County Commission to make an informed decision today.

Commissioner Sosa said she felt the fire chiefs, representatives of the municipalities, the County Administration, and representatives of Chairman Barreiro's office needed to discuss the foregoing proposed resolution, and provide a response to the County Commission.

Commissioner Martinez said the City of Hialeah had conducted a study and voted on the consolidation of services issue. He noted people could work together and this was an issue about pride and tradition. Commissioner Martinez said firefighters would keep their jobs and their ranks; and would have a choice of keeping their pensions or being a part of the Florida Retirement System. He noted the fire stations would remain and the response times would no longer consist of geographical lines. Commissioner Martinez said his concern would have related to personnel. He noted firefighters would now be able to expand to the Hazmat Unit, air rescue, fire boat and that would create a fiscal impact on the County. Commissioner Martinez indicated he would campaign against this proposal if a compromise was not reached between now and November 2008; however, in the interim, he would be supportive of the foregoing proposed resolution.

Chairman Barreiro noted the situation he was confronted with regarding the millage rate. He said the City of Miami had a Hazmat Unit and a fire boat while the City of Miami Beach did not have these services, however, he felt it was fair that those costs be placed into a countywide district to provide services to Miami Beach and other municipalities that did not have those services. Chairman Barreiro pointed out the City of Miami would also be burdened with the Countywide millage. He said no study could come back with a response to that issue unless the entire County was divided and that was not in anyone's best interest. Chairman Barreiro noted some form of unified system was necessary to provide these services.

Chairman Barreiro noted he would pull the foregoing proposed resolution and asked representatives of the fire departments and unions to work together to resolve the issues that were raised. He noted if the issues were not resolved, he would bring the foregoing proposed resolution back to the

FINAL OFFICIAL

County Commission and revisit all the issues, including pensions.

Commissioner Seijas said this was a public safety issue and by consolidating the services, the County would be removing the fire departments from the current tax rolls, affecting the County and the cities. She noted the demand to roll back and reduce the millage for the districts was jeopardizing all public safety. Commissioner Seijas said by restructuring the fire services, departments would be properly funded. She referenced a statement made by a gentleman regarding communism and noted she was offended by his statement. Commissioner Seijas said she respected all firefighters.

Chairman Barreiro noted he would defer the foregoing proposed resolution to no date certain, and would revisit the issue if the County Commission was comfortable with the information that was provided.

Commissioner Moss suggested Chairman Barreiro be more specific.

Responding to Commissioner Gimenez' offer to lead this effort and meet with the fire chiefs, Chairman Barreiro said he felt Commissioner Gimenez should be involved, however, he did not believe he should lead this effort because he was too close to the fire issue.

Commissioner Sosa said she would like to see Chairman Barreiro lead this effort and would make herself available if he wished to call a special meeting.

Chairman Barreiro noted he would create a task force and work on the issue over the summer if time permitted, if not it would be addressed in September.

County Manager Burgess noted information regarding the proposed regional fire system would be available for the County Commission before the end of August.

Mayor Bower suggested the cities and the County combine their respective information.

In response to Commissioner Diaz' request that the foregoing motion be amended to defer the foregoing proposed resolution to September 2, 2008, Chairman Barreiro noted he would make that decision as the time progressed, but currently, the proposed resolution was deferred to no date certain.

Pursuant to the request of Chairman Barreiro, the County Commission by motion duly made, seconded and carried, voted to defer the foregoing proposed resolution to no date certain. (Commissioners Martinez and Seijas voted "no").

SPECIAL ITEM NO. 18

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 GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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

Motion to adopt failed

Report: *It was moved by Commissioner Gimenez that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Heyman.*

Commissioner Gimenez spoke in support of the foregoing proposed resolution. He noted once the Police Department Director was appointed by the Mayor that individual would perform his/her duties without interference from the Commission, the Mayor or the Manager, and would only report to the Commission for budgetary and other purposes. Commissioner Gimenez said this would provide a level of insulation for that individual versus an elected official which the Charter Review Task Force felt would be too political. He noted this recommendation also applied to the Supervisor of Elections.

In response to Commissioner Moss' inquiry, Commissioner Gimenez said the Mayor would appoint the Police Director and the County Commission would be required to ratify the appointment or could reject the appointment by a two-thirds vote. He noted the Mayor could fire the individual with approval of the majority of the Commission and the Commission could fire the individual with a two-thirds majority vote.

Commissioner Sosa expressed concern regarding the Police Department Director performing his/her duties without supervision. She noted she was not opposed to creating the checks and balance for the supervision but was concerned about allowing an individual to be completely free in such a powerful position.

Commissioner Gimenez noted there would be no interference from the Mayor or the County Commission regarding day to day operations. He noted the ultimate supervision would be the Mayor or the County Commission. Commissioner Gimenez noted the intent was to avoid political interference.

Chairman Barreiro noted he would not be supportive of the foregoing proposed resolution and felt the person would be an elected official at the end of the day.

Commissioner Seijas noted she could not support the foregoing proposed resolution because she had not seen an individual who had served as Police Director who was not professional and who did not possess integrity.

Commissioner Gimenez noted this issue was raised because of the change in government and he felt this was the right way to ensure checks and balances.

Commissioner Sosa agreed with Commissioner Seijas and noted she could not support this resolution.

Commissioner Sorenson noted she felt it was not necessary to make any changes to the Police Department Director's position.

Upon being put to a voice vote, Chairman Barreiro announced that the motion failed by a majority vote of those members present. (Commissioners Diaz, Edmonson, Martinez, Rolle and Jordan were absent).

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

11/19/2007 No Action Taken by the Board of County Commissioners

FINAL OFFICIAL

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 19

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 GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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

Motion to adopt failed

Report: *It was moved by Commissioner Gimenez that the foregoing proposed resolution be adopted. This motion was seconded by Commissioner Heyman.*

Commissioners Seijas and Sosa spoke in opposition to the foregoing proposed resolution.

Commissioner Gimenez spoke in support of the foregoing proposed resolution which he noted provided for checks and balances. He noted eventually a political mayor would be making political appointments and there would be no checks and balances.

Chairman Barreiro said a strong mayor was elected and department directors had to be professional. He noted the County Commission still retained a certain level of power in budgeting and would learn to utilize that process even more and fine tune it to ensure that the strong Mayor did not over assert his power.

Upon being put to a voice vote, Chairman Barreiro announced that the motion failed by a majority vote of those members present. (Commissioners Diaz, Edmonson, Martinez, Rolle and Jordan were absent).

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

11/19/2007 No Action Taken by the Board of County Commissioners

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 20

073378 Resolution Joe A. Martinez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION, TO BE HELD ON TUESDAY, NOVEMBER 4, 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 TAX COLLECTOR FROM THE MAYOR OR HIS OR HER APPOINTEE TO A PERSON ELECTED AND SUBJECT TO RECALL BY THE VOTERS

No Action Taken

- 11/13/2007 Forwarded to BCC without recommendation with committee amendments from the Governmental Operations and Environment Committee*
- 11/19/2007 No Action Taken by the Board of County Commissioners*
- 4/3/2008 Presented by the Board of County Commissioners*

SPECIAL ITEM NO. 21

073375 Resolution Joe A. Martinez

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 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

No Action Taken

- 11/13/2007 Forwarded to BCC without recommendation with committee amendments from the Governmental Operations and Environment Committee*
- 11/19/2007 No Action Taken by the Board of County Commissioners*
- 4/3/2008 Presented by the Board of County Commissioners*

SPECIAL ITEM NO. 22

073377

Resolution

Joe A. Martinez

No Action Taken

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, IN CONJUNCTION WITH A GENERAL ELECTION, TO BE HELD ON TUESDAY, NOVEMBER 4, 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]

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

11/19/2007 No Action Taken by the Board of County Commissioners

4/3/2008 Presented by the Board of County Commissioners

SPECIAL ITEM NO. 23

082211

Report

MATRIX

Presented

082410 Report

NON-AGENDA ITEM

Report: *Commissioner Souto said he spoke with Dr. Kaiser, Vice-President, Public Health Trust, regarding the resolution voted on at yesterday's (7/17) County Commission meeting relating to allocations from the Building Better Communities General Obligation Bond Program for Primary Health Care Facilities; and the comments made that Jackson Memorial Hospital (JMH) was no longer interested in providing primary care. He noted Dr. Kaiser assured him that JMH was interested in providing primary care. Commissioner Souto asked County Attorney Cuevas to review the issues that were raised at yesterday's meeting and the implication any misstatement may have on the vote that was taken by the Commission.*

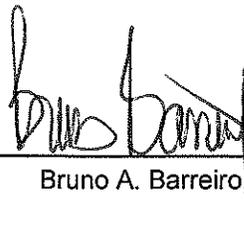
Commissioner Souto stated if this was the case, then District 10 must be represented.

Commissioner Souto also asked that representatives from Jackson Memorial Hospital come before the Board after the summer recess and address this issue.

Commissioner Moss, Chairman of the Health and Public Safety Committee, noted this issue would be discussed at the Committee meeting scheduled for September 11, 2008.

Responding to Commissioner Souto's comments, Commissioner Sosa explained that the subject allocation was a grant she had worked for many months to obtain for Commission District 6, and at no point was it her intent to say that JMH could not perform.

ADJOURNMENT



Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: _____
Kay Sullivan, Deputy Clerk