



Delivering Excellence Every Day

Charter Review Task Force Meeting

Wednesday, August 1, 2007

10:00 am

Miami-Dade Main Library

101 West Flagler Street

Main Auditorium, 1st Floor

AGENDA (REVISED)

1. Call to Order
2. Roll Call
3. Approval of July 9, 2007 meeting minutes
Approval of July 23, 2007 meeting minutes
4. Reports
 - Report by County Attorney's Office
 - Legal Opinion on Sheriff - Requested by Ignacio J. Vazquez
 - Legal Opinion on Constitutional Officers and employees – at will or civil
 - Report by County Manager's Office
 - Proposed Sites for Public Hearings
 - Public Information and Outreach & Charter Review Website
 - Report by Chairman Diaz
 - Community Relations Board Resolution
 - Request for Time Extension
 - Follow-up Information Requested on Broward & Miami-Dade regarding four positions in question
5. Task Force Prioritization of Charter Review Issues
 - Review of Mayor's List of Issues
 - Review of Board Chairman's List of Issues
 - Review of Task Force Member Issues
 - Discussion of Setting Priorities
6. Old Business
7. New Business
 - Request from Member Ignacio Vazquez
 - Member Robert Ginsburg's Notes on Commission Salaries
8. Adjournment

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**CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE MEETING
JULY 23, 2007**

The Charter Review Task Force convened in a meeting on July 23, 2007, at 10:00 a.m. on the 18th Floor, Conference Rooms 3 and 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 Ms. Lynn Dannheiser, Mr. Miguel De Grandy, Mayor David Dermer, Carlos Diaz-Padron, former Mayor of the City of West Miami, Mayor Shirley Gibson, Mr. Robert A. Ginsburg, Ms. Elizabeth Hernandez, Mr. John Hogan, Mr. Robert Holland, Mr. Francois Illas, Mr. Richard Kuper, Raul L. Martinez, former Mayor of the City of Hialeah, Mr. H. T. Smith, Ms. Yvonne Soler-McKinley, Mr. Ignacio Vazquez; (Maurice Ferre, former Mayor of the City of Miami, Mr. Larry Handfield and Commissioner Souto were late) (Commissioner Carlos A. Gimenez was absent).

1. Call to Order

Chairman Diaz called the meeting to order at 10:11 a.m. and noted a quorum was present.

2. Roll Call

The following staff members were present: County Manager George Burgess; Assistant County Manager Susanne M. Torriente; Assistant County Attorney Cynthia Johnson-Stacks; Assistant to the County Manager Maggie Fernandez; Budget Director Jennifer Glazer-Moon; Ms. Vivian Duyos, Office of Strategic Business Management and Deputy Clerks Diane Collins and Judy Marsh.

3. Approval of July 9, 2007 Meeting Minutes

Deferred

There being no objection, the following agenda item was considered out of order.

4. Discussion of Election/Appointment of Property Appraiser, Tax Collector, Sheriff and Supervisor of Elections

Chairman Diaz recapped the Task Force's decision at its last meeting (7/9) to discuss as the first order of business at today's meeting, the election versus the appointment of the Property Appraiser, Tax Collector, Sheriff and Supervisor of Elections in Miami-Dade County. He noted the Task Force agreed to invite County Manager George Burgess and the present office holders to make a presentation and also to request Broward County officials who held their position in an elected capacity, to make themselves available to make a presentation to the Task Force and if possible to respond to questions from the Task Force members.

Chairman Diaz welcomed and expressed appreciation to the Honorable Lori Parrish for making herself available via phone conference.

- **Presentation by Honorable Lori Parrish, Broward Property Appraiser (via phone conference)**

Honorable Lori Parrish, Broward Property Appraiser, made a presentation via phone conference on the advantages and disadvantages of her position as Property Appraiser being an elected position versus being an appointed position. She noted Broward County's Charter Review Board addressed this issue approximately 10 years ago and at that time, it was suggested that there were many constitutional offices that perhaps should be appointed. Ms. Parrish said she did not believe that anyone who had taxing authority should oversee the assessment of those properties because hypothetically if there was a shortfall in the budget, the Property Appraiser could raise the assessments to meet the shortfall. She noted she had not heard that Miami-Dade County had any problems within its Property Appraisers Office. Ms. Parrish said she was accountable to the public and was always in the community to respond to questions. She noted salaries in Miami-Dade were higher than in Broward County and Miami-Dade County budget was structured differently because in Broward, the Property Appraiser's Office had to pay its own lawyers, phone bills, and portion of workers compensation while Miami-Dade County's Property Appraisers Office fell under the Miami-Dade County budget system and was represented by the County Attorney's Office. Ms. Parrish also noted Broward County paid for certification of all employees while Miami-Dade County employees had to pay for their own certification.

Responding to Chairman Diaz's inquiry regarding the election process, Ms. Parrish said contributors and fundraising were not a problem for her. She noted being elected taught her that being in the community on a full-time basis provided a greater perspective in understanding community issues. Ms. Parrish said Broward County had approximately 1.9 million residents with approximately one million registered voters. She noted she was a Democrat and was elected with 62% of the votes, therefore she had appealed to all voters, not just party affiliation. Ms. Parrish said Broward County's elections were partisan.

Following her presentation Ms. Parrish responded to questions from the Task Force members.

In response to Mr. Martinez' inquiries, Ms. Parrish said she had been a member of the Florida Association of Property Appraisers, however, she did not resume her membership because she disagreed with many of its positions. She noted there was also a smaller association and she felt both associations should be merged. Referring to guidelines, Ms. Parrish said while there were strict guidelines pertaining to homesteaded property, property appraisers had some discretion. She noted the Department of Revenue, and the Broward County Commission to some extent, approved the Property Appraiser's budget.

Ms. Parrish said approximately 85.7% of her budget came from the County Commission and the remainder came from taxing authorities that levied non ad-valorem assessments. She noted she did not foresee a problem with the Broward County Commission not wanting to fund her office's needs and as an elected official, she did not feel pressured from taxpayers wanting their assessments lowered.

Responding to Ms. Dannheiser's inquiry regarding the difference in providing high quality customer services as an elected official versus an appointed official, Ms. Parrish said some residents would describe the level of service they received from the Property Appraisers Office versus the Broward County Revenue Collectors Office as being different and many comparisons were made between the two offices.

In response to Chairman Diaz' inquiries, Ms. Parrish said she had been in office since January 4, 2005; there was no term limit for the Property Appraisers Office; and she did not run for Property Appraiser because her term on the Broward County Commission had expired.

In response to Mr. Smith's inquiry regarding any disadvantages or limitations that could affect her current high level of performance if she were appointed versus being elected, Ms. Parrish said the difference was changes or improvements could be made to the Property Appraisers Office immediately if funds were available and the law was not being violated, whereas if she were appointed, she would have to receive approval.

Responding to Mr. Illas' question regarding her interaction with the different facets of Broward County government, Ms. Parrish said her office was self-contained and staff had written policy and procedures for procurement which were now being utilized statewide.

In response to Mr. Holland's inquiry whether she would have been just as effective as the Broward County Property Appraiser, had she been appointed, Ms. Parrish said no. She noted as a constitutional officer, all the employees served at-will and when she assumed office she had the opportunity to make employment changes. Ms. Parrish said there was no political force on her, her office had a strong lobbying policy, and no employee of the Property Appraiser Office, including herself, was allowed to accept any gift that exceeds \$2 in value.

Responding to County Manager Burgess' inquiry, Ms. Parrish said her predecessor had been the Property Appraiser for 37 years.

Chairman Diaz expressed appreciation to Ms. Parrish and noted the Task Force would welcome any follow-up written remarks or comments.

- **Presentation by Honorable Dr. Brenda D. Snipes, Broward Supervisor of Elections (via phone conference)**

Chairman Diaz expressed appreciation to the Honorable Dr. Brenda D. Snipes, Broward Supervisor of Elections, for participating in today's Task Force proceedings via phone

conference. He asked Dr. Snipes for her views, as an elected official in Broward County, on the advantages and disadvantages of the election system versus the appointment of her office; and whether being an elected official strengthened or hindered her ability to discharge her office.

Honorable Dr. Brenda D. Snipes, Broward Supervisor of Elections, expressed appreciation to Chairman Diaz and the Task Force members for inviting her to participate in this process. She noted in November 2007, it would be four years since she has been elected and she felt the position of Supervisor of Elections allowed her to become close to the people. Dr. Snipes said her office gave the public a voice and input in the direction that their government should take locally, statewide and at the national level, and this office should be as free from bias as possible.

Dr. Snipes said each Broward County commissioner could present his/her perspective to the Supervisor of Elections but it was the Supervisor's responsibility to set the best direction for Broward County voters. She noted her office worked with all political parties and established a reputation of being fair, honest and unbiased because it was a non-partisan operation. Dr. Snipes said the Department would not have those freedoms if it was within the County government structure, and operating as a constitutional officer in an elected position gave the Department an opportunity to expedite issues which were necessary in terms of running efficient elections. She noted she had worked closely with Miami-Dade County Supervisor of Elections Lester Sola and she commended Mr. Sola for performing an excellent job. Dr. Snipes said 66 Supervisors of Elections were elected and Mr. Sola was the only appointed official, and having an elected Supervisor of Elections in Miami-Dade County would allow the County to have its Supervisor on par with the other Supervisors of Elections.

In response to questions from Chairman Diaz, Dr. Snipes said she was a registered Democrat, there were no term limits, each employee of the Elections Department served at-will and her office was self-contained. She noted other than submitting a budget each year; the Department was autonomous in its decision-making.

Chairman Diaz expressed appreciation to Dr. Snipes for her participation and commended her on her performance as the Supervisor of Elections.

Chairman Diaz noted Mr. Ferre and Mr. Handfield were present.

Chairman Diaz noted a presentation would not be made by the Broward Tax Collector as this was an appointed position.

Assistant County Manager Susanne Torriente noted Broward County Sheriff Ken Jenne had a prior commitment and was unable to attend today's Task Force meeting.

- **Presentation by Miami-Dade County Manager George M. Burgess**

County Manager George Burgess discussed his views on whether Miami-Dade County's Property Appraiser, Tax Collector, Sheriff and Supervisor of Elections should be elected positions. He noted these positions should not be policy-makers as they did not govern but delivered service. Mr. Burgess said professionals delivering service, providing for public safety, proper conduct in an election, proper valuing of property or the collection of taxes had nothing to do with policy. He noted the Supervisor of Elections and the Property Appraiser were heavily regulated by the State of Florida and worked within certain constraints. Mr. Burgess said last year, the tax roll in Miami-Dade County grew by 21% and in the case of the Property Appraiser, which may have precipitated a lot of discussion, it was a reaction to the issue of rising tax values and the inequities and disparities in the Save Our Homes amendment, and an elected Property Appraiser versus an appointed Property Appraiser would not solve this problem. He noted each of these four offices received County funding which provided for budgetary controls.

County Manager Burgess said he felt there was great benefit for the Property Appraiser being appointed, as an elected Appraiser could create a potential political conflict between the Property Appraisers Office and elected commissioners. He noted elected officials could limit the access in the case of the Property Appraiser to resources that were available. Referring to the Tax Collector, Mr. Burgess said he did not understand the rationale of the Tax Collector's position being an elected position. Addressing the sheriff's position, he noted he was not aware of a major metropolitan area in the United States, other than perhaps some in Florida, which had an elected sheriff. In Miami-Dade County, sheriffs were appointed, professional police chiefs, Mr. Burgess noted, and there was no assurance that an elected sheriff would be knowledgeable about law enforcement. Referring to the Supervisor of Elections, Mr. Burgess said he did not understand the need for a partisan Supervisor of Elections. He noted this position should be an independent, apolitical, elections function that provided access to individuals so they could exercise their right and privilege to vote. Mr. Burgess said he felt the current appointed structure for the four positions should be protected.

Chairman Diaz expressed appreciation to County Manager Burgess for his remarks. He noted Mr. Burgess was invited by the Task Force to defend the current system in Miami-Dade County.

Question/Answer Session

Responding to Mayor Dermer's question regarding the possibility of having the four positions as mayoral appointments with an advise and consent provision to the County Commission, County Manager Burgess said it was the Mayor's decision to hire the individuals for these positions, however, the Mayor's decision could be overturned by a two-thirds vote of the County Commission.

In response to Mr. Martinez' inquiry regarding employees of the Clerk, Mr. Burgess said the Clerk's office was a constitutional office. Responding further, Budget Director

Jennifer Glazer-Moon said employees of the Clerk served at the will of the Clerk and were part of the union representation when they were County employees but that was severed when they became Clerk employees.

Chairman Diaz noted the issue of whether employees of a constitutional officer could serve as County employees required a legal opinion.

Responding to Mr. Diaz-Padron's comments, Chairman Diaz noted the Task Force would confirm whether former Supervisors of Elections were elected.

In response to Mr. Diaz-Padron's inquiry regarding employees of the four positions being at-will, Mr. Burgess said employees who were exempt or at-will could be removed quicker.

In response to Mr. Smith's inquiry, Mr. Burgess noted Mayor Carlos Alvarez felt the sheriff's position should be appointed. Responding further to Mr. Smith, Mr. Burgess said he felt the sheriff's position would create the most damage if it was changed from appointed to elected.

Mr. Handfield commented that changes in employees were usually made by individuals in the four positions whether they were appointed or elected.

Mr. Burgess noted in the case of the Miami-Dade County, changes in these appointed positions had not been a result of a change in the election of the Mayor, or appointment of Commission Chairperson, but were related more to performance, retirement and promotional issues.

Mr. Holland said he was hopeful the Task Force would not only focus on elected versus appointed positions but also look at the problems they were trying to address. He noted that a hybrid of the two alternatives may need to be considered.

Chairman Diaz noted Commissioner Souto was present.

Responding to Chairman Diaz' inquiry regarding the degree to which the current appointed officials were encouraged or required to go into the community on a regular basis for public education and feedback, Mr. Burgess said the Miami-Dade Police Department should frequently be in the community, the Supervisor of Elections had an outreach function and provided education and increased voter registration opportunities. He noted he would provide Chairman Diaz with the frequency with which the Property Appraiser conducted community outreach. Mr. Burgess said community outreach was important, however, he was not aware if the current legislative actions on tax relief were a function of poor citizen education. He noted in the last few years there was a spike in property values which drove the issue of property insurance and property tax relief. Mr. Burgess also noted the County's 311 Answer Center responded to calls quickly and provided information on property appraisals.

In response to Chairman Diaz' inquiry whether the four appointed offices reflected the diversity of the community, Mr. Burgess said the sheriff was African-American, and the Supervisor of Elections, Property Appraiser and the Interim Tax Collector were Hispanic. He noted an appointed position probably had a better chance of achieving diversity.

Responding to Mr. Kuper's inquiry regarding the departments' budgets, Mr. Burgess said the County Commission adopted the budget for all County departments, including the four subject departments. He noted the Property Appraiser had conducted much outreach and interaction in educating the public.

Chairman Diaz emphasized the need for more public education regarding the property valuation process.

Mayor Gibson said it was crucial that service delivery connect with policy and procedures and there was a great disconnect in this area. She stated that the four offices being discussed should be elected positions. Mayor Gibson said Mr. Burgess was working with a hybrid of at-will employees and the County was undergoing an at-will process in many aspects.

Ms. Soler-McKinley noted her dilemma was with the Police Director. She noted municipalities would have more direct access to the person providing the service if the police position was elected.

Mr. Vazquez noted he felt accountability and transparency was not achievable under the strong mayor form of government.

Responding to Mr. Illas' question regarding the type of government the County was moving towards, Mr. Burgess suggested this issue be discussed at a later date in order to discuss different models of consolidation. As it related to positive improvements under an elected format for the four appointed officers, Mr. Burgess noted it depended on the individual(s).

Mr. Ferre said he felt County government should be a regional government to address regional issues and should not become involved in municipal issues. He concurred with Mayor Dermer in reaching a middle ground by having a process where there was public input through the elected commissioners on the approval of department directors.

Chairman Diaz expressed appreciation to County Manager Burgess for his participation.

Mr. De Grandy noted County Manager Burgess made some compelling points but with regard to the Police Director, the Charter previously included a built in system of protections which stated the County Manager hired the Police Director and if any commissioner or mayor wanted to give a direct order to that Director, that was a possible event of termination of office. He noted now the Police Director was hired by a politician and questioned what protection existed against abuse. He stated unless there were built in protections in the system, he would prefer the Police Director be personally

accountable. He agreed that in a professional manager form of government, there should be an appointed Public Safety Director.

Mr. Handfield noted he agreed that the law enforcement position should be held by someone who was a professional and not a politician. He expressed concern that the mayor ran on a change of accountability and having access to the public, however, under the current system this defied the issues the mayor ran on.

Responding to Mr. Martinez' comments that the Task Force needed to be willing to revise the entire Charter and establish parameters, Chairman Diaz said he did not know whether it would be productive for the Task Force to revisit the referendum regarding the strong mayor; however, the Task Force could attempt to implement it in a more efficient manner, either by transforming it into a truly strong executive mayor form of government or to implement the types of checks and balances and accountability provisions that were necessary in order to make this hybrid system effective.

Discussion ensued among the Task Force members on the process of reforming County government.

Mr. Martinez suggested the Task Force members read each Article of the Home Rule Charter, beginning with the responsibilities and powers of the Mayor, responsibilities of the County Commission and then consider all the other Articles that would complement the governance.

Mr. Illas noted the Task Force needed to discuss the separation of powers between the formats of government.

Mr. De Grandy provided a historical context on the 2001 Charter Review Task Force. He noted if the Task Force was going to review the Charter on a holistic basis, he felt Chairman Diaz should entertain a motion to request an extension of time from the County Commission. Mr. De Grandy said he felt the process of each member identifying issues of concern was a good process and he was not supportive of subcommittees because the members who were not present at the subcommittee meetings would want the issues re-discussed by the full Task Force.

Mr. Holland noted each time a Charter Review Task Force had been formed, the form of government changed without the issues being addressed holistically and the problems had not been resolved. He noted any form of governance recommended would still have its critics and its problems. Mr. Holland spoke in support of reviewing the Charter holistically in order to include parameters.

Chairman Diaz noted the County Commission would meet tomorrow (7/24) and would then go into its August recess. He noted the Task Force could either make a motion today to request an extension, or as an alternative, continue this process and when the Board resumed in September, the Task Force would be further informed as to whether or not they needed to request additional time.

Mr. Hogan spoke in support of requesting an extension of time from the County Commission.

Mr. Ferre suggested the Task Force decide structurally how it wanted to proceed, and be prepared to vote in September as to whether it wanted an extension of time or if it wanted to fulfill its commitment by October.

Mr. Vazquez noted the Task Force was charged with addressing four main issues and should focus on these issues and make a recommendation by October 31, 2007.

Assistant County Attorney Cynthia Johnson-Stacks corrected the record in two respects. She noted two resolutions were directed to the Task Force, one required a review of the entire Charter and the other directed the Task Force to look at the four specific positions. Referring to comments regarding the Mayor's powers and his ability to discuss issues with staff other than department directors, Ms. Johnson-Stacks advised that was addressed in the 2007 amendment. She noted the Mayor was responsible for the management of all administrative departments of the County and the Manager was technically called to assist the Mayor in that regard.

In response to Mr. Martinez' inquiry, Assistant County Attorney Johnson-Stacks advised the Mayor had the authority to hire and fire all employees; however, it was his prerogative as to how he chose to exercise that authority. She noted the references to earlier provisions of the Charter which prevented commissioners and the Mayor from dealing with staff, with respect to the Mayor, that provision had been eliminated. As it related to whether these officials elected by Charter change while the employees who served underneath them would maintain their civil service status if they had any, Ms. Johnson-Stacks advised language could be crafted to accomplish that.

Commissioner Souto apprised the Task Force that the Unincorporated Municipal Services Area (UMSA) was a municipality of 1.5 million people which was operated by the County and efforts to incorporate some of these areas were rejected by the public.

Responding to Chairman Diaz, Commissioner Souto said the County Commission wanted to have a response on the issue of the four offices and to proceed with this issue.

It was moved by Ms. Dannheiser that the Task Force request from the County Commission a 90-day time extension on the duration of the Charter Review Task Force. This motion was seconded by Ms. Hernandez.

Discussion ensued on the foregoing motion.

Mr. Martinez suggested that since the Task Force wanted to hear from the public, public hearings could be held in August.

Mayor Dermer noted true reform would result in mitigation of power on the County Commission. He noted he was looking at the consequences of the Task Force's actions

and questioned whether the Commission would be willing to relinquish some of their powers in order to bring about change.

Mr. Handfield spoke against the motion. He noted one of the timelines the Task Force was given to carry out the specific mandate was driven by having this matter before the January ballot and he felt it was premature to request an extension at this point.

Mr. Ginsburg spoke against the motion. He said at the July 9, 2007 meeting, the Task Force began a process that would provide for a number of recommendations to the County Commission, which he felt could be accomplished. He noted he was prepared to discuss today, the election or appointment of various constitutional officers, arrive at a conclusion and vote on it today and proceed with other issues.

Mr. Ferre spoke against the motion. He noted this was not a constitutional convention, but a Task Force.

Assistant County Attorney Johnson-Stacks clarified there was no timeframe in the resolution relating to the four elected positions. She noted there was also a committee resolution that went through one of the committees and was referred to the Task Force which related specifically to the Property Appraiser. She noted in that discussion, it was requested that information be brought back from the Task Force for the January ballot.

Following discussion, the Task Force voted on the motion to request from the County Commission at its meeting of July 24, 2007, a 90-day time extension on the duration of the Charter Review Task Force, and upon being put to a vote, the motion passed by a vote of 11-8, (Mr. Diaz-Padron, Mr. Ferre, Mayor Gibson, Mr. Ginsburg, Mr. Handfield, Mr. Smith, Commissioner Souto and Mr. Vazquez voted “no”) (Commissioner Gimenez was absent).

Chairman Diaz noted he would communicate this request to the County Commission’s Chairman and report back to the Task Force.

5. Reports on Pending Assignments and Requests by the Task Force

Report by County Attorney’s Office – Legal Opinion Requested by Raul Martinez

Chairman Diaz noted the Legal Opinion requested by Mr. Martinez was attached.

Assistant County Attorney Johnson-Stacks advised that to answer Mr. Martinez’ question at this point would be premature and she suggested the Task Force wait until the end of the process to determine what the changes were and then staff could provide an opinion on whether it could be in one question.

Legal Opinion Requested by Ignacio J. Vazquez

Chairman Diaz noted the County Manager's Office and the County Attorney's Office had asked that requests for information or requests for Legal Opinions be channeled through the Chair and that they be voted on.

It was moved by Mr. Smith that requests for factual research by staff be directed through the Chair and that they be addressed at the Task Force meeting; and if it was the consensus of a majority of the members that they wished to see it, it would be moved forward. This motion was seconded by Ms. Soler-McKinley, and upon being put to a vote, passed by a unanimous vote.

Chairman Diaz noted Mr. Vazquez was seeking a legal opinion as to whether the current title of the Public Safety Director comports with the constitutional office of sheriff.

It was moved by Mr. Vazquez that the County Attorney's Office provide a Legal Opinion as to whether the current title of the Public Safety Director comports with the constitutional office of sheriff. This motion was seconded by Ms. Soler-McKinley, and upon being put to a vote, passed by a vote of 18-2, (Mr. Ginsburg and Mr. Martinez voted "no").

Report by County Manager's Office

List of Potential Future Invitees

Chairman Diaz noted he had received a diverse list of invitees. He noted many of the members suggested inviting politicians or elected officials, academics and leading figures from the community.

Mr. Ginsburg suggested that instead of the invitees appearing before the Task Force, they communicate to the Task Force in a bullet-type manner, the issues they wished to discuss with the Task Force.

Mr. Ferre suggested once the Task Force identified issues to be discussed, they relay this information to the invitees. He noted in his July 12, 2007 memorandum to Ms. Torriente, he provided a series of names which were omitted.

Mr. Martinez suggested obtaining input from Mr. Merrett Stierheim.

Chairman Diaz asked the Task Force members to submit their names when they submitted their list of issues.

It was moved by Mr. Smith that after the Task Force identified the issues, written requests be made from the potential invitees and thereafter the Task Force could consider whether to invite any of these persons to make personal remarks. This motion was

seconded by Mr. Ferre and upon being put to a vote, passed by a unanimous vote of those members present.

Inventory of Recommendations and Issues

Best Practices Research

Chairman Diaz noted the best practices research did not resolve any of the questions that the Task Force wanted answered but provided important feedback. He said there was much information on best practices information that was posted on the Task Force's Website. Chairman Diaz noted the Jacksonville Charter was still pending as it was not available online and he asked that requests from the Task Force members for other specific, factual background information be channeled through him.

Responding to Mr. Ferre's comment regarding the July 9, 2007 minutes, Chairman Diaz noted deferral of the minutes would allow for grammatical corrections and a revised set of minutes would be circulated.

Mr. Smith commended staff for posting information on the Task Force's Website and he commended the County Attorney for advising the Task Force on technical questions. Mr. Smith also commended Chairman Diaz for his leadership and encouraged the members to assist Chairman Diaz in moving the Charter Review process forward.

Mr. Martinez asked Assistant County Attorney Johnson-Stacks to provide a written response to all the Task Force members regarding his earlier question relating to the hiring and firing of County employees.

Chairman Diaz noted some items from the July 9th Task Force meeting were tabled by motion, specifically, Mr. Ferre's July 5th memorandum. He referred to an item that the Task Force adopt a three-day rule.

It was moved by Mr. Ferre that the Task Force require that written notification of any recommendations to be discussed at the Task Force meetings be provided three working days prior to the meeting. This motion died due to lack of a second.

Mr. Ferre withdrew his item pertaining to attendance requirements.

Mr. Ferre explained his request for the creation of subcommittees outlined in his memorandum. He noted subcommittees would facilitate more public input.

It was moved by Mr. Ferre that Chairman Diaz make a recommendation after the Task Force had identified issues with respect to the role that subcommittees might play in the Task Force's deliberations. This motion was seconded by Mr. Kuper.

In response to Mayor Gibson's inquiry, Ms. Johnson-Stacks advised if the Task Force members were gathering information in the community and would not be taking action a quorum would not be necessary.

Mr. Ginsburg spoke in opposition to the motion.

Upon being put to a vote, the motion made by Mr. Ferre passed by a vote of 19-1, (Mr. Ginsburg voted "no").

Mr. Ferre concurred with Chairman Diaz's request that the minority report issue be tabled until the Task Force proceeded further along with its deliberations.

Open Discussion by Task Force Members

6. Report on Administrative Matters

- **Follow-up on Lack of Response for Requests for Speakers and Recommendations**

Chairman Diaz noted letters were mailed to a number of individuals, the Mayor, County Attorney, each member of the Board of County Commissioners, Clerk and County Manager requesting a list of issues. He noted responses were not received from all of them and asked whether the Task Force felt it was necessary to send a follow-up letter. No suggestions were made.

Chairman Diaz said he reviewed the list of issues that was prepared by the Task Force members including compensation for the County Commission and Mayor; term limits on the County Commission, current election and composition of the Board of County Commissioners, clarification of boundaries between the executive and administrative branches of County government and checks and balances. He noted he would work with staff to identify the issues that received multiple proponents and they would be circulated to each Task Force member before the next meeting. Chairman Diaz said the Task Force would start to gather responsive resource materials on those items that received the most number of proponents of study areas and address the issue of prioritization at the next Task Force meeting. He asked that any Task Force member who wanted to submit any additional issues prior to the list being circulated, to do so by the close of business on Wednesday (7/25).

Chairman Diaz noted the canvassing results would be reported at the next meeting and would be included in the agenda package to be distributed to the Task Force members.

Request for Time Extension from League of Cities and County Manager

Chairman Diaz noted at the July 9th meeting, the Task Force requested the Mayor, the County Manager, each County Commissioner, County Clerk and each Task Force member and the League of Cities to submit to the Task Force, specific issues or areas of

the Charter that they wanted to be addressed. He noted the League of Cities and the County Manager's Office requested an extension of time, and he granted these requests.

Responding to Mr. Kuper's comment regarding the League of Cities, Chairman Diaz suggested Assistant County Attorney Johnson-Stacks respond to Mr. Kuper upon conclusion of today's meeting.

Website and Vehicle for Public Comment (show and tell)

Chairman Diaz noted he was hopeful each Task Force member had visited the Task Force's Website. He noted since its inception, there had been 434 visits, averaging 62 visits daily. He noted there were statistics on the number of times the agenda, Charter and resumes of some members had been downloaded. Chairman Diaz encouraged the Task Force members to publicize the Website, noting this was the principal vehicle for the Task Force to communicate with the community and the Task Force would continue to be responsible for the Website's contents. He asked the members to bring to his attention other materials they wished to be posted on the Website. Chairman Diaz noted the Task Force had begun to receive public comment and feedback through the Website and as that became sufficient volume to be meaningful, he would present it to the Task Force.

Delivery of Agenda Packages

Chairman Diaz noted the Task Force members would receive an email notifying them that the agenda and agenda package for the next meeting had been posted to the Website and could be downloaded by each member. He noted this would save on delivery costs.

Future Meeting Schedule – Preferred Days of the Week and Public Input

Chairman Diaz noted the members were polled and there being no objection, there was a consensus that the preferred day was Wednesday. He noted the Wednesday meeting schedule was included in today's agenda package. Chairman Diaz noted the dates would be posted on the Task Force's Website.

Sites for Public Hearings

Chairman Diaz noted staff had identified public hearing sites including the Caleb Center, the Dade County Auditorium, the South Dade Government Center, the West Kendall Regional Library and the Miami Beach Convention Center.

Mayor Martinez suggested a site in Hialeah be added.

Mayor Gibson suggested the North Dade Regional Library be included.

Chairman Diaz asked whether the members wanted to hold seven public hearings or consolidate the list. He noted while he did not expect all the members to attend these hearings, it would be disrespectful to the public for only one or two members to attend.

Mr. Ferre suggested five public hearings and Mr. Vazquez suggested three hearings be held.

It was moved by Mr. Ginsburg that four public hearings be held in the north, central, south and the Beaches. This motion was seconded by Mr. Ferre.

Mr. Kuper suggested including a west location as a friendly amendment. This amendment was not accepted by Mr. Ginsburg, maker of the motion.

Mr. Martinez spoke against the motion. He noted four public hearings were not sufficient.

In response to Mr. Diaz-Padron, Chairman Diaz noted the public hearings would be held in the evenings.

Upon being put to a vote by a show of hands, the motion passed 8-7.

Chairman Diaz noted there may be some reconsideration of the motion once the sites were identified. He noted he would work with staff to identify four or potentially five sites and he would bring back a recommendation at the next meeting, consistent with the current adopted resolution. Chairman Diaz said if he felt it was appropriate, an alternate site could be considered.

Responding to Mayor Gibson's comments regarding marketing the Task Force meetings, Chairman Diaz noted he requested the Miami Herald editorial page to allow him to write an opinion editorial and it was his intent to use this as a vehicle to solicit public input and support for this Charter Review process. He noted there would be an interview on the County's television station.

Mayor Gibson suggested an affirmative outreach to public talk radio in order to solicit public input.

Mr. Vazquez suggested information be disseminated to Spanish radio and the African-American community.

Protocol for Requests of Information and Task Force Activities

Chairman Diaz noted with the opinion of the County Attorney, he had created a rule that any correspondence from any Task Force member that they wanted to be circulated to every other member of the Task Force, if received prior to the agenda package, would be included in the agenda package. He noted if they were received after the agenda package was posted on the Website, they would be distributed in person at the meeting.

7. New Business

None presented

8. Adjournment

There being no further business to come before the Task Force, the meeting was adjourned at 1:11 p.m.

Victor M. Diaz, Chairman
Charter Review Task force

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Venue	Address	Telephone	BCC District	Occp.
North Dade Regional Library	2455 NW 183 St	305-625-6424	1	175
Miami-Dade Community College/North Campus	11380 NW 27 AV	305-237-1003	2	450
Caleb Center Auditorium	5400 NW 22 Avenue	305-636-2350	3	1,000
FIU/Kovens Conference Center	3000 N.E. 151 Street, Miami	305-919-5000	4	95-440
FIU/Wolfe University Center	3000 N.E. 151 Street, Miami	305-919-5701	4	100-500
Stephen P. Clark Center - Commission Chambers	111 NW 1 Street, 2nd Floor	305-375-2616	5	250
City of Miami Beach - Commission Chambers	1700 Convention Center Drive, 3rd Floor	305-673-7030	5	240
City of Miami - Commission Chambers	3500 Pan American Drive	305-250-5300	5	155
Miami Dade Community College/Wolfson Campus	300 NE 2 Ave	305-237-3000	5	100
Milander Auditorium	4800 Palm Avenue	305-822-2521	6	200
City of Coral Gables - Commission Chambers	405 Biltmore Way, Coral Gables	305 460 5202	7	50
University of Miami Convocation Center	1245 Walsh Avenue, Coral Gables	305-284-8886	7	7,000
Dade County Auditorium	2901 West Flagler Street, Miami	305-547-5414	7	2,429
City of Homestead - City Hall	790 N Homestead Blvd, Homestead	305-224-4400	8	80
South Dade Government Center		Ozzie Astudillo (Ana, Asst.) 305-232-3831	8	100
Miami Dade Community College/Homestead Campus	10710 SW 211th Street	305-237-5000	8	300
Miami-Dade Community College/Kendall Campus	500 College Terrace, Homestead	305-237-2000; Eduardo Rivas 305-237-7460	8	330
West Dade Regional Library	11011 SW 104 ST	305-553-1134	10	35
FIU/Graham Center at University Park	9445 Coral Way	305-348-2297	11	100-900
Miami Dade Fire Headquarters	11200 S.W. 8th Street, Miami	786-331-5000	12	150
City of Hialeah - Commission Chambers	9300 N.W. 41st Street	305-883-5820	13	187
	501 Palm Avenue, Hialeah			

NORTH

NORTH

EAST

SOUTH

CENTRAL/WEST

5



**MEMORANDUM
OFFICE OF THE MAYOR**

DATE: July 31, 2007

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

FROM: 
Carlos Alvarez
Mayor

SUBJECT: Charter Review Task Force Recommendations

As long ago as 1885, when the State of Florida granted home-rule powers to Dade County, the Florida Constitution preserved to the people of this County the right to change the structure of their government through the exercise of direct democracy. As Chairman of the Charter Review Taskforce you are continuing in that tradition and I commend you for accepting the responsibility.

Pursuant to your request, I have prepared an inventory of issues and recommendations for the Task Force to consider. The inventory is bifurcated into two sections: Matters of Governance and Matters on Ethics.

Thank you for the opportunity to provide recommendations and good luck.

C: Denis Morales, Chief of Staff
Members of the Charter Review Taskforce
Cynthia Johnson-Stacks, Assistant County Attorney
Joni Armstrong-Coffey, Assistant County Attorney
Susanne M. Torriente, Assistant County Manager
Clerk of the Board

MATTERS OF GOVERNANCE

I. BOARD OF COUNTY COMMISSIONERS

Board Composition

"The debate over the relative merits of at-large representation versus single district representation has been a feature of American political life since the founding of the republic."¹

Applied locally, at-large representation would provide for a unified set of representatives with a countywide political view. This is not to say that the at-large system is perfect; inherent in the at-large system is the potential to dilute minority interests. Our current system of single member districts differs from at-large representation by incorporating a greater diversity of views and ethnicities. Just as with the at-large system, however, there are flaws – the single member district system has created a perception of parochialism and corrupt "ward" politics. Balancing these realities forces the Charter Review Task Force (Task Force) to examine whether there is a better system of governance which would allow the citizens of Miami-Dade County to enjoy the benefits of both systems without the pitfalls.

The at-large system and the single member system are not mutually exclusive as methods of representation. Mixed systems exist with both at-large representatives and representatives elected by district.² The Jacksonville, Florida, Council consists of nineteen members derived from fourteen council districts and five at-large areas. Each council district elects one council member while the five at-large residence areas follow a similar procedure, electing at-large council members who must reside in their respective residence areas.³

THEREFORE, the Task Force may consider the following recommendation: that the Board of County Commissioners (Board) composition be expanded to include both single member and at-large district membership.

AS RECOMMENDED, at-large members numbered according to the Task Force recommendation would join thirteen single member district members. Under the new system both single and at-large members would be fulltime paid commissioners, subject to a two year residency requirement, from equal areas in Miami-Dade County reconfigured every ten years pursuant to the census.

The at-large members would chair the Board's standing committees with the elected Chairman of the Board designating such appointments. All Board members (both at-large and single member) would elect a Chairman of the Board biennially. No Chairman may serve for more than four years total, either consecutively or non sequentially.

Board Term Limits

The Task Force may consider the following recommendations: No commissioner shall serve more than a total of eight years in a specific seat. However, should this Task Force adopt the Board Composition recommendation, a district commissioner could serve in an at large seat for an additional eight years or, *vice versa*, an at large commissioner could serve an additional eight years as a district commissioner.

¹ Edelman, Paul H., In Defense of At-Large Representation: A Positive Approach (2004). Vanderbilt Law and Economics Research Paper No. 04-02; Vanderbilt Public Law Research Paper No. 04-02.

² Among cities with populations between 5,000 and 1,000,000 the mixed system is the second most common form of representation (after pure at-large representation) and it accounts for more than half the cities with populations between 250,000 and 500,000. *Id.* at 4; Municipal Year Book 1998, 40 (Table 5/15).

³ Charter Laws of the City of Jacksonville, Florida, Section 5.01.

Board Member Salaries

The Task Force may consider the following recommendations: All commissioners will serve full time and will receive a salary commensurate with the formula established by the State of Florida for non-chartered counties.⁴

II. INITIATIVE, REFERENDUM AND RECALL

*If we think the people are not enlightened enough to exercise their power with a wholesome discretion, then the remedy is not to take that power from them but, rather, to inform their discretion through education.*⁵

President Thomas Jefferson.

The procedure for the petition process is set forth in Article 8 of the Charter. Article 8 instills in the Miami-Dade County electors the power to propose to the Board the passage or repeal of ordinances and to vote on the question if the Board refuses action; moreover, it provides that any member of the Board or the Mayor may be removed from office by the electors of the county, district, or municipality from which he was chosen.

The Home Rule Charter *provides the only method* for citizens to initiate referenda or recall.⁶ The Board should not pass a legislative act or administrative rule concerning the initiative amending process without Citizen input since all restrictions touching on the initiative process strengthen the authority and power of the Board and *weaken the power of the citizen.*

The Charter dictates that it should be construed liberally in favor of the citizen-initiative process: "This Charter shall be *liberally construed* in aid of its declared purpose, which is to establish effective home rule government in this county *responsive to the people.*" Charter, § 9.06(A).

The limitation on the Board's power extends as well to the powers which the Charter reserves in the citizens. The Commission lacks power to act where the language of the Charter sections implicated neither grant nor imply such authority. The County Commission is not lacking in its ability to amend the initiative, referendum, and recall procedure; it is simply required do so solely by amendment to the Charter itself.

THEREFORE, the Task Force should consider the following recommendation: to clarify that the Charter embodies the initiatory petition process in its entirety and that no ordinance or regulation may override the Charter in this regard.

III. CONSTITUTIONAL OFFICERS

The Tax Collector, Supervisor of Elections, and Sheriff are all highly technical positions. There is no way to ensure that the candidates for election to these positions would have the requisite technical skill sets.

Our citizens are better served by the appointment of these constitutional officers from candidates with appropriate qualifications and technical expertise.

⁴ See, County Organization and Intergovernmental Relations, Fl. Stat. 145.031.

⁵ Letter from Thomas Jefferson to William Charles Jarvis (Sept. 28, 1820), reprinted in 7 WRITINGS OF THOMAS JEFFERSON 177, 179 (H. Washington ed., 1955).

⁶ Article VIII, Section 11(1)(i) of the 1885 Florida Constitution, carried forward by Article VIII, Section 6(e) of the 1968 Florida Constitution, states that the Home Rule Charter "[s]hall provide a method for . . . initiative and referendum, including the initiation of and referendum on ordinances" Section 8.01 of the Charter carries out the constitutional directive and lays out a "procedure" for Dade County electors to initiate passage of or referenda on ordinances.

Unlike elected office holders, these office holders can be easily removed and replaced after appointment. Elected office holders are subject to removal only through scheduled elections, acts of the Governor, or recall whereby the Charter must be further amended to provide for such removal.

Finally, the holders of these highly technical positions should avoid the distractions caused by elections and campaign fundraising. These professionals should hold their offices because of their knowledge in their respective fields, not because of electioneering prowess.

THEREFORE, the Task Force may consider the following recommendations: that the Tax Collector, Supervisor of Elections and Sheriff remain administratively appointed positions.

Property Appraiser – Who is Responsible for Higher Taxes?

The property appraiser is responsible for identifying, locating, and fairly valuing all property, both real and personal, within the county for tax purposes. The market value of real property is based on the current real estate market. Estimating the market value of property means discovering the price most would pay for the property in its current condition. What is important to remember is that the property appraiser does not create the value. People establish the value by buying and selling real estate in the market place. The property appraiser has the legal responsibility to study those transactions and appraise property accordingly.

Would a politically elected appraiser do a better job than a professionally appointed appraiser? Would a professionally appointed appraiser be more qualified for the position? Would a politically elected appraiser provide better access and service to his constituency? Which is better for the citizens of Miami-Dade County?

THEREFORE, the Task Force may consider the following recommendation: that discussions occur on the benefits and detriments associated with an elected property appraiser versus a professionally appointed appraiser.

MATTERS ON ETHICS

The following are intended to serve as stimuli for discussion and consideration by the Task Force. The Task Force should discuss and resolve these prompts in the manner most consistent with what the membership considers the obligations and duties as the elected representatives of the people of Miami-Dade County.

I. LOBBYIST REFORM DISCUSSION ITEMS

1. Annual PUBLIC DISCLOSURE of all forms and quantities of payment for services rendered to clients for anyone registered as a lobbyist in Miami-Dade County.
2. No indirect payments to lobbyists registered and working for clients at Miami-Dade County.
3. No paid lobbyist representing Miami-Dade County can represent third party issues before staff, administration, or the Board.
4. No citizen who serves on any Miami-Dade County appointed board, trust, or foundation can, either during their appointed service or for three years after ending such service, lobby staff, administration, or the Board.
5. No lobbyist can represent Miami-Dade County if he also represents another jurisdiction in Florida competing with Miami-Dade County for funds or grants.
6. No lobbyist, person, or corporation that directly or indirectly conducts any business with Miami-Dade County may raise political contributions for any elected person in the Miami-Dade County government or any PAC involved in a Miami-Dade County election or referendum, directly or indirectly, for a one year period before and/or after that election. This should include vendors and suppliers of goods and services, as well as lobbyists.
7. The Board will clearly define who is a lobbyist to prevent professional status from being used to avoid registering as a lobbyist in Miami-Dade County.

II. CONFLICTS OF INTEREST

1. Should the electors of Miami-Dade County vote favorably upon the increased salary provisions, no elected official or employee of Miami-Dade County can serve in a paid capacity in any entity, public or private, that conducts business with or receives funding from Miami-Dade County. No elected official of Miami-Dade County can work for any other government, agency, CBO or NGO that receives any public funding.
2. No elected official of Miami-Dade County can receive any funding, grant, material, or services from any person or entity that is regulated by or does business with Miami-Dade County.

CHARTER REVIEW TASK FORCE

Issues identified as of July 23, 2007 CRTF Meeting			No. of Proponents	YES	NO
Study of the Sheriff, Tax Assessor, Property Appraiser and Supervisor of Elections being elected			Per BCC Resolution		
Study of Compensation - Mayor and BCC			6		
Study of Term Limits - BCC or other elected officials			4		
Study of BCC Composition			4		
Study of Balance of Power - Legislative vs. Executive			3		
Study of Initiative, Referendum, Petition & Recalls			3		
Study of Procurement Reform			3		
Study of Functions of Mayor vs. County Manager			2		
Study of Creating/Abolishing Municipalities			2		
Study of Lobbying Reform			2		
Study of Campaign Finance Reform			2		
Study of Ethics Regulations			1		
Study of Special Interests Reform (and 1st amendment issues)			1		
Study of Accountability and Transparency			1		
Study of Commission Auditor Powers			1		
Study of Office of Inspector General Reform			1		
Study of Increasing and Decreasing Millage Rates			1		
Study of Tax Structure and Special Revenues to avoid Duplicating Taxes			1		
Study of Municipalities and UMSA Services			1		
Study of the Separation of Powers or Responsibilities between the County and municipalities			1		
Study of Public Records			1		
Study of Airport and Seaport Authorities			1		
Study of Re-districting			1		
Study of Zoning and UBD reform			1		
Study of Governance Issues - Council (BCC) vs. County Legislative (Assembly)			1		
Study of Law Department			1		
Study of Annexation/Incorporation in effort to eliminate UMSA			1		
Study of Public Housing Authorities			1		
Study of Foundations and Trusts			1		

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Notes on a Charter Amendment: County Commission Salaries

Robert A. Ginsburg

The Home Rule Charter will create an Independent Committee to Set County Commission Salaries. The Committee shall be comprised of 5 distinguished citizens of Miami-Dade County with no direct ties to the County Commission:

- The Chief Judge of the Eleventh Judicial Circuit
- The Miami-Dade State Attorney
- The President of Miami-Dade College
- The immediate past Chair of the Public Health Trust
- The immediate past Chair of the Community Relations Board

In the event any of the designated individuals is unable to serve on the Committee, the governor of Florida shall make an appropriate substitute appointment.

The Clerk of Courts shall provide secretarial and technical support.

Limitations with respect to Committee meetings:

- The Committee's first meeting shall not take place earlier than 1 year after the adoption of this amendment.
- The Committee shall not meet more often than once in any 5-year period.
- All meetings of the Committee shall be public and shall be recorded and televised. The "Sunshine Law" and the public records laws of the State of Florida shall apply to the Committee.
- No sitting county commissioner shall discuss county commission salaries with any Committee member, except publicly at a Committee meeting. A violation of this limitation shall be deemed to be a violation of the Citizens' Bill of Rights.

Limitations with respect to county commission salaries:

- Minimum salaries: the Committee shall not set county commission salaries at less than \$6,000 per year.
- Maximum salaries: the Committee shall not set county commission salaries at more than the salaries provided by state law for county commissioners from non-charter counties at the time of the Committee's

determination. If the Committee sets county commission salaries at the maximum, then the position of Miami-Dade County Commissioner shall become full time employment; provided, however, that sitting county commissioners shall have 120 days, or until the date of their next elections, whichever comes first, to resign any existing outside employment.

- Non-discrimination: all county commissioners shall earn the same salaries; provided, however, that this limitation does not prohibit any county commissioner from declining all or any portion of his or her salary or contributing the same to charity.
- If county commission salaries are increased at any time, the budget for the county commission shall not be increased for the next three succeeding fiscal years.