


Memorandum



Date: October 31, 2007

To: Honorable Chairman Bruno A. Barriero,
Board of County Commissioners

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

Subject: Charter Review Task Force - Initial Report

Attached for consideration of the Board of County Commissioners is the Initial Report of the Charter Review Task Force. I am honored to have been appointed by you Chairman of the Charter Review Task Force, and am fortunate to have been given the opportunity to work, dialogue and debate alongside dedicated public servants and distinguished community leaders, who have devoted years of service to Miami-Dade County. This collaborative and collegial process truly has exceeded my expectations.

I want to thank my fellow Task Force members for dedicating their extremely valuable time to this important process. It is my hope that the Board seriously consider the Task Force's initial recommendations. While much has been accomplished, there still remains a great deal of work for the Charter Review Task Force, and we are grateful for the extension of time granted by the Board to continue our work. A final report with additional recommendations on some of the pending issues for consideration will be provided by January 29, 2008.

This work could not have been performed without the professional support of staff from the County Executive Office, County Attorney's Office and Clerk of the Board. Specifically, we would like to mention and thank County Manager George M. Burgess, Assistant County Manager Susanne M. Torriente, and Assistant to the County Manager Maggie Fernandez; Assistant County Attorneys Joni Armstrong-Coffey, Cynthia Johnson-Stacks, Wilfredo Ferrer, and Monica Rizo; Office of Strategic Business Management Director Jennifer Glazer-Moon and Assistant Vivian Duyos; and the Clerk of Courts Harvey Ruvin and Clerk of the Board Division Director, Kay Sullivan and Senior Commission Clerk Doris Dickens.

In addition, we also thank staff from the Office of the Mayor, County Attorney's Office, Government Information Center, Office of Strategic Business Management, Planning Department and Elections Department for their detailed, timely and comprehensive research or assistance provided to the Task Force as we deliberated issues that will affect our community for years to come.

Thank you for this opportunity and for considering the initial recommendations of the Charter Review Task Force.

C: Honorable Carlos Alvarez, Mayor
Honorable Vice Chairwoman Barbara J. Jordan and Members,
Board of County Commissioners
Harvey Ruvin, Clerk of the Circuit and County Courts
Members of the Charter Review Task Force
George M. Burgess, County Manager
Robert Cuevas, County Attorney
Denis Morales, Chief of Staff, Office of the Mayor
Assistant County Managers
Department Directors

Charter Review Task Force

Initial Recommendations to the
Board of County Commissioners

October 31, 2007

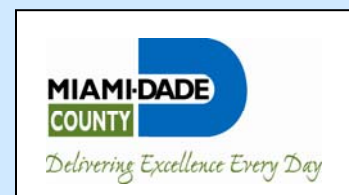


Table of Contents

<u>Section</u>	<u>Page Number</u>
Executive Summary	1
Introduction & Background	2-3
Public Input Process	4
• Charter Website	4
• Input from the Community	4-5
• Workshops & Public Hearings	5
• Media Outreach	5-6
Issues for Study	7-8
Initial Recommendations to Date	9
• Issue 1	10-13
• Issue 2 and 3	13-14
• Issue 4	14-16
Conclusion	17
Dissenting Opinions	18
Appendices	
• A – Members & Staff	19

Executive Summary

At its October 17, 2007 meeting the Charter Review Task Force adopted **final** recommendations, which are summarized herein. This interim report describes the process of the Task Force deliberations, summarizes our factual investigations and provides a brief synopsis of the rationale for our recommendations to date. Additional recommendations on other pending questions of Charter reform will be provided with our Final Report, due January 29, 2008. Following the conclusion of this report, dissenting opinions are provided.

The Task Force recommends that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that:

1. The **Public Safety Director** (i.e. Sheriff, Police Chief) shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Public Safety Director could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)
2. The **Supervisor of Elections** shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Supervisor of Elections could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)
3. The position of **Property Appraiser** become an elected position. (Motion passed: 12-4)
4. **County Commissioners** shall receive a population based salary provided by Florida's Statutory formula (approx. \$91,995); Commissioner's terms in office shall be limited to two, four-year terms; and Commissioners shall be prohibited from having outside employment. (Motion passed unanimously: 14-0)

The Task Force further recommends that the Home Rule Charter not be amended with respect to the following issues:

1. The **Tax Collector** remain an appointed position. (Motion passed unanimously: 14-0)
2. The manner in which the **Board of County Commissioners** is currently comprised shall remain as is, with 13 single-member Commission Districts. (Motion passed: 14-1)

Official minutes of all Charter Review Task Force meetings and public hearings are available to the Board and the public at www.miamidade.gov/charterreview .

Introduction & Background

The Miami-Dade County Home Rule Charter was adopted in 1957, essentially becoming the "constitution" for Miami-Dade County. This year we celebrate the Fiftieth (50th) Anniversary of the Charter's adoption. This grant of state constitutional authority to the electors of Miami-Dade County is perhaps the greatest legislative achievement of the last half-century for this County's residents. The Home Rule Charter grants the voters of Miami-Dade County very broad powers to determine for themselves the form of self-government in order to provide for responsive, representative and efficient local government. The responsible and zealous defense and exercise of this unprecedented grant of Home Rule authority is a primary responsibility of this County's residents and elected officials.

In order to ensure that our Home Rule Charter is responsive to the changing needs of our community and is constantly reviewed in the light of past-performance, the Charter requires that the Board of County Commissioners (Board) review the Charter at least once every five years to determine whether or not it requires revision.

On April 24, 2007, per County Board Resolution No. R-462-07, Miami-Dade County's Charter Review Task Force (CRTF) was created in order to review the County's Home Rule Charter and submit recommendations to the Board setting forth any proposed amendments to the Charter. This CRTF consists of 21 members (Appendix A); 13 members are the Board or their designees, one member is the Mayor or his designee, four members are selected by the four largest cities in Miami-Dade County and three are selected by the League of Cities to represent the smaller cities in the County.

In conducting its review, the Board directed the Task Force to:

- Study the Final Report of the Charter Review Task Force dated July 10, 2001;
- Invite knowledgeable members of the community to appear and make recommendations;
- Conduct public hearings at various stages in the review process; and
- Provide a final report to the Board by October 31, 2007.

The Board also directed the Task Force per R-504-07 to review and make recommendations as to whether the Home Rule Charter should be amended to change the positions of Property Appraiser, Tax Collector, Sheriff and Supervisor of Elections to elected positions.

The Task Force convened its first meeting on July 9, 2007, and has met at least every two weeks thereafter. At its July 23, 2007 meeting, the Task Force voted to request, and the Board subsequently approved, a 90-day extension to the original reporting deadline in order to accommodate a complete review and suggested amendments or revisions of the Home Rule Charter. County Resolution No. R-462-07 was amended so that the Task Force could present an Initial Report on October 31, 2007, with any recommendations finalized by that date, and a Final Report on or before January 29, 2008.

In this Initial Report, we make final recommendations regarding several of the 15 issues we have identified for critical study and deliberation. The Task Force believes that these proposals should be placed before the voters of Miami-Dade County for their consideration. We believe that these proposals, if adopted, would promote better government for the residents of Miami-Dade County. Like all solutions to complex issues, no proposal is immune from criticism or

perfect in every way. These proposals are the product of careful study, vigorous debate and – most importantly – the balancing of many competing considerations. The Task Force believes that by placing these initiatives before the voters of Miami-Dade County, the Board will provide the electorate an opportunity to enhance the efficiency and responsiveness of County government and allow the people of Miami-Dade County – to whom the grant of Home Rule authority was given – the opportunity to have the final say on what, if any, changes they would like to see in the manner in which these aspects of County government are currently organized.

Public Input in Charter Review Process

As directed by the Board, this Charter Review process has provided for a high degree of public participation. Without question, the degree of public participation in this Charter Review process has been significantly greater than at any time in the recent past. The Task Force members and County staff have been committed to identifying new and creative means of providing meaningful public information and education, as well as access to the Charter Review process. Internet technology and the use of televised public hearings, supplemented with inter-active technology – allowing viewers to email or call in questions or comments – opened access to this process to many more people than ever before and helped test a new option for future County public outreach efforts. The success of these new initiatives in public awareness and participation allowed the Task Force to receive much more extensive public input than expected based on historical precedents.

Charter Website

The Charter Review Task Force website (www.miamidade.gov/charterreview) was launched on July 12, 2007. The comprehensive website includes valuable information such as historical charter information, previous task force reports, research performed by staff and benchmarking information. Also posted on the website are all meeting agendas and minutes, as well as the record of statements from the four public hearings held, and information on the Task Force membership. Most importantly, the website provides for a vehicle to encourage public input and comment on all matters under consideration as well as these initial and future recommendations of the Task Force. At any point in this process, the public has and will continue to be able to send comments to the Task Force through this website or via e-mail at charter@miamidade.gov. All comments received have, and will continue to be, provided to Task Force members for their review and consideration. As of October 30, 2007, 107 e-mail comments have been received. And most significantly, we have had over 6,500 visitors to the Charter Review website, an unprecedented degree of public feedback and interest in this Charter Review process. Please visit our website for a complete review of our work to date.

Input from Knowledgeable Members of the Community

In response to the Board's explicit direction, the Charter Review Task Force invited input from many knowledgeable members of the community, as well as from outside Miami-Dade County. Specifically, the Task Force solicited input from the Miami-Dade County Mayor, Board members and Manager; all municipal Mayors and their respective Commission/Board/Council members; and Managers, Attorneys and Clerks. In addition, the Task Force sought input and feedback from many notable current or former public servants including the Miami-Dade State Attorney, former County Mayor Alex Penelas, former County Manager Merritt Stierheim, Inspector General Chris Mazzella, Commission on Ethics Director Robert Meyers, and attorneys: Dan Paul, Esq., Gene Sterns Esq., Parker Thompson, Esq., and Osvaldo Soto, Esq.

We also invited comments from the various community and civic organizations, including the Miami-Dade League of Cities, Greater Miami Chamber of Commerce, the Miami Business Forum, the National Association of Counties and the International City/County Management Association. Comments from government scholars, including Professor Tony Alfieri from the University of Miami, and Professor Christopher Warren and Professor Dario

Moreno from Florida International University, were also solicited. Finally, the Task Force invited live testimony from the elected sheriffs, property appraisers, and supervisor of elections from Broward, Duval and Hillsborough counties and the tax collectors from Duval and Hillsborough counties.

Workshops & Public Hearings

To date, the Task Force has held four public hearings. The first public hearing and workshop was held on August 14, 2007 in the Miami-Dade County Commission Chambers. This first public hearing was televised on countywide cable and allowed viewers to interact with the Task Force via phone or by e-mail. In light of the overwhelmingly positive, public feedback and high degree of participation at that interactive and televised public hearing, the Task Force approved a change in format for future regional public hearings. The intended objective of this change in format was to take advantage of technological advances, while still providing regional access to the Task Force workshops and public hearings.

In order to expand the opportunity for public comment and participation, the workshops and public hearings on August 28 and 30, 2007 were held at the Commission Chambers, while allowing participation from remote regional locations, at the Joseph Caleb Center and West Dade Regional Library on August 28 and Cities of Hialeah and Miami Beach on August 30. This combined approach allowed residents to participate in person at the Commission Chambers or from the remote locations, view live on Cable TV or on the internet, and provide comments via e-mail or phone.

In addition, on August 22, 2007, a Charter Review Task Force workshop and public hearing was successfully held at the South Dade Government Center in the form of a traditional town hall meeting.

Over 275 people attended these workshops and additional public comments were received during the workshops via e-mail and phone.

The Task Force continues to receive public comments via email through the website at www.miamidade.gov/charterreview. We believe that the degree of public participation fully complies, if not exceeds, the Board's desire to engage the community in this process and to promote greater awareness of the Home Rule Charter.

Media Outreach

The Charter Review Task Force implemented a media plan to ensure media coverage and encourage public participation in our deliberations. The comprehensive media plan included radio, print, TV, internet and other outlets. In addition, per the direction of the Task Force, staff created an e-mail group and distributed all information regarding Task Force meetings to all County boards for their dissemination, using them as a vehicle for getting the word out about Task Force efforts.

As part of this effort, the Task Force received coverage in the following media outlets:

- The Miami Herald
- The Miami Herald, Neighbors
- El Nuevo Herald

- South Florida CEO Magazine
- Daily Business Review
- Diario las Americas
- WLRN, 91.3 FM
- WMBM, 1490 AM
- Radio RCH (FM/AM and online)
- ABC, Ch. 10
- Univision, Ch. 23
- Miami-Dade TV (and online)
- City of Miami TV (and online)
- City of Miami Beach TV (and online)
- Watchdog Report
- Sayfie Review
- Eye on Miami Blog
- “What’s New” Miami-Dade Employee Newsletter

In addition to media outreach, the Chairman or representatives of the Task Force have appeared, or agreed to appear, before various community and civic organizations to discuss the Charter Review process and recommendations, including:

- The Miami Herald Editorial Board
- The Miami Business Forum
- The Greater Miami Chamber of Commerce Executive Board and General Membership meetings
- The Miami-Dade League of Cities

Issues Adopted by Charter Review Task Force

One of the first assignments tackled by the Task Force was to try to identify a preliminary list of issues for study and deliberation which could serve to organize the work of the Task Force. In order to compile this list of priorities, the Task Force requested input from each member of the Board, the Mayor, the County Manager, the Office of the County Attorney and a long list of knowledgeable persons and organizations identified by members of the Charter Review Task Force. In addition, each member of the Task Force was requested to provide their own list of issues for consideration and further study.

The result of this canvassing process was a wide array of issues, many of which easily could be grouped into related categories. After grouping related suggestions and recommendations, the Task Force devoted several of these meetings to prioritize these issues. First priority was given to those issues referred to the Task Force for specific consideration by the Board. The remaining issues were ranked in order of priority based on the number of individuals who identified each issue as a matter for Task Force consideration.

Following the completion of the public hearings, the Task Force list of issues was reviewed and re-prioritized in order to reflect public input and comment. On August 1, 2007, the Task Force voted to adopt 12 issues of study during this Charter Review process. The list was modified by the Task Force at its September 5, 2007 meeting to include three additional issues. The 15 issues of study that have been identified by the Task Force in the current order in which they will be considered are as follows:

1. Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected
2. Study of Mayor and Board of County Commissioners (Board) compensation
3. Study of Term Limits - Board or other elected officials
4. Study of Board Composition
5. Study of Municipalities and Unincorporated Municipal Service Area (UMSA) Services (Creating and Abolishing Municipalities, Separation of Powers or Responsibilities between the County and Municipalities, and Annexation or Incorporation in Effort to Eliminate UMSA)
6. Study of Initiative, Referendum, Petition and Recalls
7. Study of the Balance of Power between the Mayor and Board (Functions of Mayor vs. County Manager and Powers of Commission Auditor)
8. Study of Procurement Reform
9. Study of Lobbying Reform
10. Study of Ethics Regulations

11. Study of Public Records
12. Study of Zoning and Urban Development Boundary (UDB) reform
13. Study of the Delineation of Powers and Checks and Balances of the Ethics Commission and the Office of the Inspector General for Inclusion in the Charter
14. Study of Any Changes to the Form of County Government be Required to be Placed on the Ballot during a General Election
15. Study of Placement in the Charter Language regarding County employees Convicted of Any Crime Involving a Breach of the Public's Trust be Subject to Forfeiture of his/her Public Salary, Pension Rights and Privileges

Initial Recommendations to Date

At its October 17, 2007 meeting, the Charter Review Task Force adopted the following **final** recommendations on Issues 1-4 for inclusion in this October 31, 2007 initial report to the Board. In arriving at these recommendations, extensive resource materials were collected and evaluated by County staff and provided to the Task Force. It would be impossible to summarize all of the extensive factual material considered by the Task Force in arriving at our initial recommendations. However, it is important to note the great amount of factual and resource materials which informed our discussions. All of these resource materials are available to the Board and to the public on the Charter Review website.

At the request of the Task Force, initial research was performed by staff regarding best practices in municipal and county governance. Initial benchmarking research regarding the form of government, board composition and whether constitutional officers are elected or appointed for a sample of large Florida counties and selected counties nationwide were provided to Task Force members. Charters for a majority of the sampled counties are also available on the Charter Review website.

Additionally, staff identified a number of organizations that research local government issues and provided links to their sites on the Charter Review website. Specifically, the research section includes links to the National League of Cities and the National Civic Organization, which both include information on charter revisions and model charters. Other links and resources include:

- American Government and Public Policy Internet Resources-Institute of Governmental Studies Library, University of California at Berkeley
- American Society for Public Administration
- Florida Association of Counties
- Florida League of Cities
- Governing Magazine
- Government Innovators Network at Harvard University
- International City/County Management Association (ICMA)
- International Institute of Municipal Clerks
- National Association of Counties (NACo)
- National Civic League
- Nonprofit organization dedicated to strengthening citizen democracy in communities
- National League of Cities (NLC)
- State and Local Government on the Net
- State and local government Internet directory provided by HelloMetro
- State Links-Provided by Council of State Governments. State Web pages available on the Internet
- U.S. Conference of Mayors
- USA.gov Local Governments - Local government links from the U.S. government's official Web portal

At the onset of this Charter Review process, the Task Force agreed to make preliminary recommendations for public input and comment, and to vote on final recommendations prior to its October 31, 2007 deadline. The below summarizes, by issue, the research materials, rationale and justification for our recommendations.

Issue One - Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected

In order to gather information for this discussion, the Task Force invited comment from:

- The current Miami-Dade County office holders, through a presentation from the County Manager
- The elected Broward County counterparts for the Supervisor of Elections and Property Appraiser

Additionally, staff provided the Task Force with informational research and data including:

- Information grid containing arguments for appointing versus electing each position
- Public safety agency functions data grid for selected Florida counties
- A non-inclusive, random survey of news clips both pro and con relative to election and appointment of county officials, accompanied by a complete package of the referenced articles
- And, Articles or Studies on:
 - Elected Office of the Sheriff
 - Merger of Miami-Dade Police Department and Department of Corrections
 - Elections Officials, and
 - General Interest

At the request of the Task Force, additional staff research was provided including:

- County Attorney Legal Opinions:
 - Official Vested with the Constitutional Powers of the County Sheriff
 - Charter Amendment Protecting the Existing Civil Service Rights of Employees of Elected Sheriff
- Information on the Public Outreach Efforts of the Tax Collector, Property Appraiser, Sheriff and Supervisor of Elections
- Information regarding the Broward and Miami-Dade Counties Tax Collector, Property Appraiser, Sheriff and Supervisor of Elections. Specifically, the names and years of service of those currently serving in those elected positions in Broward County and appointed positions in Miami-Dade County, as well as their predecessors
- The minimum qualifications and job description for the Miami-Dade County Tax Collector, Property Appraiser, Sheriff and Supervisor of Elections

PUBLIC SAFETY DIRECTOR (I.E. SHERIFF, POLICE CHIEF)

Factors

In arriving at its recommendations regarding the position of Public Safety Director, the Task Force considered and debated the following issues:

- The desire to maintain the highest degree of professionalism and competence in the position of Public Safety Director.
- Public concern for the independence of the Public Safety Director in conducting criminal and internal ethics investigations.
- The recent public vote in favor of a Strong Mayor and how this public vote could be implemented while maintaining the dual goals of professionalism and independence.
- The desire to promote greater checks and balances on the exercise of mayoral authority over the Public Safety Director by providing a greater advisory role for the Board.
- The concern for the dilution of diversity gains by reverting to a purely elective position.

- The costs of running a countywide election and the possible effects of campaign fundraising on the public's perception of the independence and professionalism of investigations conducted by the Public Safety Director.

Recommendation

That the **Public Safety Director** (i.e. Sheriff, Police Chief) shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Public Safety Director could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)

Reasons/Justifications

The Task Force's recommendation was to maintain the current appointive process in a significantly modified form. In order to address concerns regarding the independence of future Public Safety Directors, the Task Force recommended new checks and balances on the Strong Mayor's power to appoint and remove the Public Safety Director. The Charter already provides for the Task Force's recommendation that the Board should have the right to veto any future appointments by a supermajority vote. The Task Force, however, is also recommending that the power of the Mayor to remove a Public Safety Director would now require the consent of a simple majority of the Board and that the Board would have a new and independent right to remove the Public Safety Director in those extreme circumstances where two-thirds of the Board felt it necessary. The four year reappointment requirement further strengthens this advise and consent role of the Board. Finally, and most importantly, the recommendations of the Task Force emphasizes the desire to have the Public Safety Director exercise his/her functions without interference from any elected official. The approach recommended by the Task Force, although not identical, is similar to that used by Federal Law Enforcement Agencies.

In addition, it is significant to note that the possible negative impact of diversity gains by reverting to countywide elections influenced many members of the Task Force in recommending the modified appointment process.

SUPERVISOR OF ELECTIONS

Factors

In arriving at our recommendations regarding the position of Supervisor of Elections, the Task Force considered and debated the following issues:

- The desire to maintain the highest degree of professionalism and competence in the position of Supervisor of Elections.
- Public concern for the independence of the Supervisor of Elections in conducting federal, state, county and municipal elections.
- The recent public vote in favor of a Strong Mayor and how this public vote could be implemented while maintaining the dual goals of professionalism and independence.
- The desire to promote greater checks and balances on the exercise of mayoral authority over the Supervisor of Elections by providing a greater advisory role for the Board.
- The concern for the dilution of diversity gains by reverting to a purely elective position.

- The costs of running a countywide election and the possible effects of campaign fundraising on the public perception of the independence and professionalism of the Supervisor of Elections.

Recommendation

That the **Supervisor of Elections** shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Supervisor of Elections could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)

Reasons/Justifications

The same rationale described above that informed the Task Force's recommendation regarding the position of Public Safety Director guided the Task Force's final recommendation with respect to the Supervisor of Elections. In addition, the prospect of politicizing the Supervisor of Elections, who plays such an essential role in maintaining the integrity of the election process by requiring countywide election, greatly influenced the deliberations of the Task Force.

PROPERTY APPRAISER

Factors

In arriving at our recommendations, the Task Force considered and debated the following issues:

- The Board's resolution calling for a special election on whether the Home Rule Charter should be amended to provide for an elected Property Appraiser, which is to be considered by the Board for final approval at its November 6, 2007 meeting.
- The public's desire for tax reform.
- The desire to educate the public regarding issues related to property values, assessments and taxes.
- The level of discretion the Property Appraiser could exercise when assessing property, and any constraints set by the Constitution and general laws of Florida.
- The desire to maintain the highest degree of professionalism and competence in the position, and the current minimum qualifications for the position.
- The cost of running a County-wide election and the effect of campaign financing on the potential candidates for office.
- The expense involved in running an independent Property Appraiser's Office.

Recommendation

That the position of **Property Appraiser** become an elected position. (Motion passed: 12-4)

Reasons/Justifications

Recognizing the strong public interest and sentiment regarding property tax valuations and the role they play in setting the property tax burden for the residents of Miami-Dade County, the Task Force recommends that the Property Appraiser become an elected position. In recommending an elective process for this position, versus others that we recommended remain appointive, the Task Force noted three distinguishing important factor. First, the Task Force noted the apparent need for public education regarding the manner in which property taxes are calculated and levied and how an election campaign could assist in promoting public awareness

and education on these issues. Second, within the controlling State statutes there is acknowledged discretion in the Office of Property Appraiser in interpreting valuation criteria. The manner in which this discretion is exercised seemed a sufficient policy-making function to warrant direct election and elector accountability. Finally, the direct and immediate impact of property taxes on the ability of homeowners in Miami-Dade County to maintain homeownership and on the economic viability of small businesses justifies direct and substantial accountability to the public via election.

TAX COLLECTOR

Factors

In arriving at our recommendation, the Task Force considered and debated the following issues:

- The Tax Collector operates in a highly regulated environment, carrying out a myriad of largely administrative duties as set forth by the Constitution and general laws of Florida.
- That the Tax Collector was not a department head and reported to the Finance Director, an appointed position.
- The desire to maintain the highest degree of professionalism and competence in the position of the Tax Collector.
- The concern for the delusion of diversity gains by reverting to an elected position.

Recommendation

That the **Tax Collector** remain an appointed position. (Motion passed unanimously: 14-0)

Reasons/Justifications

The Task Force recommended against the Tax Collector becoming an elected position for many of the same reasons noted above, and most importantly, because the Tax Collector, if elected, would be the only elected official reporting to an appointive officer (Finance Director and/or County Manager). In addition, deliberate review of the restrictions placed by State law on the exercise of the powers of the Tax Collector convinced the Task Force that there was little, if any, policy-making discretion in this position that required altering the current appointed process or would justify converting the position into an elected position.

Issue 2 – Mayor and Board of County Commissioners Compensation & Issue 3 - Study of Term Limits - Board or other elected officials

These two issues were deliberated together by the Task Force. In order to gather information for this discussion, staff provided the Task Force with informational research and data including:

- Spreadsheet showing salaries and other benefits, length of term and term limitations, and limitations on outside employment for elected executive and commissioners for Florida counties and selected national counties

The following information was also provided to the Task Force by one of its members for consideration:

- Notes on a Charter Amendment: County Commission Salaries by Task Force Member Robert A. Ginsburg

Factors

In arriving at our recommendations, the Task Force considered and debated the following issues:

- A strong sentiment that the current structure under-compensates the members of the Board for what is essentially a full-time job.
- A desire to eliminate the perception of conflicts of interest created by the need for outside employment.
- An awareness that previous attempts at the ballot to raise BCC salaries have failed.
- A belief that public support for a salary increase may require linkages to other issues, i.e. term limits and ethics regulations.
- The advantages and disadvantages of term limits.
- Favorable public reaction at public hearings to the Task Force's preliminary recommendation.

Recommendation

Commissioners shall receive a population-based salary provided by Florida's Statutory formula (approx. (approx. \$91,995); Commissioners' terms in office shall be limited to two, four-year terms; and Commissioners shall be prohibited from having outside employment. (Motion passed unanimously: 14-0)

Reasons/Justifications

The Task Force acknowledges the full-time demands of managing a \$7.3 billion budget, which directly impacts the lives of over 2.3 million people, strongly suggests the need to convert the Office of County Commissioner into a full-time job with appropriate compensation. In recommending incorporating into our Charter the state statutory standards for compensating County Commissioners, the Task Force noted the successful use of these compensation standards in other counties in Florida. The Task Force recognizes that the imposition of term limits restrictions and the prohibition on outside employment place significant new restrictions on the Office of County Commissioner. However, the Task Force believes that there is strong public sentiment that any salary increase for County Commissioners should be accompanied by some countervailing restrictions on the other prerogatives of this office. In recognition of this public sentiment, the Task Force recommends the introduction of two four year term limits and a ban on outside employment. The proposed term limits would only apply for future service after the adoption of any Charter change. The restriction on outside employment is consistent with the desire to acknowledge the full-time demands of the Office of County Commissioner and to address public perception regarding the effect of outside employment on decisions made by the Board, notwithstanding conflict of interest rules. If adopted by the electors of Miami-Dade County, the Task Force believes that this transformation of the Office of County Commissioner would be a significant step towards more effective, ethical and transparent government.

Issue 4 - Board of County Commissioners Composition

In order to gather information for this discussion, the Task Force received a presentation from:

- Amy Horton-Tavera from the Office of Strategic Business Management who made a presentation on the models of legislative representation including majority rule and proportional presentation

Additionally, staff provided the Task Force with informational research and data including:

- Research on Models of Legislative Representation
- Article – “How Proportional Representation Elections Work”
- County Map by Commission Districts as of 1992
- Current County Map by Commission Districts
- Registered Voter information by Commission District
- Population Data by Commission Districts for 1990, 2000, 2005 (estimated) and 2010 (projection)

At the request of Task Force, additional staff research was provided to include:

- Information regarding persons of Haitian Ancestry or Ethnic Origin in Miami-Dade County who were counted in the US Census 2000
- Three Case Studies on Proposed At-Large Districts which included maps and 2000 and 2005 population figures:
 - Case Study 1 proposed four at-large districts
 - Case Study 2 proposed six at-large districts
 - Case Study 3 proposed five at-large districts

The following information was also provided to the Task Force by one of its members for consideration:

- Position Paper by Task Force Member Maurice Ferre – “Need for Change – Add At Large County Commissioners”
- Presentation by Task Force Member Miguel De Grandy regarding total expenditures for winning candidates of the most recent County general elections (2004 Mayoral and 2006 Commission elections)

Factors

In arriving at our recommendation, the Task Force considered and debated the following issues:

- The success of the current district election system in securing a diverse and geographically representative Board.
- The complexity of alternative voting systems (i.e. proportional and preferential voting), and the ability of the electorate to understand and accept unusual and unfamiliar voting formats.
- The viability of implementing alternative voting systems in a diverse community such as Miami-Dade County.
- The lack of any strong precedent for the use of alternative voting systems in a community as large or diverse as Miami-Dade County.
- A deliberate review and due consideration of Federal and Constitutional law governing voting rights.
- The size and composition of potential at-large districts and the concern that this could possibly create a two-tier class structure of Commissioners as well as dilute minority representation.

Recommendation

That the composition of the Board of County Commissioners be kept as it is currently, with 13 single-member Commission Districts. (Motion passed: 14-1)

Reasons/Justifications

In arriving at its final recommendations to retain the current system of election, the Task Force felt that the success of the current system in securing a diverse and geographically

representative Board strongly militated against any change. In addition, although appealing in theory, the practical and logistical difficulties of implementing alternative voting systems in a community as diverse as Miami-Dade County led to the rejection of these alternative proposals. Finally, although public criticism of the parochial tendencies of the current system are of concern, the Task Force felt that these issues could be better addressed through other mechanisms of Charter reform, including but not limited to, the study of the current process for municipal incorporation and annexation. Consequently, after concluding its deliberations on the manner by which the Board members are elected, the Task Force voted to accelerate Issue No. 5 (Study of Municipalities and Unincorporated Municipal Service Areas) in order to continue the general discussion of how to promote more regional forces for the Board and redirect the burden of delivering some municipal services to local governments.

Conclusion

While much has been accomplished, there still remains a great deal of work for the Charter Review Task Force. We hope this Initial Report will promote a vigorous and much-needed dialogue within our community on ways to improve County government. Complacency is the enemy of good government. We are acutely aware of our role as an advisory body to the Board, and have worked diligently to arrive at what we believe is the best advice we can offer the Board and our community regarding how best to achieve a more ethical, representative and responsive County government. The Task Force is grateful for the opportunity to serve our community and this Board, as well as for the extension of time granted by the Board to continue our work. Our initial recommendations are respectfully submitted for the Board's consideration.

This work could not have been performed without the professional support of staff from the County Executive Office, County Attorney's Office and Clerk of the Board. Specifically, we would like to mention and thank County Manager George M. Burgess, Assistant County Manager Susanne M. Torriente, and Assistant to the County Manager Maggie Fernandez; Assistant County Attorneys Joni Armstrong-Coffey, Cynthia Johnson-Stacks, Wifredo Ferrer, and Monica Rizo; Office of Strategic Business Management Director Jennifer Glazer-Moon and Assistant Vivian Duyos; and the Clerk of Courts Harvey Ruvin and Clerk of the Board Division Director, Kay Sullivan and Senior Commission Clerk Doris Dickens.

In addition, we also thank staff from the Mayor's Office, County Attorney's Office, Government Information Center, Office of Strategic Business Management, Planning Department and Elections Department for their detailed, timely and comprehensive research provided to the Task Force as we deliberated issues that will affect our community for years to come.

Dissenting Opinions

Dissenting opinions from the following Task Force members are forthcoming and will be provided prior to the November 6, 2007 Board of County Commissioners meeting:

- Maurice Ferre
- Jorge Luis Lopez, Esq.
- Ignacio Jesus Vazquez

Memorandum

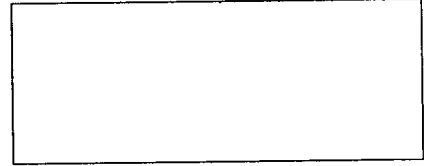


Date:

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Supplemental Information – Item 1D1 Charter Review Task Force Initial Report



As referenced on handwritten page 21 of the Charter Review Task Force Initial Report, Item 1D1 on the November 6, 2007 Board of County Commissioners agenda, provided attached are the dissenting opinions from Task Force members Maurice Ferre and Ignacio Jesus Vazquez. Please be advised that Task Force member Jorge Luis Lopez, Esq. will not be submitting a dissenting opinion at this time.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente".

Susanne M. Torriente
Assistant County Manager

TO: Victor Diaz Jr., Esq.
Chair
Charter Review Task Force 2007

DATE: October 31, 2007

TROUGH: Susanne M. Torriente,
Assistant County Manager

RE: Dissenting Opinion: CRTF
Initial Recommendation to the
Board of County Commissioners,
October 31, 2007 (By Executive
Summary number).

FROM: Maurice A. Ferré
Member
Charter Review Task Force 2007

1. **Public Safety Director**: I oppose the proposal. By creating another hybrid, the MDC Charter would be establishing another amorphous political entity. Although better than an elected Sheriff, the proposed system would create a separate bureaucracy that for four years would be semi autonomous and not properly accountable. The persons that need to be held accountable are the Manager and his/her boss, the Mayor, who is elected every four years and is maxed out at eight years.

I would support a system (like Philadelphia and Washington, D.C.), where the Mayor appoints the Manager and the Manager appoints most or all of the Department Heads (on his/her own) and then apply the checks and balance conditions described in this section to the appointed Manager. We are placing restrictions and conditions on the wrong person. Restrict the Mayors powers, not increase the powers of lower professional administrators, without proper accountability and chain of command. Not good public policy.

2. **Supervisor of Elections**: I oppose this recommendation for the same reasons as (1) above.
3. **Property Appraiser**: I oppose the election of the Property Appraiser for the same reasons expressed in (2) and (3) above. In addition, it is giving taxpayers false hope, that if elected the Property Appraiser will somehow reduce taxes or not raise taxes, when in fact, the elected or appointed Property Appraiser has to follow the Florida Constitution and State Law.
4. **County Commissioners**: I support these issues, except that I would have added a change of date for County Elections to coincide with General Election dates. There is little argument that there would be a greater turnout in County elections if they

coincided with Federal Elections in November, rather than the current dates in September.

5. Lastly, I oppose this recommendation. I repeat my memorandums of July regarding the composition (and style) of our Home Rule local legislative body, the Board of County Commissioners.

Board of County Commissioners

Governance BOCC

We are no longer a Council/Manager form of government. Yet, the Miami-Dade County (MDC) HOME RULE in the Florida Constitution creates serious restrictions in reforms of both governance and ethics issues in MDC. On January 23, 2007 the electors of MDC opted for a Strong Mayor format, after the Appellate Court unanimously ruled it legal. What we currently have is a hybrid form of local government. Home Rule permits very broad and very extensive powers to MDC. Many of those powers have never been used.

Public opinion is demanding reforms in governance. The CRTF, and more importantly, the BOCC needs to react to the crises County government is currently in as witnessed by the Miami Herald's weekly headlines and the subsequent States Attorney and Federal current investigations.

Under the "consent of the governed" percept, MDC needs to find a better balance of powers between the executive and the legislative branches in MDC. Broadly, that requires, a completely new relationship, always under Home Rule. MDC should become the central, regional government on major local regional issues. The Board of County Commissioners (BOCC) should be structured and function as it were a municipal assembly (Jacksonville, San Francisco, Atlanta, New York City, Chicago and many others.) That is, the BOCC, even under Home Rule, should only handle legislative matters and not be involved directly in administrative matters, other than setting the rules and the all important overview functions.

The Commission is and will remain the governing body of MDC, under the Home Rule provisions of the Florida Constitution.

BOCC size and Structure

The BOCC should be expanded to 19 commissioners, like Jacksonville; 13 from districts; 6 elected at large, with 2 years residency requirements from 6 equal, at large areas, reconfigured every 10 years, after the census. Six at large commissioners would guarantee representation to the major ethnic/racial groups and thus pass judicial muster.

The at large seat holders would chair six standing committees to be designated, as to jurisdiction, by the elected chair. All 19 BOCC members would each have one vote to elect a chair every two years. No chairperson can serve as chair for more than four years total, consecutively or broken into two, two year terms. The chair will designate all members of the six standing committees. No member will serve consecutively more than four years in any committee.

BOCC 5 Years Budget Freeze

The budget of the BOCC shall be frozen to the amount of the previously approved budget before this proposed Charter BOCC expansion, for a period of five (5) years, except for an annual CRP adjustment, unless an emergency is declared by 3/4 of the BOCC. After five years the BOCC will revert back to the regular yearly budget adoption method.

November 1, 2007

Mr. Victor M. Diaz, Jr., Chairman
Miami-Dade Charter Review Task Force

Esteemed Chairman Diaz:

Please accept for inclusion in the Task Force's report to the Miami-Dade County Board of County Commissioners (BCC), this member's dissenting opinion. Through Resolution NO. R-504-07, the BCC directed the 2007 Miami-Dade County Charter Review Task Force (CRTF), as specifically noted therein, to review and issue recommendations to the BCC concerning amendments to the Miami-Dade County Charter, providing for the election of the County Property Appraiser, Tax Collector, Sheriff and Supervisor of Elections. As addressed more fully below, this report is provided in an effort to contrast differences with the majority's recommendations. Positions this member opines, are in fundamental opposition to the majority of the BCC's original intent.

After months of lively debates and intense discussions, this member believes the majority has departed from its entrusted mission, pertaining to the particular charge from the BCC, as enunciated in the cited resolution. Rather, the CRTF's majority focus from inception has been upon cobbling hybrid recommendations, antithetical to the BCC's explicit direction. As an ardent supporter of the right of County voters to elect their Florida Constitutional Officers, and as a strict interpretist of the BCC's "direction," one is disheartened by the course the CRTF has taken. From the onset, the majority has expressed an unequivocal opposition to the prospect of Miami-Dade County voters reclaiming their right to elect their Constitutional Officers. In furtherance of their opposition, the majority will present a hodgepodge of hybrid s proposals, which for all intents and purposes mirror the regime presently at work. As proposed, the majority's recommended hybrids differ little from the current appointment system that is utterly subservient to the strong mayor. With one exception, and that is the Property Appraiser, where the majority has reluctantly yielded to the public clamor for accountability from this critical pillar of government.

Given Miami-Dade County's current strong mayor form of governance, reinstating the elected Constitutional Officers is essential for accountable and transparent governance. Under the current regime, the strong mayor is now equipped with the de factor power to select, appoint, promote and dismiss all exempt county service executives. Absent elected Constitutional Officers, the current framework leaves a single actor manipulating all levers of the executive branch of county government. As one who reveres the right of citizens to elect their public servants, it forebodes that one person, whoever that might be, has so much power over those who have a virtual monopoly over how the lives of Miami-Dade Countians are regulated!

Alas, absent the “firewall” the professional manager model once provided and served Miami-Dade County residents so well since its inception, the strong mayor appointment system is ripe for political patronage and cronyism. Doubtless no system is perfect, so long as fallible human beings are involved; still when one person is the sole authority as to who serves in departmental exempt roles, the prospect for feudalism is exacerbated.

Throughout our discussions, several among the majority have argued, as part of their opposition to the elected model, that “unqualified” candidates will seek the elected Constitutional Offices. Perhaps, but not successfully! This member has an unwavering faith in the collective acumen of our fellow voters and their ability to discern the “unqualified” from among the aspiring candidates who really have the credentials to effectively serve us in the respective Constitutional Offices sought. The fact is the campaign process will force aspirants to publicly disclose their professional experiences and qualifications; buttressed by cogent platforms designed to illustrate why each is best qualified to serve constituency in the aspired elected Constitutional Office. Moreover, the argument that taxpayers are somehow better served by the bureaucratic model is refuted by some of the current actors now at the helm of County Government. For example; in the case of public safety, the current system now designates an appointed bureaucrat, an assistant county manager, as ubber manager of this critical public service. Question, what are this person’s qualifications in terms of the public safety disciplines under this bureaucrat’s sphere of influence?

From a service recipient’s perspective, the question posed speaks volumes as to the plain fact that Miami-Dade County residents and visitors would greatly benefit from the prospect of electing individuals with life experiences in the arena for which they aspire to serve as elected Constitutional Officers. Moreover, as elected officials, Constitutional Officers must effectuate the people’s mandate to lead. Additionally, and as it pertains solely to the Sheriff, the incumbent will be in a position of “elected” authority to provide an effective unity of command, which in light of Miami-Dade County’s vastness, critical infrastructures and enormous population, requires clear leadership in times of overlapped responsibilities. At no time in our nation’s history has the need for clear division of labor and precise unity of command in public safety been more in demand. We live in ominous times, where the specter of foreign or domestic terrorism is a constant threat, as the 9-11 Commission made clear when pronouncing its Unity of Effort Doctrine. The elected sheriff must transcend the current boundaries of the police department, as well as the general mind-set pervading the other autonomous public safety fiefdoms serving Miami-Dade County. Instead, the elected sheriff should provide a unified; holistic service doctrine; a service tenet that has yet to evolve under the strong mayor’s bureaucratic model.

The specter that aspiring Constitutional Office candidates will be unduly influenced by the sordid process of seeking campaign funds was an additional foil posited by the majority. This argument is without merit. As Miami-Dade citizens have become aware by recent arrests, appointed public officials from law enforcement and local government are not immune from the lure of corruption.

Rather, while the elected model does share the human trappings for venality, it is armed with the antiseptic of the democratic process to purge officials who abuse the public's trust. Moreover, our local history makes it perfectly plain that honorable men and women have long been able to serve in elected offices in the roles of State Attorney, County, Circuit Judges, Florida Attorney General and other State of Florida Judicial Officers who must stand for election, re-election or retention. Additionally, the majority has clamored that electing our Constitutional Officers would diminish minority ascension to positions of prominence. As a lifelong public servant, I could not disagree more. The fact is that if aspiring candidates desire to win and retain an elected post in a county as diverse as Miami-Dade, it behooves them to surround themselves with people that are not only competent, but more importantly, reflect the county's ethnic and racial diversity.

As the CRTF grappled with such issues as annexation and incorporation, this member wondered whether the majority considered why so many communities have decided to secede from Miami-Dade County; choosing incorporation, double taxation and impact fees for themselves? Moreover, once incorporated, why these communities as soon as they can, immediately seek to form their own police agencies, discarding the county's contracted police services? The answer is quite simple: prompt and effective services, tailored to the communities expressed needs, not the vision of the strong mayor's appointed bureaucrat. An elected sheriff, unlike the mayor's bureaucrat, must endeavor to satisfy constituency requirements by engaging in proactive and creative management if the incumbent is to remain a viable candidate.

When this member embarked on this challenging venture, the fact that bureaucratic interests would desire that bureaucrats control Miami-Dade's destiny did not surprise. What did was the majority's proclivity to adamantly deny Miami-Dade County voters the right to control the levers of democracy! A posture this member finds disheartening; odious actually, that the majority deems Miami-Dade County voters incapable of deciding whether they should retain the appointed bureaucratic system; one solely subservient to the strong mayor or the freedom to elect Constitutional Officers accountable to them – Miami-Dade County's taxpayers and registered voters.

Alas, simplicity often proves to be a most elusive goal! The sole and most salient question the BCC directed the CRTF to consider was whether or not the citizens of Miami-Dade County are better served by appointed bureaucrats or elected Constitutional Officers? It was that simple, yes or no! As a Miami-Dade County registered voter and taxpayer, this member urges the BCC to ignore the majority's recommendation vis-à-vis the elected Constitutional Officers. BCC members should allow constituents to make that decision by placing that question on the most appropriate ballot; preferably on the November 4, 2008 general election. This historic election date should give the electorate ample time to examine the question and consequently cast an intelligent vote.

In closing it is only fitting for this member to convey the most sincere appreciation to the Honorable Joe A. Martinez for entrusting this humble, retired public servant with the opportunity to once again serve my fellow citizens.

Ignacio Jesus Vázquez, Retired
Miami-Dade Police Department
1972 - 2003

Appendix A

Charter Review Task Force Appointments

Member

Mayor Carlos Alvarez
District 5 – Chairman Bruno A. Barreiro
District 1 – Vice Chair Barbara J. Jordan
District 2 - Dorrin D. Rolle
District 3 - Audrey Edmonson
District 4 - Sally A. Heyman
District 6 - Rebeca Sosa
District 7 - Carlos A. Gimenez
District 8 - Katy Sorenson
District 9 - Dennis C. Moss
District 10 - Javier D. Souto
District 11 - Joe A. Martinez
District 12 - José "Pepe" Diaz
District 13 - Natacha Seijas
City of Miami
City of Hialeah
City of Miami Gardens
City of Miami Beach
Miami-Dade League of Cities
Miami-Dade League of Cities
Miami-Dade League of Cities

Appointment

Maurice Ferre
Victor M. Diaz, Jr., Task Force Chairman
Robert W. Holland, Esq.
Larry R. Handfield, Esq.
H.T. Smith
John M. Hogan
Carlos A. Diaz-Padron, Esq.
Commissioner Carlos A. Gimenez
Lynn M. Dannheisser, Esq.
Murray A. Greenberg
Jorge Luis Lopez, Esq.
Ignacio Jesus Vazquez
Robert A. Ginsburg
Miguel A. De Grandy
François Illas
Raul L. Martinez
Mayor Shirley Gibson
Mayor David Dermer
Yvonne Soler-McKinley
Elizabeth Hernandez
Richard Kuper, Esq.

Charter Review Task Force Staff

County Attorney's Office: Cynthia Johnson-Stacks, Assistant County Attorney
Joni Armstrong-Coffey, Assistant County Attorney

County Manager's Office: Susanne M. Torriente, Assistant County Manager
Maggie Fernandez, Assistant to the County Manager
Vivian Duyos, Office of Strategic Business Management

Clerk of the Board: Kay Sullivan, Clerk of the Board
Doris Dickens, Senior Commission Clerk



Miami-Dade County, Florida

Carlos Alvarez, *Mayor*

Board of County Commissioners

Bruno A. Barreiro, *Chairperson*

Barbara J. Jordan, *Vice-Chairperson*

Barbara J. Jordan	<i>District 1</i>
Dorin D. Rolle	<i>District 2</i>
Audrey Edmonson	<i>District 3</i>
Sally A. Heyman	<i>District 4</i>
Bruno A. Barreiro	<i>District 5</i>
Rebeca Sosa	<i>District 6</i>
Carlos A. Gimenez	<i>District 7</i>
Katy Sorenson	<i>District 8</i>
Dennis C. Moss	<i>District 9</i>
Sen. Javier D. Souto	<i>District 10</i>
Joe A. Martinez	<i>District 11</i>
José "Pepe" Diaz	<i>District 12</i>
Natacha Seijas	<i>District 13</i>

Harvey Ruvin, *Clerk of the Circuit and County Courts*

George M. Burgess, *County Manager*

Robert Cuevas, *County Attorney*