

# Memorandum



**Date:** January 29, 2008

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

**From:** Victor M. Diaz, Jr., Chairman  
Charter Review Task Force *Victor M. Diaz*  
(SM)

**Subject:** Charter Review Task Force - Final Report

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Attached for consideration of the Board of County Commissioners is the Final 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 personal hope that the Board will seriously consider and debate the Task Force's Final recommendations and place them before the voters of Miami-Dade County for their 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 Mayor Alvarez, the Mayor's Office of Communications and the Mayor's Policy Analysis staff. Finally, I wish to thank the County's Office of Strategic Business Management, and Planning and Elections departments 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, and the County's Government Information Center and the Assistants to the County Manager for their support of our several public hearings and workshops.

Thank you for considering the final recommendations of the Charter Review Task Force and for your service on behalf of our community.

**C:** Honorable Carlos Alvarez, Mayor  
Honorable Vice Chairwoman Barbara J. Jordan and Members,  
Board of County Commissioners  
Honorable 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, Mayor's Chief of Staff  
Assistant County Managers  
Department Directors

# *Charter Review Task Force*

Final Recommendations to the  
Board of County Commissioners

January 29, 2008

[www.miamidade.gov/charterreview](http://www.miamidade.gov/charterreview)



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# *Executive Summary*

The Miami-Dade Charter Review Task Force (CRTF) has accomplished its charge, and adopted its eighteen (18) **final** recommendations regarding the Miami-Dade County Home Rule Charter. This Final Report describes the process of the Task Force deliberations, summarizes factual investigations and provides a brief synopsis of the rationale for the **final** recommendations. Following the conclusion of this report, dissenting opinions are provided.

## *October 31, 2007 Final Recommendations*

In its October 31, 2007 Initial Report, the Task Force made the following recommendations:

1. The **Public Safety Director** should remain an appointed position. However, the Task Force recommended that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide 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)
2. The **Supervisor of Elections** should remain an appointed position. However, the Task Force recommended that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide 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)
3. The position of **Property Appraiser** become an elected position. (Motion passed: 12-4)
4. 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 County Commissioners shall receive a population based salary provided by Florida's Statutory formula (approximately \$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: 14-0)

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

5. The **Tax Collector** remain as an appointed position. (Motion passed unanimously: 14-0)
6. 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)

## *January 29, 2008 Final Recommendations*

Since the release of its Initial Report, the Task Force continued its work, and on January 17, 2008 adopted the following additional **final** recommendations. The Task Force further recommends that:

7. The County Commission appoint an independent Task Force to prepare and submit a comprehensive plan in 2009 for countywide incorporation, accomplished through annexation and/or incorporation, subject to amendments or changes by two-thirds vote of the County Commission, and that such plan be placed on the ballot for all citizens to vote on at a general election in 2010. (Motion passed: 9-5)
8. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to empower future Charter Review Task Forces to place proposed Charter amendments directly on the ballot, if the proposed Charter amendment is approved by a two-thirds vote of the Task Force members present; and to provide that the appointment process for future Task Force members be the same as contained in Sections 1 and 2 of the resolution creating the current Charter Review Task Force, with the exception that the provision allowing Commissioners to appoint themselves to the Task Force be deleted. (Motion passed: 9-5)
9. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that the time period to collect signatures for proposed Charter amendments and citizens' initiatives be extended to 120 days and that proposed Charter amendments must only be placed on the ballot during a general election. (Motion passed: 14-0)
10. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to require the County Commission to hold a public hearing on any citizen initiated changes to the Home Rule Charter on the date the County Commission sets the election date on the proposed Charter amendment. A public hearing shall also be required for any Charter amendment initiated by the County Commission. (Motion passed: 14-0)
11. The electors of Miami-Dade County be asked whether of the Home Rule Charter should be amended to provide that the County Commission hold a public hearing on the proposed initiative at the time a citizen initiative petition is presented to the County Commission for possible passage or repeal of an ordinance. (Motion passed: 14-0)
12. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that the County Commission shall adopt no resolutions or ordinances regulating the citizen petition procedures as defined in the Home Rule Charter. (Motion passed: 14-0)
13. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to reflect that the certification and petition gathering provisions contained in Article 8 of the Home Rule Charter should also govern citizen initiative petition procedures to amend the Home Rule Charter. (Motion passed: 14-0)
14. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that the Clerk of the Court, rather than the County Commission, approve as to form any citizen initiative petition. (Motion passed: 14-0)

15. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that bid protests shall be heard by hearing officers charged with making final determinations based on findings of facts and conclusions of law; that the appeal process shall be governed by the rules of procedure set forth in State of Florida's Administrative Procedure Act; and that the findings of the hearing officer would be final, subject to appeal by a disappointed bidder to the County Commission solely on an abuse of discretion standard. (Motion passed: 8-6)
16. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that any Comprehensive Development Master Plan application requesting that the Urban Development Boundary (UDB) line be moved must be approved by a vote of at least  $\frac{3}{4}$ 's of the County Commissioners then in office; that every five years an independent body shall be constituted to conduct a comprehensive and holistic study as to where the UDB line should be drawn; and that if a change in the location of the UDB line is recommended by such independent body and such change in location is approved by a simple majority vote of County Commissioners present, such recommendations must be submitted for approval by the electorate in the form of a referendum. (Motion passed: 9-5)
17. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that all zoning applications, including variances and setbacks, be heard first by the Community Councils with any appeals from those decisions being heard by hearing officers charged with making final determinations based on findings of fact and conclusions of law, that the appeal process shall be governed by the rules of procedure set forth in the State of Florida's Administrative Procedure Act and that the findings of the hearing officer would be final subject to appeal to the County Commission solely on an abuse of discretion standard. (Motion passed: 14-0)
18. That the electors of Miami-Dade County be asked whether Section 9.07 of the Home Rule Charter shall be amended in the following manner (Motion passed: 17-0):
  - A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted to the Clerk. ~~Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.~~
  - B. Amendments to this Charter ~~may be~~ proposed by initiatory petitions of electors shall be governed by the following procedure:
    1. The person proposing the amendment shall submit to the Clerk a proposed petition, in the form specified in section (2) below, and proposed ballot language, including a title. The Clerk shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.
    2. The petition shall be printed in 14-point font and contain the following information: (a) the title and text of the proposed amendment, printed in English, Spanish and Creole; (b) a statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form; (c) the residence address of the circulator; (d) dates between which all the signatures on each individual petition were obtained; and (e) a sworn statement that the circulator personally

circulated the petition and witnessed each signature as it was being written.

3. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.
  4. The Board of County Commissioners shall call an election to be held within 60-120 days of the date that a certified petition is presented to the County Commission. Such election shall be called in conjunction a ~~countywide~~ with the next scheduled general election. ~~; however, if no countywide election is scheduled to occur within 60-120 days or presentation, a special election on the position shall be called.~~
- C. Amendments to this Charter may be proposed by the Board of County Commissioners at any time. Elections on charter amendments proposed by the Board shall be held not less than 60 nor more than 120 days after the Board adopts a resolution proposing any amendment.
- D. The result of all elections on charter amendments shall be determined by a majority of the electors voting on the proposed amendment.
- E. All current ordinances and resolutions regulating initiative petitions shall be repealed.

Official minutes of all CRTF meetings and public hearings are available at [www.miamidade.gov/charterreview](http://www.miamidade.gov/charterreview) .

# *Introduction*

The Miami-Dade County Home Rule Charter was adopted in 1957, essentially becoming the "constitution" for Miami-Dade County. Last year the County celebrated the 50<sup>th</sup> 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.

The recommendations contained in this Final Report represent the considered judgment of varying majorities of the members of the Task Force for necessary changes to the structure of County government. They are the product of the most open, inclusive and public Charter review process in the history of Miami-Dade County. They reflect the strong public sentiment in favor of structural reform in County government. While not comprehensive or exhaustive by any means, our recommendations offer meaningful and important changes which can contribute to more effective, responsive and transparent metropolitan government.

We strongly urge the Board of County Commissioners to consider and debate each of these recommendations and to place them before the voters of Miami-Dade County for their due consideration.



# Background

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 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 Task Force consists of 21 members (Appendix); 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 Resolution 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 its October 31, 2007 Initial Report, the Task Force made six final recommendations regarding several of the 15 issues identified for critical study and deliberation. This Final Report includes 12 additional final recommendations for Board consideration. The Task Force believes 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 also believes that by placing these amendments or Charter revisions before the electors 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 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. 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 e-mail 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](http://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 provided a vehicle to encourage public input and comment on all matters under consideration. At any point in this process, the public was able to send comments to the Task Force through this website or via e-mail at [charter@miamidade.gov](mailto:charter@miamidade.gov). All comments received were provided to Task Force members for their review and consideration. As of January 23, 2008, **121** substantive comments were received by e-mail. And most significantly, **nearly 9,000 persons visited the Charter Review website**, an unprecedented degree of public feedback and interest in this Charter Review process.

Upon the release of the Task Force's initial recommendations, visitors were given the opportunity to complete an informal survey regarding these proposals. The following results were collected from December 14, 2007 through January 23, 2008. Although 46 persons participated in the survey, they may not have responded to every question.

### Would you support Recommendation #1 regarding the appointment of the Public Safety Director?

	No. of Votes	Percent
yes	15	40.5
no	22	59.5
Total	37	100.0

### Would you support Recommendation #2 regarding the appointment of the Supervisor of Elections?

	No. of Votes	Percent
yes	15	40.5
no	22	59.5
Total	37	100.0

**Would you support Recommendation #3 regarding  
the Property Appraiser becoming an elected position?**

	No. of Votes	Percent
yes	22	59.5
no	15	40.5
Total	37	100.0

**Would you support Recommendation #4 regarding  
County Commission term limits and salaries?**

	No. of Votes	Percent
yes	28	71.8
no	11	28.2
Total	39	100.0

**Do you agree that the Home Rule Charter should NOT be amended with  
regards to the appointment of the Tax Collector?**

	No. of Votes	Percent
yes	20	54.1
no	17	45.9
Total	37	100.0

**Do you agree that the Home Rule Charter should NOT be amended with  
regards to its current 13 single-member Commission Districts?**

	No. of Votes	Percent
yes	20	57.1
no	15	42.9
Total	35	100.0

**Would you support Recommendation #5 regarding  
Countywide incorporation?**

	No. of Votes	Percent
yes	26	59.1
no	18	40.9
Total	44	100.0

### *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 officials 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.

Comments were also invited from 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. Responses received are posted on the Charter website, [www.miamidade.gov/charterreview](http://www.miamidade.gov/charterreview).

## *Workshops & Public Hearings*

During this process, the Task Force held five public hearings. The first public hearing and workshop was held on August 14, 2007 in the Miami-Dade 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 Miami-Dade Commission Chambers, while allowing participation from remote regional locations, at the Joseph Caleb Center and West Dade Regional Library on August 28 and at 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. Prior to issuing this Final Report, the Task Force conducted a final interactive workshop and public hearing on January 16, 2008 at the Miami-Dade Commission Chambers.

Over **285** people attended these five workshops and additional public comments were received during the workshops via e-mail and phone.

## *Media Outreach*

From the onset, the Charter Review Task Force implemented a very comprehensive outreach and plan to ensure media coverage and encourage public participation in deliberations. The plan included interaction and outreach to 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 electronic employee weekly news brief*

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 for Task Force Study*

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 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 as listed below.

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

Due to the intensity of dialogue and debate of these serious matters, the Task Force could not address this entire, rather ambitious list. Therefore, at its November 28, 2007 meeting, the Task Force reprioritized the remaining issues for study by the January, 29 2008 deadline as follows:

1. Study of Balance of Power - Mayor & the Board
  - Review Functions of Mayor vs. County Manager
  - Review Powers of Commission Auditor
2. Study of Any Changes to the Form of County Government be Required to be Placed on the Ballot during a General Election
3. Study of Lobbying Reform
4. Study of Ethics Regulations
5. Study of Procurement Reform
6. Study of Zoning and Urban Development Boundary (UDB) reform
7. 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
8. 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
9. Study of Public Records

Recognizing the time constraints, on December 12, 2007 the Task Force agreed that for its remaining meetings in January 2008, it would focus on studying several areas of inquiry regarding the balance of power between the Mayor and Board, including a review of the functions of Mayor vs. County Manager, the respective role of the Mayor and Board in procurement, budget development and policy analysis, and the powers of the Commission Auditor. For this discussion, Task Force members requested substantive comments or proposals from the Miami-Dade County Mayor, Chairman and Board members. Mayor Carlos Alvarez provided the Task Force with his input on January 8, 2008. Again, all comments received are posted on our website, [www.miamidade.gov/charterreview](http://www.miamidade.gov/charterreview) .

# Research

In arriving at the Task Force's 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 these recommendations. However, it is important to note the great amount of factual and resource materials which informed the discussions. All of these resource materials are available to the Board and to the public on the Charter Review website. Please visit [www.miamidade.gov/charterreview](http://www.miamidade.gov/charterreview).

Since the beginning of this process, at the request of the Task Force, 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



# *Task Force Recommendations*

Throughout this process, the Task Force has made preliminary recommendations for public input and comment, and voted on final recommendations prior to its October 31, 2007 and January 29, 2008 reporting deadlines. Detailed below are the Task Force's **final** recommendations to the Board of County Commissioners.

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

### **Summary of Issue and Research**

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**

1. The Task Force recommends that the **Public Safety Director** should remain an appointed position. However, in order to promote greater autonomy while in office, to minimize the potential for political interference, and in order to give to the Board of County Commissioners a greater role in the selection/retention of the **Public Safety Director**, the Task Force recommends that the electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that: 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 maintains 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 emphasize 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 its 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**

2. The Task Force recommends that the **Supervisor of Elections** should remain an appointed position. However, in order to promote greater autonomy while in office, to minimize the potential for political interference and in order to give to the Board of County Commissioners a greater role in the selection/retention of the **Supervisor of Elections**, the Task Force recommends that the electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that: 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 its 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 was 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**

3. The Task Force recommends 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 factors. 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**

4. The Task Force recommends that the **Tax Collector** remain as an appointed position. (Motion passed: 14-0)

### **Reasons/Justifications**

The Task Force recommends 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**

### **Summary of Issue and Research**

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:

- Comparison of 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 its 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**

5. The Task Force recommends that Commissioners should receive a population-based salary provided by Florida's statutory formula (approximately \$91,995); Commissioners' terms in office should be limited to two, four-year terms; and Commissioners should be prohibited from having outside employment. (Motion passed: 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. The Task Force strongly suggests that there is a need to convert the Office of County Commissioner into a full-time job with appropriate compensation. In recommending incorporating into the 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***

### **Summary of Issue and Research**

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 Ferré – “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 its 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**

6. The Task Force recommends 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 recommendation 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.

## ***Issue 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)***

### **Summary of Issue and Research**

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

- Jennifer Glazer-Moon, Director from the Office of Strategic Business Management, who made a presentation on Miami-Dade and Broward Counties Incorporation/Annexation

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

- Materials related to incorporation/annexations, including a brief history and current status in Miami-Dade County
- Information related to Broward County's incorporation process
- Population statistics for UMSA and Miami-Dade municipalities
- Proposed Millage rates table for UMSA and Miami-Dade municipalities
- Map of Miami-Dade County with municipal boundaries
- Map of Broward County with municipal boundaries
- Previous Miami-Dade ballot questions & results regarding UMSA Incorporation/Annexation

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

- Position Paper by Task Force Member Lynn M. Dannheisser – “Study of Incorporation and Unincorporated Municipal Service Area (UMSA)”

At the request of several Task Force members, a Charter Review Task Force workshop was held on November 15, 2007 to discuss the issue of municipal incorporation and annexation. The workshop was held for discussion purposes only.

### **Factors**

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

- The desire to prioritize the focus of County government on pressing regional issues
- Strongly expressed public frustration with the current incorporation/annexation stalemate
- The current disenfranchisement of UMSA voters with regards to the creation or annexation of municipalities
- The problems/challenges presented by allowing piecemeal incorporation of new municipalities
- The ideal relationship between County government and Miami-Dade municipalities
- The current map of Miami-Dade County with municipal boundaries, including unincorporated pockets within municipalities
- Donor vs. recipient communities in Miami-Dade County
- The potential impacts of incorporating all of Miami-Dade County, including political influence, improved services and property taxes
- Current activities of Municipal Advisory Committees (MACs)

### **Recommendation**

7. The Task Force recommends that the County Commission appoint an independent task force to prepare and submit a comprehensive plan in 2009 for countywide incorporation, accomplished through annexation and/or incorporation, subject to amendments or changes by two-thirds vote of the County Commission, and that such plan be placed on the ballot for all citizens to vote on at a general election in 2010. (Motion passed: 9-5)

### **Reasons/Justifications**

In arriving at its final recommendations, the Task Force felt that the overall effectiveness of County government would improve by prioritizing the focus of the County Commission on pressing regional issues, with municipalities providing local services. The creation of this independent body and their public vetting process would lead to a much needed public debate as to what services/issues truly need/should be the focus of a metropolitan county government and what issues/services are best addressed through local/municipal government. In addition, the Task Force believes that requiring that an independent body draw any new, proposed municipal boundaries in a comprehensive and holistic fashion will result in more fair and equitable municipal boundaries in a fully incorporated Miami-Dade County. All Miami-Dade County voters would have the opportunity to decide on any proposed plan in 2010. The Task Force felt it was important that all residents, including those currently residing in municipalities, as well as unincorporated areas, have an opportunity to vote on such a comprehensive plan, since all County residents would be impacted.

## ***Issue 6 - Study of Initiative, Referendum, Petition and Recalls***

### **Summary of Issue and Research**

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

- Amy Horton-Tavera and Ray Scher from the Office of Strategic Business Management who made a presentation – “Direct Democracy: Initiative and Recall”
- County Attorney’s Office Legal Opinion regarding Task Force Member De Grandy’s proposal to provide that when a petitioner submits a petition to amend the Charter, there be a source document that states what the ballot question intends to accomplish, or that a redlined charter be attached to the petition (Oral Report)



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

- General research regarding the use of initiatives and recalls in the United States
- Information regarding the history and major pros and cons of these processes, as well as specific strategies used by communities to improve them
- Detailed findings regarding provisions for initiative and recall in seven Florida counties and 13 large counties nationwide
- Proposed revisions to Section 9.07 to the Miami-Dade Home Rule Charter by Stephen F. Rosenthal, Esq.

### **Factors**

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

- The strong and compelling need to maintain and strengthen a citizen's right to petition his/her government for reform or change the focus of a metropolitan county government
- Current Charter requirements for initiatory petitions
- Format of initiatory citizens petitions, specifically that of the Strong Mayor initiative
- The potential chilling effect of requirements and regulations surrounding the initiatory petition process on the ability of citizens to access this process
- The relatively short time frame for gathering signatures in Miami-Dade County compared to peer jurisdictions
- The importance of promoting high voter turnout for Charter amendment questions
- The desirability of having a public hearing on petition initiatives before the signature gathering process begins, in order to promote greater public awareness of the merits of the proposed initiative
- The current process for reviewing and certifying petitions and the potential conflict of interest it may create for the Board and/or the County Attorney
- Whether or not the Board should have the authority to amend petition, initiative and recall processes set forth in the Charter
- The desirability of a simple process that can be easily followed, timely and not vulnerable to legal challenges
- A need to memorialize these sacred petitioners rights in the County's "constitution"

### **Recommendations**

That the electors of Miami-Dade County be asked whether:

8. The Home Rule Charter should be amended to provide that the time period to collect signatures for proposed Charter amendments and citizens' initiatives be expanded to 120 days and that proposed Charter amendments must only be placed on the ballot during a general election. (Motion passed: 14-0)
9. The Home Rule Charter should be amended to require the County Commission to hold a public hearing on any citizen initiated changes to the Home Rule Charter on the date the County Commission sets the election date on the proposed Charter amendment. A public hearing shall also be required for any Charter amendment initiated by the County Commission. (Motion passed: 14-0)
10. The Home Rule Charter should be amended to provide that the County Commission hold a public hearing on the proposed initiative at the time a citizen initiative petition is presented to the County Commission for possible passage or repeal of an ordinance. (Motion passed: 14-0)
11. The Home Rule Charter should be amended to provide that the County Commission shall adopt no resolutions or ordinances regulating the citizen petition procedures as defined in the Home Rule Charter. (Motion passed: 14-0)

12. The Home Rule Charter should be amended to reflect that the certification and petition gathering provisions contained in Article 8 shall also govern citizen initiative petition procedures to amend the Home Rule Charter. (Motion passed: 14-0)
13. The Home Rule Charter shall be amended to provide that the Clerk of the Court, rather than the County Commission, approve as to form any citizen initiative petition. (Motion passed: 14-0)
14. That the electors of Miami-Dade County be asked whether Section 9.07 of the Home Rule Charter shall be amended in the following manner (Motion passed: 17-0):
  - A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted to the Clerk. ~~Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.~~
  - B. Amendments to this Charter ~~may be~~ proposed by initiatory petitions of electors shall be governed by the following procedure:
    1. The person proposing the amendment shall submit to the Clerk a proposed petition, in the form specified in section (2) below, and proposed ballot language, including a title. The Clerk shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.
    2. The petition shall be printed in 14-point font and contain the following information: (a) the title and text of the proposed amendment, printed in English, Spanish and Creole; (b) a statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form; (c) the residence address of the circulator; (d) dates between which all the signatures on each individual petition were obtained; and (e) a sworn statement that the circulator personally circulated the petition and witnessed each signature as it was being written.
    3. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.
    4. The Board of County Commissioners shall call an election to be held within 60-120 days of the date that a certified petition is presented to the County Commission. Such election shall be called in conjunction a ~~countywide~~ with the next scheduled general election, ~~however, if no countywide election is scheduled to occur within 60-120 days or presentation, a special election on the position shall be called.~~
  - C. Amendments to this Charter may be proposed by the Board of County Commissioners at any time. Elections on charter amendments proposed by the Board shall be held not less than 60 nor more than 120 days after the Board adopts a resolution proposing any amendment.

- D. The result of all elections on Charter amendments shall be determined by a majority of the electors voting on the proposed amendment.
- E. All current ordinances and resolutions regulating initiative petitions shall be repealed.

### **Reasons/Justifications**

This issue created much debate and deliberation among Task Force members which centered around making the process for citizens to petition County government for change or reform be more streamlined and clear. In arriving at its final recommendations, the Task Force felt there was a compelling need to strengthen and clearly define the process for citizen initiatives relating to County ordinances or proposed Charter reform. The Task Force believes that by increasing the time frame for gathering signatures from 60 to 120 days, which is the standard for most of the peer jurisdictions reviewed, citizens would have greater access to the petition process. Additionally, voter input into the County's basic form of government would be maximized by presenting Charter amendments to the voters solely during a general election. In order to protect the process by which the County's "constitution" is amended and to ensure that this process is governed exclusively by the people, the Task Force felt that the Board should be prohibited from adopting any legislation related to citizen initiative petitions, without seeking voter approval in the form of a proposed Charter change. The Task Force felt that the voters themselves needed to determine the process and limitations to change their "constitution." The recommendation related to the Clerk of the Courts certifying petitions would also streamline and depoliticize the process, and eliminate the potential awkwardness of the Board placing an item on a ballot which a member may not necessarily support.

## ***Issue 7 - Study of Balance of Power - Mayor & the Board (Review Functions of Mayor vs. County Manager & the Review Powers of Commission Auditor)***

### **Summary of Issue and Research**

At its December 20, 2007 meeting, the Task Force agreed that for its remaining meetings in January 2008, it would focus on studying several areas of inquiry regarding the balance of power between the Mayor and Board, including a review of the functions of Mayor vs. County Manager, the respective role of the Mayor and Board in procurement, budget development and policy analysis, and the powers of the Commission Auditor.

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

- County Manager George M. Burgess

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

- Informational grid for benchmarked jurisdictions with Strong Mayor forms of government which includes the powers and duties of the elected Chief Executive Officer (CEO), Chief Administrative Officer and commission, as stated in their respective charters – or for non-charter counties, the county code. Also noted were the powers of the CEO and commission with respect to appointment and dismissal of department directors and the powers and duties of the council auditor or independently elected comptroller.

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

- The revised informational grid to include the cities of Los Angeles, Chicago, New York, Philadelphia, Atlanta and Houston
- Powers and Structure of Broward County's Charter Review Commission (Charter of Broward County Charter - Article VI – Sections 6.01 and 6.02)

- Information compiled by the County Attorney's Office related to the structure and powers of the Florida Budget and Taxation Reform Commission and the Florida Constitution Revision Commission, as well as information on state law related to or that may govern citizen petitions
- Informational grid regarding the functions and authority of procurement, zoning and legislative analysis for benchmarked jurisdictions
- Informational grid regarding budget review process for benchmarked jurisdictions

### **Factors**

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

- The current County bid protest procedures for procurement, and related processes in peer jurisdictions and the State of Florida
- The importance of the Urban Development Boundary (UDB) to the quality of life in Miami-Dade County; the rights of citizens to control key land use decisions vs. the need for Board discretion in some cases
- The current "arbitrariness" of some portions of the UDB line and the need for a more comprehensive review of the process
- The County's current zoning appeals process, and related processes in peer jurisdictions, including Orange County
- Whether zoning issues should be handle by referendum or by local government action
- Ownership of the budget process in a Strong Mayor form of government
- That in all peer jurisdictions reviewed, budget preparation and administration are under the purview of the administration
- Current efforts on the part of the Board to strengthen the role of the Commission Auditor in the County's budget process
- Strengthening the role of a Charter Review Task Force and empowering the public in amending their "constitution"
- That the State of Florida and Broward County have given the authority to their "constitution" revision bodies to place questions directly on the ballot
- The checks and balances that exist when empowering a charter review body to place questions directly on the ballot

### **Recommendations**

That the electors of Miami-Dade County be asked whether the Home Rule Charter shall be amended to provide:

15. That County bid protests should be heard by hearing officers charged with making final determinations based on findings of facts and conclusions of law; that the appeal process be governed by the rules of procedure set forth in the State of Florida's Administrative Procedure Act relating to the review of administrative action; and that the findings of the hearing officer would be final, subject to appeal by a disappointed bidder to the County Commission solely on an abuse of discretion standard. (Motion passed: 8-6)
16. That any Comprehensive Development Master Plan application requesting that the Urban Development Boundary (UDB) line be moved must be approved by a vote of at least  $\frac{3}{4}$ 's of the County Commissioners then in office; that every five years an independent body be constituted to conduct a comprehensive and holistic study as to where the UDB line should be drawn; and that if a change in the location of the UDB line is recommended by such independent body and such change in location is approved by a simple majority vote of County Commissioners present, such recommendations must be submitted for approval by the electorate in the form of a referendum. (Motion passed: 9-5)

17. That all zoning applications, including variances and setbacks, be heard first by the Community Councils with any appeals from those decisions being heard by hearing officers charged with making final determinations based on findings of fact and conclusions of law; that the appeal process be governed by the rules of procedure set forth in the State of Florida's Administrative Procedure Act relating to the review of administrative action, and that the findings of the hearing officer be final, subject to appeal to the County Commission solely on an abuse of discretion standard. (Motion passed: 14-0)

### **Reasons/Justifications**

In arriving at its final recommendation regarding bid protest procedures, the Task Force was interested in depoliticizing the current bid protest process by replacing it with a proven system of hearing masters used effectively in other parts of the State or used by state government. These non-partial hearing masters make findings of facts and decisions of law. Appeals to the County Commission would require proof of abuse of discretion by the hearing officer – a high and well-defined threshold, legal requirement. The Task Force also felt that this reform would, to the greatest extent possible, eliminate lobbying and political influence in the bid protest process and free up the Board to be more pro-active in its policy making function and in setting rules for bid processes at the front end.

Regarding the Urban Development Boundary (UDB), in arriving at its final recommendations the Task Force felt it was important to make it more difficult to move the UDB both on a case by case and in a more comprehensive fashion. In line with other recommendations contained in this report that call for an independent body to review matters, the Task Force recommends that the UDB be comprehensively and holistically reviewed every five years by professionals in urban planning and policy. This should promote more rational decision making regarding the exact location of the UDB and make the UDB more difficult to move. This process also mirrors the five year review of the Home Rule Charter.

### **Additional Recommendation** (Not issue specific)

18. That the electors of Miami-Dade County be asked whether Section 9.08 of the Home Rule Charter shall be amended to empower future Charter Review Task Forces to place proposed Charter amendments directly on the ballot, solely if the proposed amendment is approved by a two-thirds vote of the Task Force members present; and to provide that the appointment process for future Task Force members be the same as contained in Sections 1 and 2 of the resolution creating the current Charter Review Task Force, with the exception that the provision allowing Commissioners to appoint themselves to the Task Force, be deleted. (Motion passed: 9-5)

### **Reasons/Justifications**

In arriving at its final recommendation, the Task Force felt that in order to make the work of future Charter Review Task Forces more meaningful, as well as to empower and elevate the input and participation of the public in this process, it was important to allow future groups to place certain proposed amendments directly on the ballot. The rationale is that in some instances there are aspects of reform that may not be popular or widely accepted by governing officials. Research indicated that other governments, like Broward County and the State of Florida, provide this authority/power to comparable charter/constitutional review committees. The suggestion of a super-majority voting requirement in order to place proposed reforms directly on the ballot will ensure that this power is exercised solely with respect to proposed reforms that derive from strong consensus. The Board will still retain a strong role in Charter reform through its power to appoint the majority of future Task Force members and its sole authority to consider Task Force recommendations that lack super-majority support.

## *Conclusion*

While much was accomplished by the Task Force, there always remains work ahead. The process of good government is never ending, and it requires the attention and participation from everyone in the community. The members of the Charter Review Task Force appreciate the opportunity to serve and engage in this debate. The members hope this 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. The Task Force is acutely aware of its role as an advisory body to the Board, and has worked diligently to arrive at the best advice that can offer the Board and the community regarding how best to achieve a more ethical, representative and responsive County government. The Task Force is grateful for the opportunity to serve the Miami-Dade community and the Board. These 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, the Task Force recognizes 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 Honorable Harvey Ruvin, Clerk of the Board Kay Sullivan, and staff Diane Collins, Doris Dickens, Nelson Diaz, Judy Marsh, Scott Rappleye, Jovel Shaw, Mary Smith-York, Akira Spann, Alicia Stephenson and Jill Thornton.

In addition, we also thank staff from the Mayor's Office of Communications and Policy Analysis including Marie Bertot and Tracie Auguste, County Attorney's Office, Government Information Center, Office of Strategic Business Management including Ray Scher, Amy Horton-Tavera, Paul Mauriello, John Murphey, Nadia Rodriguez and Cara Tuzeo, Planning Department and Elections Department for their detailed, timely and comprehensive research provided to the Task Force and the Assistants to the County Manager for their support of the public hearings and workshops.

Finally, this process is only successful when the public participates and makes it their own. The Task Force appreciates public interest in this work and comments via e-mail and at workshops. Good government relies on public interest and participation.

# *Dissenting Opinions*

Dissenting opinions from Task Force members are included in this section:

- Maurice Ferré - October 31, 2007
- Ignacio Jesus Vazquez - November 1, 2007
- Maurice Ferré - January 28, 2008

**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 MCD. 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 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 facto 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

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

**DATE:** January 28, 2008

**RE:** Dissenting Opinion: CRTF Final  
Recommendations to the Board of  
County Commissioners, January 28,  
2008

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

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Firstly, this dissenting opinion does not include my October 31, 2007 dissent, which is already a part of the record. I have not changed my opinion in the past three months.

Secondly, I wish to publicly recognized the outstanding work of our Chair, Victor Diaz Jr., Esq., of all the members of the Charter Review Task Force of 2007, the staff and the clerk's office, all who did work of excellence, never before done as well in the past 50 years since the adoption of the 1957 Miami Dade County Home Rule Charter.

Thirdly, I would like to reemphasize the universal importance in our current governance predicament, of the all important American template of separation of powers (between the Legislative and Administrative branch), checks and balances, limitations of powers, transparency and accountability.

Legislative powers in our County government should be limited to four functions:

- 1.) Create our local laws (legislate),
- 2.) Approve the County budget,
- 3.) *Oversight* of department and budget functions and
- 4.) Override the Mayor's veto.

This implies no *administrative* functions or powers for the Board of County Commissioners (BCC). The BCC can put all qualifications and restrictions needed in bid documents, but should not be involved in the final selection. This logic of Jeffersonian government should also apply to zoning changes and establishing changing the UDB line.

Corruption in Miami Dade County (MDC) follows the money. We need to: better account for, oversee, disclose and administer the billions of dollars that flow through Miami Dade County annually.

It is imperative that MDC's government concern itself more with the large regional functions of governance and let smaller and more immediate governments (cities) serve and administer traditional municipal services. For example, the cities should pick up garbage and waste, but MDC should dispose of the same. City police should answer all 911 police calls, but MDC should handle crime labs, civil disturbances, organized crime, homicides and other Type I crimes, gangs, SWAT teams, interagency relations and all complex police matters everywhere in Miami Dade County. MDC should be dedicated to exclusively "big ticket" items: airports, seaports, ground transportation, water and sewer, waste disposal, hospitals and health and other major areas.

The rendering of all municipal services by local government would require a realigning of the tax structure to insure basic municipal services to all citizens. This "fairness" tax method is in use in some major American urban areas, like Minneapolis/Saint Paul, Minnesota.

Although the CRTF 2007 did not review or recommend in the above areas, it did make substantial headway in many important subjects.

Of the issues outlined by the CRTF for study we did not have time to delve into the third, fourth and seventh priorities established by vote of the CRTF on November 28, 2007.

Lobbying reform is the second most important task left undone (the first is at large representation on the BCC). The issue of at large representation is important by itself; the need in polyglot, cosmopolitan Miami Dade County for a Commission less insular and more regional in view. But even more important, is to get away from the now defunct council/manager government format. With now a Strong Mayor in MCD, and the dysfunctional 13 commissioners elected by districts (for 16 years now), it is time for the 2.5 million people of MDC be served by a full time local legislative body. This can only come about with a BCC of at least 17 to 19 members. Only then would a committee structure work, (essential in modern legislative bodies). By establishing a true checks and balance system between the Mayor and the BCC, the people of MDC would be best served.

Had we gone into lobbying reform at the CRTF 2007, I would have strongly supported the following:

- 1.) Full public disclosure of all forms and quantities of payments to registered lobbyist affecting Miami-Dade County.
- 2.) No indirect payment to lobbyist of any kind.
- 3.) No success or contingency fee payments to lobbyist; no percent participation of clients business, direct or indirect; no participation of any deals, currently or promised in the future.
- 4.) Strict rules regulating lobbyists who work for Miami-Dade County from presenting third party issues before staff or the Board of County Commissioners.
- 5.) Prohibition of citizens who serve in Miami-Dade County appointed boards from lobbying staff or the Board of County Commissioners.
- 6.) Prohibition of being a Miami Dade county lobbyist if you represent any other like local government in Florida, either another county or a major city competing with Miami-Dade County for funds.
- 7.) Lobbyist who represents other clients against Miami-Dade County cannot represent Miami-Dade County in other matters for a five-year period.
- 8.) Prohibition of anyone who does business with or for Miami-Dade County to raise funds for any serving or aspiring County politician or any PAC involved in a County election, directly or indirectly, for a one year period before or after that persons election. This should include vendors, professional services, including lobbyists.
- 9.) Strict definition as to who is a lobbyist; to avoid hiding behind professional status, such as; engineer, lawyer, doctor, owner's representative, etc.

Until we control finances (money: political donations, lobbyist reforms, procurement and zoning reform) and have a true legislative body in function, MDC will continue to have one scandal after another.

It is my hope that future CRTF force can address these essential issues.



# Appendix

## Charter Review Task Force Appointments

### Member

Mayor Carlos Alvarez  
District 5 – Chairman Bruno A. Barreiro  
  
District 1 – Vice Chairwoman 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 Ferré  
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  
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  
Wifredo Ferre, Assistant County Attorney  
Monica Rizo, Assistant County Attorney

County Executive Office: Susanne M. Torriente, Assistant County Manager  
Maggie Fernandez, Assistant to the County Manager  
Jennifer Glazer-Moon, Office of Strategic Business Management  
Vivian Duyos, Office of Strategic Business Management

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



*Delivering Excellence Every Day*

## **Miami-Dade County, Florida**

Carlos Alvarez, *Mayor*

### **Board of County Commissioners**

Bruno A. Barreiro, *Chairperson*

Barbara J. Jordan, *Vice-Chairwoman*

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*