



FINAL OFFICIAL MEETING MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners
Miami-Dade County Main Library
Auditorium
101 West Flagler Street
Miami, Florida 33130

May 17, 2012
As Advertised

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Board of County Commissioners

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**CLERK'S SUMMARY AND OFFICIAL MINUTES
MIAMI-DADE COUNTY CHARTER REVIEW TASK FORCE
MAY 17, 2012**

The Miami-Dade Charter Review Task Force (the Task Force) convened the public hearing meeting on May 17, 2012, at the Miami-Dade Main Public Library Auditorium, 101 West Flagler Street, Miami, Florida, at 9:00 a.m. There being present Chairman Rene Garcia, Vice Chairwoman Evelyn Langlieb Greer, Ms. Yolanda Aguilar, Mr. Armando Bucelo, Councilwoman Isis Garcia-Martinez, Councilman Luis Gonzalez, Representative John Patrick Julien, Mr. Carlos Manrique, Mr. Terry Murphy, Mr. Hans Ottinot, Mr. Lawrence Percival, Ms. Pamela Perry, Mr. Donald Slesnick, Professor H. T. Smith, and Representative Carlos Trujillo (Mayor Juan Carlos Bermudez was late). (Mr. Joe Arriola, Mr. Victor Diaz, and Reverend Dr. Walter Richardson were absent)

In addition to the members of the Task Force, the following elected officials and staff members were present: Chairman of the Board of County Commissioners Joe Martinez, Assistant County Attorneys Oren Rosenthal, Jeff McCarty, and Cynthia Johnson-Stacks, Ms. Inson Kim, Ms. Lorna Mejia, Mr. Les Pantin, and Deputy Clerk Flora Real.

Chairman Rene Garcia called the meeting to order at approximately 9:15 a.m. and welcomed the Task Force members and all others present.

WELCOME AND INTRODUCTION

Following a formal introduction of each of the Task Force members present at today's meeting, Chairman Garcia proceeded to consider the agenda.

APPROVAL OF MINUTES

- o April 19, 2012 Task Force Meeting
- o May 7, 2012 Public Hearing
- o May 8, 2012 Public Hearing
- o May 9, 2012 Public Hearing
- o May 10, 2012 Public Hearing
- o May 14, 2012 Public Hearing

Mr. Lawrence Percival asked that the Task Force amend the meeting minutes of May 9, 2012, to reflect two comments he had made at that meeting stating:

- "that two persons in the audience, Mr. Miles Moss and Florida State Representative Juan Zapata, had both served in the Municipal Advisory Committee (MAC) in West Kendall, Joe Martinez had allowed the city to move forward, and at one point, actually on three occasions, he informed the group that if they did not follow his instructions and specifically include every area of his

district in the study that he would shut them down and close it. Joe Martinez took his football and headed home. He shut it down and did not allow any further involvement for the study of West Kendall to become a city or anything;" and

- "that he had recently read in the paper that another commissioner recently made a statement that if his area were to be incorporated, he would want the entire area of his district to be one city, and my response to that was that I feel that sort of process that commissioners dictate denies the citizens of the area the right to self-determination."

Mr. Percival noted that neither of those comments was included in the minutes, and he felt the Task Force members should know about those comments and the sentiments expressed by the public inasmuch as the public wished to have the right for self-determination. He advised that he made those comments to reinforce that issue, and the essence of those comments should not be lost.

It was moved by Mr. Armando Bucelo that the Miami-Dade Charter Review Task Force approve the minutes of April 19, 2012, May 7, 2012, May 8, 2012, May 10, 2012, and May 14, 2012, and that the minutes of May 9, 2012 be approved as amended to include the comments made by Mr. Percival. This motion was seconded by Mr. Donald Slesnick; and upon being put to a vote, the motion passed by a vote of 15-0. (Mr. Arriola, Mr. Diaz, Mayor Bermudez, and Dr. Richardson were absent)

CHAIRMAN'S ITEMS

- Next Meeting Dates – Proposed May 23, May 30, and June 6
- Proposed Timeline for the Charter Review Task Force

Chairman Rene Garcia considered the Next Meeting Dates and the Proposed Timeline for the Charter Review Task Force simultaneously, and he asked Ms. Inson Kim to present the proposed meeting dates and timeline.

Ms. Kim advised that the proposed meeting dates were May 23rd, May 30th, and June 6th based on the feedback provided by the Task Force members. She noted the Task Force's final report had to be submitted at the Board of County Commissioners' meeting of July 17, 2012, before the summer recess. She advised that it was hoped the Task Force's preliminary report was finalized at the Task Force's June 6th meeting, and it would be distributed by June 30th. She advised the final public hearing to gather feedback from the public on the Task Force's proposed recommendations should be scheduled for June 20th or 21st, and the Task Force needed to consider scheduling another meeting on or about June 29th to provide several days for anyone to submit a dissenting opinion.

Following a discussion on the availability and possible dates of the Task Force members to schedule the final public hearing, the Task Force members determine the final public hearing would be scheduled for June 20th at 5:30 p.m. at the County Commission Chambers if available.

Pursuant to Mr. Donald Slesnick's recommendation to change the final Task Force meeting date, the Task Force members determine that the final meeting of the Task Force would be scheduled for June 26th.

Mr. Lawrence Percival recommended that the Task Force members meet until 3:00 p.m. or until all discussions and/or work was completed in order to reduce the number of meetings.

In response to Mr. Percival's request that the Task Force members be asked to stay at the meetings until all discussions were completed, Chairman Garcia stated that meetings would be prolonged as necessary inasmuch as the people of Miami-Dade County expected this Task Force to remain focused until the work was completed; but Task Force members would be allowed to take breaks as necessary and determine if they wished to return to the meeting.

In response to Ms. Greer's question regarding the attendance of Mr. Joe Arriola and Mayor "JC" Bermudez, Councilman Gonzalez advised Mayor Bermudez had an emergency meeting at the City of Doral and would arrive late.

Upon concluding the foregoing discussion regarding the proposed meeting dates and the timeline, Ms. Kim noted the Task Force members had selected the following meeting dates:

1. May 23, 2012, Task Force meeting at 9:00 a.m.
2. May 30, 2012, Task Force meeting at 9:00 a.m.
3. June 6, 2012, Task Force meeting at 9:00 a.m.

Ms. Kim noted she would do her best to keep the meetings in the Downtown area if space was available, and she would inform the Task Force members on the dates, times, and locations as soon as the locations were confirmed.

Ms. Kim advised the following additional proposed meetings were added to the schedule:

1. June 20, 2012, final public hearing at 5:30 p.m., tentatively in the County Commission Chambers;
2. June 26, 2012, Task Force meeting at 9:00 a.m., tentatively in the Downtown areas/Main Library; and
3. July 17, 2012, Board of County Commissioners' meeting to submit Task Force's final report.

Chairman Garcia asked that all Task Force members be present at the July 17, 2012, Board of County Commissioners' meeting.

o Prohibido Callarse Show Invitation (WQBA)

Chairman Rene Garcia advised radio show broadcasters of Prohibido Callarse Show airing in WQBA extended an invitation to the Task Force members to co-host a show to promote the work

of this Task Force in the Hispanic market. He noted he was working on the proposed show dates for those Task Force members interested in participating. He advised it was considered a public hearing; and it would be properly advertised as such. He advised Task Force members would be notified of the date and time as soon as it was confirmed.

Chairman Garcia asked that Task Force members begin to contact County Commissioners to request sponsorship for the proposed recommendations forthcoming.

Mr. Donald Slesnick noted he would like to have a public radio announcement regarding community outreach meetings, and he would like to have considered the suggestion made at previous meetings by Ms. Yolanda Aguilar. He noted Ms. Aguilar and he were still interested in holding public meetings in the West Miami, Coral Gables, South Miami, and Flagami areas with the approval and support of this Task Force; and he invited Task Force members to join them in these public hearings. He further noted he and Ms. Aguilar would assume the responsibility to identify a meeting place and set the time.

Assistant County Attorney Oren Rosenthal noted the meeting had to be properly noticed to the public. He further noted the only intent of the public hearing was to hear the community's comments and suggestions, and no official action could be taken at those public hearings.

Chairman Garcia asked Mr. Slesnick that he be notified on the meetings dates, times, and locations as soon as those meetings were coordinated to incorporate those meetings in the Task Force's calendar.

Councilwoman Isis Garcia-Martinez suggested an additional air show be broadcasted in an English speaking radio station to have the Anglo and other members of the community included.

Chairman Garcia agreed with the suggestion made by Councilwoman Garcia-Martinez, but the Spanish radio show was the result of an invitation received from the radio station.

Councilwoman Garcia-Martinez commented the public radio forum should be opened to other ethnic communities if the invitation to participate in the Spanish speaking radio show was accepted.

Chairman Garcia noted he appreciated her suggestion; but any Task Force member was welcome to partake in a radio show if the Jewish, Anglo, or Creole speaking communities wished to invite any Task Force member to participate in a radio public forum.

- o Other business

Mr. Rowan Taylor, President of the Metro-Dade Fire Fighters, IAFF Local 1403, presented a proposed recommendation to change Article 1, Section 1.05, subsection C of the Miami-Dade Charter, requiring that any County employee running for a public elected office take a leave of absence from the County position until the date of election; and if elected, immediately forfeit

County employment. He recommended that requirement be eliminated to allow County employees to hold a public elected office outside of Miami-Dade County.

Mr. Lawrence Percival advised he had recently met with Mr. Taylor on this issue, and he was surprised the way it was presented today. He voiced his support for changing the language to allow employees to continue their County employment while holding public office outside of Miami-Dade County, and he recommended the language contained in the Charter be reviewed and changed as proposed by the Metro-Dade Fire Fighters. He noted he believed the current requirements were too strict as it related to the fire fighters positions, and employees should be allowed to take leave occasionally if performing their jobs satisfactorily instead of having to resign their County position.

Mr. Taylor commented municipalities within the County allowed their employees to hold public office outside of the municipalities, and Miami-Dade County Charter was the only County restricting its employees in that manner. He noted County employees were restricted from performing their civic duties; and it was important to them, as fire fighters, and to all public employees that those restrictions be eliminated.

Ms. Yolanda Aguilar advised that a Florida Statute addressed the issue of public office, and she believed it would have to be changed at the statutory level before the Task Force could discuss that recommendation.

In response to Ms. Aguilar's question regarding changing the statutes to address the recommendation made by the fire fighters, Chairman Garcia advised he did not believe it pertained to County employees themselves; and he believed the statute pertained to holding office in multiple positions. He noted he would check the mandates of that statute.

Representative John Julien expressed his agreement with Mr. Percival's recommendations inasmuch as he believed most of these public offices were part-time positions and paid very little. He expressed his agreement with the recommendation proposed by the fire fighters, and he suggested the language be changed to say that an employee may remain a County employee and hold elected office at the same time.

Professor H.T. Smith reiterated the proposal was to allow continuance of County employment and hold public office at the same time.

Mr. Taylor clarified that the language stated "for any office outside of Miami-Dade County," and it referred to an employee's position with Miami-Dade County, which forced the employee to forfeit County employment.

Chairman Garcia suggested the fire fighters' recommendation could be referred to the County Attorney's Office for review and brought back with the County Attorney's recommendations for language if Task Force members wished to consider it.

Representative Julien commented he would like to have the fire fighters' recommendation reviewed.

Mr. Donald Slesnick suggested that the Task Force members request a legal opinion from the County Attorneys, and he recommended that Ms. Greer or a member of another governmental institution be asked about their experience with this issue. He stated federal and state public elected offices were not part-time jobs and required that those officials absent themselves frequently for months at a time. He expressed his concerns for this issue and asked that Task Force members review the fire fighters' recommendation very carefully.

Mr. Hans Ottinot asked that this Task Force review the state statute provisions, especially as it related to appointed officials.

Assistant County Attorney Oren Rosenthal explained the provisions of state statutes relating to holding a public elected position and running for an elected office, noting the state statute as it related to public office holding had two major prohibitions. He advised the statute prohibited an elected official from holding two offices at the same time, and it disqualified an individual to hold an elected office if that individual already was an elected official. He further explained the provisions of the County legislation in comparison to the state's legislation.

Mr. Carlos Manrique reminded the Task Force members that the Chair's instructions were to have a limited amount of petitions placed on the ballot. He suggested that the fire fighters' proposal not be placed on the ballot as a question, and it be reviewed as part of the clean up language if the County Attorneys advised it could be addressed in that manner.

Chairman Garcia noted the County Attorney's report addressed the clean up recommendations, and any other recommendations be discussed as part of that report.

COUNTY ATTORNEY'S REPORTS

- o Recommended Technical Amendments to Charter

Assistant County Attorney Rosenthal noted he was asked to review the Charter and identify technical amendments/errors that referenced issues that no longer existed. He referenced page 15, Article 1 entitled "Board of County Commissioners," noting Section 1.05 pertained to the forfeiture of office section, which applied not only to the Board of County Commissioners, but in Section B, to the Mayor, the Property Appraiser and all community council members; and Section C related to appointed County officials. He noted this section was mislabeled and should be re-labeled, "Forfeiture of Office for County Commissioners, elected County officials, and all County employees." Section 1.07 relating to vacancies, dealt with the vacancy of the Mayor, and a section about the Board of County Commissioners, Mr. Rosenthal noted. He noted Article 3, page 22, Section 3.01 entitled "Election and Commencement of Terms of County Commissioners," which dealt with the term limits of the County Commission and Mayor, should be changed to add the Mayor in the title for clarity.

In response to Mr. Rosenthal's offer to prepare a document red lining the changes he noted, members of the Task Force accepted.

Mr. Percival noted he recalled a discussion by the County Commission regarding the fact that the Charter did not contain language to state who would handle the Mayor's delegated authority in the event of his/her death.

Assistant County Attorney Rosenthal stated this was a policy issue that must be addressed by this body. He also noted he did believe the language contained in Article 3, Section 3.01 D, and page 22, needed to be changed because it dealt with historical references.

In response to Mr. Percival's questions regarding whether the proposal that the president of the Fire Union proffered was language that needed to be cleaned up, Mr. Rosenthal said that it was sub language.

Assistant County Attorney Rosenthal noted a prime example of sub language was on page 30, Section 5.08, Subsection C entitled "Boards," stating: "for the purpose of cooperating with the Miami-Dade Water and Sewer Authority," and that Authority was dissolved some years ago.

Assistant County Attorney Rosenthal noted another technical change on page 26, under the Municipal Charter section that said: "it should be provided in 5.04," should say: "it should be provided in Section 6.04... and Section 6.05 should cross reference 6.03 instead of 5.03."

Assistant County Attorney Rosenthal referred to the language contained in Section 8.02, entitled "Recall," and suggested the language "Sheriff or Constable" should be removed from that section.

It was moved by Terry Murphy that the task force adopt the technical amendments recommended by the County Attorney's Office. The motion was seconded by Mr. Percival; and upon being put to a vote, the motion passed unanimously by those members present. (Ms. Aguilar, Mr. Arriola, Mr. Diaz, Ms. Garcia-Martinez, Reverend Dr. Richardson, and Mr. Trujillo were absent.)

- o Term Limits Discussion

Regarding Term limits, Assistant County Attorney Rosenthal noted two questions arose out of the discussions about term limits--- one had to do with whether retroactive term limits would be legal. He noted the Florida Courts had defined term limits as disqualifications and qualifications of office. He noted a recent Supreme Court case reaffirmed that term limits were qualifications of office and changed the law by saying all chartered counties statewide could enact term limits, and there was no definitive case law that defined terms already served as being illegal. Therefore, a charter amendment which would say whether or not term already served was illegal when viewing qualifications for an individual running for office. Some people consider this a retroactive term limit, but it is not truly retroactive but just looking back at what qualifications would be involved. He noted term limits for these types of offices were not very common due to prior case law, and not much case law existed to support it. He stated he did not believe it was

legally sufficient. Mr. Rosenthal noted the term of a current office holder or elected official could not be truncated, which was an important issue to discuss. He noted all of these questions would have to go on the ballot in November, and term limits could not be placed on the November 2012 ballot that would disrupt the outcome of the August 2012 election. Essentially, Mr. Rosenthal noted terms limits could not be properly placed on the ballot until 2014.

Mr. Julien questioned why the Task Force would propose language that would expose the County Commission to potential lawsuits since the proposed language did not have any case law to corroborate it.

Assistant County Attorney Rosenthal noted Mr. Julien's question involved a policy matter which must be addressed by Task Force members.

Mr. Julien noted he supported the proposal to limit the terms of office prospectively, but not retroactively.

Mr. Percival pointed out that, during the public hearings, some individuals proposed to limit the terms of office to one additional four-year term for commissioners who had already served eight years; and he questioned the reasonableness of this proposal.

Mr. Julien said he did not believe it was reasonable to allow commissioners who had already completed eight years to serve another term.

Mr. Smith explained that a question regarding term limits was already on the ballot for the November 2012 election. He suggested that members of this Task Force address the question as to whether or not term limits should be retroactive or prospective.

Chairman Garcia questioned the process if members of this Task Force proposed a ballot question involving term limits that was worded differently than the one already on the ballot.

Assistant County Attorney Rosenthal advised that, in the event a similar question was placed on the ballot by this Task Force, it would result in competing ballot questions; and it would require a determination by the court as to whether one, both, or neither question would be placed on the ballot. If both questions were placed on the ballot and approved by the voters, the court could rule that the question receiving the most affirmative votes would take precedence, Mr. Rosenthal noted.

Mr. Manrique pointed out that, if commissioners who had already served eight years were allowed to serve one more term, those elected in August 2012 would serve until 2020.

Mr. Slesnick suggested Task Force members not consider term limits since a question was already on the ballot.

Mr. Ottinot expressed concern that the existing question on the ballot only limited commissioners to two consecutive terms as opposed to a lifetime limit of two terms.

Mr. Percival noted he believed that questions involving commissioners' term limits, salaries, and outside employment should be placed on the ballot as separate questions.

Mr. Bermudez questioned whether it was feasible for the County Commission to revise the language involving term limits as contained within the ballot question for November 2012. He suggested the Task Force prepare an alternate ballot question for consideration by the Commission.

Assistant County Attorney Rosenthal advised the County Commission had the authority to remove questions from the ballot including those recommended by this Task Force before election.

Mr. Gonzalez noted the residents from his community supported retroactive term limits.

Ms. Perry stressed the importance of maintaining institutional knowledge on the County Commission to avoid the potential for greater influence by lobbyists and ensure County government remained efficient.

Mr. Bermudez said he believed it was unreasonable to have two, one-year term limits for the Mayor and no term limits for commissioners. He also noted he questioned Ms. Perry's suggestion that limiting commissioners' terms of office would result in the loss of institutional knowledge, noting such knowledge would be valued only if applied the right way; and Task Force members should not assume that this was a priority to the voters. With regard to lobbyists, Mr. Bermudez noted lobbyists already had significant influence on County government.

Mr. Murphy pointed out that the average term of office for commissioners was eight years, noting single-member districts were enacted in 1993 and a total of 32 commissioners had served since that time.

Mr. Smith noted he would support a proposal by this Task Force to limit commissioners' terms of office, even if it was worded similarly as the existing question on the November 2012 ballot.

Mr. Manrique pointed out that commissioners' terms of office were limited, noting the voters had the right to remove commissioners from office every four years; however, commissioners were re-elected repeatedly. He explained that the deadline for placing questions on the November 2012 ballot were the same for this Task Force as it was for the County Commission; and that the findings/recommendations of this group must be placed on the July 17, 2012 County Commission agenda, as this would be the last opportunity for this group to meet that deadline. Mr. Bermudez noted his comments were not intended to be critical of the County Commission, and he was conveying the sentiment of the residents of his community when he said County government was ineffective. He emphasized the importance for Task Force members to state their position, even if it was consistent with the County Commission's.

Mr. Ottinot suggested the question involving term limits be re-worded to read: "Should the County Commission be subject to the same eight-year term limit as the County Mayor."

Chairman Garcia proposed that the County Commission's question remain on the ballot; however, the questions should be reworded differently. He noted the Task Force's proposal involving term limits would offer the public a second question to consider.

Assistant County Attorney Rosenthal advised that the previous Task Force recommended a question be placed on the ballot to make the Property Appraiser an elected office, and that the County Commission put that question on the ballot before the Task Force finished its report.

Ms. Garcia-Martinez concurred with Mr. Bermudez that the Task Force should recommend a ballot question involving term limits, even if it was the same as the County Commission's. She pointed out, however, that her community supported retroactive term limits. She suggested the Task Force recommend the terms of office for commissioners be limited to a twelve-year, retroactive term limit to avoid potential lawsuits.

Assistant County Attorney Rosenthal advised that some commissioners had already served more than 12 years, and setting term limits to 12 years would not eliminate the potential for lawsuits.

Ms. Garcia-Martinez noted she had the same position as the residents of her community, who favored retroactive term limits.

Mr. Slesnick suggested that Task Force members take a straw vote on the proposal for retroactive term limits.

Mr. Manrique noted the Task Force had three alternatives regarding term limits:

1. The retroactive approach: prohibit incumbent commissioners from running in the next election;
2. the prospective approach: two full terms from the date of this election, which would allow some commissioners up to 10 more years; and
3. the flexible approach: allow incumbent commissioners one more term regardless of their years in service.

Chairman Garcia noted the flexible approach would be a disservice to commissioners elected during a special election because it would limit their terms of office to six years.

Mr. Smith clarified that the Task Force should first determine whether it supported retroactive term limit, and if so, what form of retroactivity.

Chairman Garcia noted he would conduct a straw vote on the question of term limits being retroactive to allow incumbent commissioners one more term beyond their existing term.

Mr. Ottinot questioned how "term" would be defined. He suggested that commissioners who had served more than two years be considered to have already served one term.

Mayor Bermudez explained that he would support a recommendation from the Task Force for retroactive term limits because it would allow incumbent commissioners to serve a second term, which they were entitled to; and it would also include a recommendation to place a question on the November ballot that posed the exact same question as the one placed on by the County Commission. He stressed the importance for Task Force members to ensure that this question remained on the ballot in the event the County Commission revised or removed it.

Hearing no other questions or comments, the Task Force considered a straw vote on its recommendation that if the Charter was amended to impose term limits on county commissioners those term limits be applied retroactively to allow incumbent commissioners one more term beyond their existing term; and upon being put to a vote, the motion failed by a unanimous vote of those members present.

Chairman Garcia questioned whether the Task Force members would support a recommendation to place a proposal limiting term limits for commissioners worded identically to the one placed on the November 2012 ballot by the County Commission.

Mr. Murphy noted he was opposed to term limits in any form.

Ms. Perry noted she concurred with Mr. Murphy in that she did not support term limits.

Mr. Smith noted he supported Bermudez' suggestion that this Task Force recommended that a question be placed on the ballot asking the voters whether the commissioners' terms of office should be retroactive term limits to allow incumbent commissioners suggestion that this Task force recommend a proposal for retroactive term limits because the voters would vote for the term limits recommendation if the Task Force's supported term limits. He further stated that people would probably vote against this recommendation if supported by the County Commission.

Ms. Perry noted she did not support term limits.

It was moved by Mayor Bermudez that the Task Force recommend retroactive two-term limits for a total of eight years and not consecutive terms. This motion was seconded by Mr. Smith, and the floor was opened for discussion.

Mr. Ottinot explained that Mr. Bermudez or the question was the County would be subject to eight-year terms meaning two-term limits (two consecutive four-year terms). Therefore, he stated that the County Commission would be have the same term limits as the County Mayor, or the Task Force could propose language that Commissioner Moss sponsored regarding consecutive term limits.

Assistant County Attorney Rosenthal clarified the recommendation for the amendment to the Charter would read as follows: "notwithstanding of any other provision of this Charter, effective with the term of commissioners scheduled to commence 2012, no person shall be elected as commissioner for more than two consecutive four-year terms. No term of service as a commissioner commence prior to 2012, shall be considered a part of the County Board for two-term limits." He stated that the ballot question would read "Shall the Charter be amended to provide that a County Commissioner shall not serve no more than two consecutive four-year terms in office excluding terms of service prior to 2012?"

Mr. Ottinot expressed his concern with a commissioner elected in November 2012 could then serve 12 years.

Mr. Bermudez stated that any term of service that starts after January 1, 2012, which would be the November term of service, would be included in the two consecutive terms.

Discussion ensued regarding a comparison between the proposed terms of service for County Commissioners and the state and federal elected officials, and how county commissioners elected in a special election would be impacted.

Mayor Bermudez clarified that those commissioners under this term limit amendment and elected in November 2012 would be able to serve two terms, and those commissioners elected in November 2014 would have two terms.

Mr. Ottinot recommended that the word "consecutive" be removed from the proposed Charter amendment.

Ms. Perry stated that there was a difference if people liked someone they should have the ability to come back after being in the private sector; and if the Task Force was concerned about a rubber stamp, the proposal could have language to ensure this proposed Charter amendment regarding term limits be placed on the ballot. She expressed her concern with consecutive terms because the voters should have the right to bring someone back.

Assistant County Attorney Rosenthal explained the difference. He stated the first would be qualification of office so that at the time the person qualified, if you are serving two consecutive terms, you would not be eligible to be a commissioner for the next term. Mr. Rosenthal provided an example, "if they served for four years of four-year terms 20 years ago, and then re-elected and served another four-year term eight years ago, then they will still never be able to run for the office of County Commissioner." He stated that the prior eight years would be the way it worked.

Mr. Ottinot stated that in looking at the executive summary from the previous Task Force, the recommendation was two, four-terms with no consecutive terms passed by a vote 14-0. He stressed that the two, four-year terms was strongly recommended and supported by the previous Task Force. Therefore, he expressed he strongly supported this Charter amendment.

Chairman Garcia noted that there was a motion on the table.

Mayor Bermudez questioned how close this language proposed by the Board of County Commissioners does mirror the language that was placed on the ballot when the County Mayor two consecutive four-year terms were defined.

In response to Mr. Bermudez' question, Assistant County Attorney Rosenthal stated that he would have to conduct research because the Office of the Mayor commenced in 1996.

Mr. Percival stated could someone be County Mayor for eight years with break for four years, and then come back and run for office again.

The motion by Mayor Bermudez for two, consecutive four-year terms, passed by a vote of 9-2 (Mr. Murphy and Ms. Perry voted no). (Mr. Arriola, Mr. Bucelo, Mr. Diaz, Ms. Greer, Mr. Julien, Dr. Richardson, and Mr. Trujillo were absent)

Following approval of this motion, a brief discussion ensued between Mr. Percival and Mr. Slesnick regarding the status of the proposed Charter amendment based on the vote taken because that was not a majority of the Task Force members.

Assistant County Attorney Rosenthal stated that only a majority of those members present was required for the motion to pass. Therefore, he stated that the recommendation of this Task Force that the county commissioner terms of office be limited to two, consecutive four-year terms.

A discussion ensued among the Task Force members regarding the resolution adopted by the County Commission (Resolution No. R-253-12), specifically Sections 7 creating the Task Force, and the ability to reconsider any recommendations by a motion at a subsequent meeting.

Chairman Garcia stated that the Task Force has addressed today term limits, incorporation, and reviewed the technical amendments; and Assistant County Attorney Rosenthal would present his findings for those amendments at the next meeting. He stated now the Task Force would proceed to discuss any issue of interest that each and every member may have at this time.

STAFF REPORTS/PRESENTATIONS

- Procurement Presentation

Mr. Amos Roundtree, Director, Purchasing Division of Procurement Management, Internal Services Division, explained the County's internal procurement processes to include the Request for Qualifications (RFQ), Request For Proposals (RFP), Selection Committee process, responsive bids, and award recommendations.

In response to Representative Carlos Trujillo's inquiry, Mr. Roundtree advised he did not have available the exact number of bid protests filed; but approximately one percent (1%) of all award recommendations were protested annually with a lower percentage over turned.

Chairman Rene Garcia inquired about the relationship between the County Commission and the Selection Committee, the County's selection process, and the level of transparency and influence the County Commission possessed over the procurement process.

Mr. Roundtree explained that the Mayor had the authority to award contracts not exceeding \$1 million based on the contract value and terms. He provided a brief overview of the legislative contract award process to include the committee process prior to being considered by the Board of County Commissioners.

In response to Representative Trujillo's inquiry, Mr. Roundtree advised members of the County Commission were restricted from participating in the Selection Committee and in the selection process of contracts. He noted County Commissioners only participated after the selection process was completed by the department and the contract was recommended for award. He noted the only participation the Board had was at the approval of the award recommendation of contracts.

In response to Representative Trujillo's inquiry regarding the percentage of contract award recommendations approved by the Board and the valid reason for rejecting an award recommendation, Mr. Roundtree advised approximately 99.99% of the contract award recommendations were approved by the Board. He noted in rare instances the department was directed to rebid or renegotiate if the process failed to yield the correct outcome.

Discussion ensued regarding the procurement process and the percentage of contract award recommendations approved.

In response to Mr. Lawrence Percival's inquiry regarding the Mayor's authority to approve contracts not exceeding \$1 million, Mr. Roundtree affirmed the Mayor was allowed to approve contracts not exceeding that amount.

In response to Mr. Percival's question regarding if County Commissioners' staff were allowed to participate in the Selection Committee's and/or with the procurement staff's work during the procurement process, Mr. Roundtree explained County Commissioners' staff were not allowed to be involved in the selection process nor in the work of procurement staff.

Upon concluding the foregoing presentation, Chairman Garcia proceeded to consider the Incorporation/Annexation Presentation

- Incorporation/Annexation Presentation

Ms. Jennifer Moon, Budget Director, Office of Budget and Management, presented an overview of the incorporation/annexation processes, noting the presentation prepared for the past Charter Review Task Force was distributed to the Task Force's members with some changes made. She commented the incorporation/annexation processes had experienced hardly any changes. She referenced page 17, first bullet point of the presentation; and she stated the County had concerns

over the unincorporated areas because it was comprised of small areas of very low valued properties. She corrected the first bullet to read: "in addition to a higher service class it could mean to lower service class depending on decisions made about service delivery in your municipal incorporate area."

Ms. Moon advised the purpose of this presentation was to provide accurate information regarding the incorporation/annexation processes, the next steps to follow regarding what would happen with the community, and how citizens would determine what type of government representation they wished to establish to include the service level and the rate level for those services.

Ms. Moon explained the current incorporation/annexation processes. She noted the Miami-Dade County Municipal Code (the Code) clearly incorporated many steps into the process to ensure it was difficult to incorporate. She noted the Code also provided the Board of County Commissioners with a certain role in the development of municipal boundaries. She advised it had been pointed out to the County Commission on numerous occasions that the electorate desired to have implemented an easier incorporation/annexation process; subsequently, the Code had to be changed to incorporate policy changes allowing an easier process.

Chairman Rene Garcia advised the Task Force members had already expressed an interest to have this initiative reviewed.

Mr. Hans Ottinot commented on the financial analysis prepared by the County for incorporations, how incorporations benefited all parties affected, and his experience with the incorporation process.

Ms. Moon agreed with Mr. Ottinot's views, and she advised that the Office of Budget and Management was currently working on a holistic financial analysis of the impact an incorporation had on the community as a whole because it had several positive aspects to the extent property values and tax rolls were increased. She suggested the per capita cost of government in general should be discussed as opposed to just studying surrounding area of the proposed municipality because incorporation could have a very positive impact to neighboring jurisdictions in the community. She stated the process should not be adversarial, and the constituents' right of self-determination should be supported.

Ms. Evelyn Greer commented on the County's cherry picking practice in connection with the approval of incorporations, noting the growing City of Miami Gardens had been the most benefited from incorporation. She explained the tax revenues breakdown generated by a municipality, noting the School Board received 40%, the County received 40%, the Fire District received 10%, and the municipality received 10%. She commented incorporation enabled the municipality to qualify for grants at the state and federal levels for which the area was previously unable to access due to limitations established to access that type of funding that only allowed municipal service area to access the funds, and the property tax base had increased substantially.

Ms. Greer reviewed the incorporation process of the Pinecrest area and the budget analysis prepared for that area. She commented that the tax revenues had substantially increased after the area was incorporated, and the area currently generated three times more tax revenues.

In response to Representative Carlos Trujillo's question regarding whether the increase in tax revenues was due to an increase in the millage rate and/or property values, Ms. Greer advised that the increase in tax revenues for the Miami Gardens and the Pinecrest areas were almost 100% driven by a substantial increase in the value of property in those cities.

Discussion ensued regarding the millage rate in the Pinecrest area.

In response to Representative Trujillo's inquiry regarding whether the incorporation was driven by the desire to improve service delivery and the cost of those services, Ms. Greer responded that incorporations resulted from the dissatisfaction with the quality and cost of services.

Following a discussion regarding the municipal service and millage rates of the Pinecrest area, Councilman Gonzalez noted the impacted community realizes an increase in tax revenues, direct services, and property values as a direct result of incorporations.

Councilman Gonzalez suggested the Task Force should select a subcommittee to study the issue of self-determination.

Ms. Greer advised she would present a proposal, in consultation with the County Attorney's Office, on the incorporation/annexation processes for this Task Force's consideration.

Ms. Moon advised certain financial obligations regarding revenues directly associated to bonds intended to be used within unincorporated areas and franchise fees had to be addressed and incorporated in the discussions.

Mr. Lawrence Percival expressed his disagreement regarding language saying several large incorporation areas and where efforts had been discontinued due to lack of community support, specifically mentioning the East Kendall MAC, West Kendall MAC, and the Northwest MAC. He stated he was unable to recommend the Northwest MAC due to his unfamiliarity with that area, but the East and West Kendall MACs had a tremendous community support even though there was large competition, and some communities had taken the position that lack of community support was the reason it was discontinued.

Mr. Percival advised that in the last few days he had saved articles from the newspaper, and he commented on the issues discussed in these articles. He asked that this Task Force embrace the concept that Miami-Dade County needed to become a regional government to improve its infrastructure, and incorporations should be driven by self-determination. He submitted a copy of the newspaper articles for the Task Force's staff to distribute for the Task Force members' review and consideration.

Following a brief discussion regarding this Task Force's goals, Chairman Garcia noted incorporations was one of the goals envisioned; and he asked that the County Attorney's Office begin to draft language in this endeavor.

Mr. Percival noted it was not just the issue of incorporation it was also the governance of County government as it related to becoming a regional government.

Chairman Garcia noted that would be the area this Task Force would focus its review.

Mr. Terry Murphy expressed his disagreement with Ms. Greer's proposal to eliminate the Board of County Commissioners' involvement in the incorporation/annexation process. He noted that was the responsibility of the governing body of Miami-Dade County, and he expressed his disagreement with the language contained in the Code. He commented on specific sections of the Charter, noting the current incorporation process was cumbersome and difficult. He stated the Code was the problem, noting it was anti-incorporation/annexation and prevented the incorporation process from moving forward.

Mr. Murphy stated that Planning Advisory Board's (PAB) authority could be increased to require a two-thirds (2/3) vote to allow the County Commission to take an alternative view once the PAB had made a final recommendation on these incorporation/annexation related issues.

Mr. Murphy referenced number 7 of Article 8 relating to the petition process and ordinances. He recommended the Task Force consider extending the time referendum ordinances or repeals were allowed to remain on the books from one (1) year to five (5) years.

Councilman Gonzalez noted Mayor Juan Carlos Bermudez had indicated he wished to comment on this issue, and he had asked that the Task Force members wait for his arrival before concluding its discussion.

In regards to Mr. Slesnick inquiry relating to whether a mechanism existed to change existing boundaries between municipalities and for exchange of land masses, Ms. Moon advised the Board of County Commissioners was entrusted with those powers.

Following a discussion regarding the mechanism to repeal ordinances, Mr. Slesnick expressed his agreement with the issue of self-determination; and he noted the incorporation process needed to be streamlined.

Mr. Slesnick expressed his disagreement with the proposal to eliminate the Board of County Commissioners' involvement from the incorporation process.

Professor H. T. Smith noted the Task Force needed to determine what would be the best process. He stated the existing process represented a problem because it was unfair, but County officials should be allowed to adjudicate. He recommended that the Task Force should make it difficult for the County Commission to prevent an area from incorporating, and he expressed his support

for reaching a compromise because the County Commission should have a level of involvement in the incorporation/annexation process through prerequisites.

Chairman Garcia concurred with Professor Smith's comments, stating the County Commission should have a level of involvement without being allowed to make the incorporation/annexation process difficult or impossible to move forward.

Mr. Ottinot commented on the existing incorporation process.

Mayor Juan Bermudez joined the meeting.

Ms. Greer pointed out that the only reason the City of Miami Lakes was allowed to incorporate was because former Commissioner Seijas retracted her position on incorporations, which helped to facilitate that incorporation. In twenty years, the BCC had never voluntarily allowed the normal incorporation process to move forward, Ms. Greer maintained. She said before 1997, the ordinance was not amended, all incorporation applications had to be approved through the allowable incorporation process, and for the past 20 years, the County Commission had been opposed to incorporation. She noted she would propose a process for this Task Force to consider by first, establishing an Incorporation Committee Ordinance. The Committee would consist of five members who would obtain a petition from the Clerk of Courts in a form set by the Supervisor of Elections.

Concerning Councilwoman Garcia-Martinez' question regarding the 25% signature requirement, Ms. Greer pointed out that the Committee must file the form with the Clerk of the Courts, and it must include a legal description of the area the Committee wished to incorporate and the applicants must provide their names, address, and signature on the form for approval by the Clerk. The form would be forwarded to the Supervisor of Elections to produce a list of valid registered voters from the area described on the petition. The Incorporation Committee would then be given a six month opportunity to collect signatures from valid registered voters of the area who support incorporating. If not supported by at least 10% of the valid registered voters from the described area, the petition should die. Upon certification of the petition by the Clerk that 10% of the valid electors of the described area support incorporation, the Clerk would present the petition to the County Commissioners at the next scheduled regular BCC meeting. At which time, the Commission would set an election date no sooner than 90 days and no later than 120 days. If another election is already scheduled within the same timeframe, the BCC would be authorized to set this election at the same time. Also, during the same timeframe, the Budget Office would complete a financial analysis of the described area. If the citizens vote to approve incorporating, a post election process would be implemented to create a Charter Committee that would create and recommend a Charter which would go before the electors for approval. She noted this is essentially the process followed by all incorporations that were approved. She noted there was vigorous debate and opposition to all the municipalities that incorporated, but the process was a magnificent exercise of the democratic process.

Chairman Diaz noted he was aware that Broward completed a similar process. He asked Ms. Moon to explain whether this process was successful in Broward County and the rules and procedures imposed on areas that incorporated in Broward County.

Ms. Jennifer Moon, Office of Management and Budget, explained that in the early 1990s, Broward County was largely comprised of annexed areas and that Broward, unlike Miami-Dade County, did not have a Home Rule Charter nor an incorporated area that acted as municipality. It was comprised of a number of annexed areas and had no remaining commercial area to provide revenue to service the unincorporated area. Consequently, Broward County officials petitioned the State of Florida, and the State enacted legislation prohibiting piece meal annexations. The State concluded that the entire unincorporated area would be annexed by 2010. Essentially, Broward County adopted annexation policies and worked with the municipalities to ensure that the entire unincorporated area was annexed. Today or by May 2012, a small piece of unincorporated area remained in Broward County, which was supported with countywide revenues.

Ms. Aguilar noted some areas had completed the incorporation process successfully because the citizens were well-educated on the process; however, other areas lacked knowledge on annexations. She stated that her concern was that, if this process became convoluted, some people would make decisions that were not in their best interest due to their lack of knowledge. The County could provide data and information to help educate the general public on the annexation process, and some areas or municipalities, such as the City of West Miami, could provide services at less cost than the County, Ms. Aguilar noted. She noted Task Force members needed to discuss these issues considering the time constraints.

Ms. Aguilar suggested the Task Force recommend that a question be placed on the ballot as to whether or not Miami-Dade County should provide regional services only. She noted the creation of the Task Force stemmed from a general consensus among the residents of the community that they were dissatisfied with their district commissioner.

Mr. H.T. Smith pointed out that Ms. Greer's proposal would eliminate the County Commission from the process. He asked Ms. Greer what would be the purpose for going before the County Commission, and when would the budget review be completed, and the financial data available to the public.

Ms. Greer noted that the County Commission would set an election once the petition was submitted. She also noted that, once the Incorporation Committee had met its 10% signature requirement and obligations for placing the item on a ballot, the Budget Office would prepare a financial analysis that would be distributed to the public for debate at a public hearing before an election was called.

In response to Mr. Smith's question regarding whether the Budget Office would be given a certain timeframe to complete the financial analysis, Ms. Geer noted that during the 60 days following the Clerk's certification of the petitions, a budgetary analysis on the proposed

incorporation shall be completed and the Board of County Commissions shall schedule at least one public hearing prior to calling an election.

Chairman Diaz noted the Task Force needed to discuss a plan for incorporation and annexation and make recommendations for a process as it related to the Charter and the Code.

Mayor Bermudez noted he agreed with Ms. Aquilar's suggestion that a question be placed before the voters on whether or not Miami-Dade County should provide regional services only. He said he believed a process was needed to give areas the right to self govern without any interference from the County Commission. He spoke about the issues of mitigation when the Cities of Doral, Palmetto Bay and Miami Lakes incorporated, and the fact that mitigation was imposed on them and not other cities such as Pinecrest and Aventura. He noted Commissioner Seijas was a member of the Committee created by the Board of County Commissioners to hear issues on mitigation, and the Committee concluded that mitigation was unfair because those three cities would pay taxes in perpetuity to exist. He noted, subsequently, the State's Governor signed a bill repealing mitigation for the three cities; however, the cost to litigate was around \$46 million. He noted the rules were applied differently and subjectively to those cities by the Commission of that time, which was not good government. He said he believed the incorporation process should be very clear, and not governed by the County Commission.

Mayor Bermudez noted annexations were just as important, noting an unincorporated area in the middle of the City of Hialeah 100 yards away from a municipal fire station, should be part of the City of Hialeah. He noted he concurred that the public needed clear data on incorporation and annexation and that the residents should have the right to petition their government to incorporate. He noted the Task Force should consider the most effective way for the County to deliver services, and he also noted the Charter needed to be amended to change the process for incorporating.

Mayor Bermudez stated he would consider an incorporation process along the lines of Ms. Greer's proposal to place the question before the voters and remove the politics out of it.

Ms. Greer noted in reality, the past budget analysis always showed that the proposed city was not financially fit to incorporate. She gave the examples of the Cities of Pinecrest and Miami Gardens, which showed a \$20 million deficit at the time they applied for incorporation. She noted the County's analysis and budget statement was comprised of various opinions and many pros and cons. She noted the Incorporation Committee would be obligated to refute the document and argue that the information was inaccurate.

Ms. Perry asked what would be the criteria for self-determination if the budget analysis showed that it was not financially feasible for the area to incorporate, or would a referendum be placed on the ballot anyway.

Ms. Greer noted the purpose of the financial analysis would be to have the citizens discuss it at a subsequent public hearing. She pointed out that the financial analysis for all past incorporations showed the proposed cities were not feasible financially and could go bankrupt, but what was

missing was a post election process for citizens to determine their budget and government size, based on available revenues, and how to provide services with less money.

Mr. Terry Murphy noted he believed that mitigation would not be considered again or imposed on future municipalities based on past experiences. He appreciated the fact that there had been a different strategic approach about the benefits of the School Board tax base versus the countywide tax base that occurred with new incorporations. He noted this issue had never been discussed by the County Commission, in terms of what the cities had done to improve the countywide tax base, Fire District and Libraries District, but the BCC always focused on the Unincorporated Municipal Service Area (UMSA). He said he felt this was excellent new info that could be brought forth for consideration by the PAB or the CC, that the BCC should have a role in this process, either to accept it or must have a two-thirds vote to override. He noted there was a possibility to open this up with no stop gap, and many areas had incorporated when it was historically shown that it would fail.

Mr. Murphy noted the issues were complex and the ability to cherry picking was an issue. He stated that, if the Downtown Kendall High Rises decided to incorporate Dadeland, they would be able to vote regardless of the impact on the residents of Kendall; and the incorporation would be able to establish that community, which was bordered by US 1, the Palmetto Expressway and SW 80th Street (Kendall Drive). He said he felt there was a role for some broader government oversight, and agreed with the County Commissioners regarding incorporations over the last twenty years the areas, when they said that all properties identified as commercial and industrial businesses that were viable for the County could not be included. He noted its been said that the current Code for incorporation was offensive and created more hurdles than necessary, but the Task Force needed to find ways to allow the Charter to provide a government body that would ultimately control the process and to improve the Code to make the process easier.

Ms. Greer pointed out that members of the Planning Advisory Board (PAB) were direct appointees of the Board of County Commissioners, and she believed they could be removed from the PAB if they went against the opinion of their appointee. Regarding industrial/commercial properties, she pointed out that the owners of the buildings in Dadeland did not live in the area, and she did not believe the citizens would organize a referendum to incorporate Dadeland because the residents were opposed to the commercial buildings and owners of the buildings would fight the referendum. Ms. Greer noted the Task Force needed to find a solution for repealing the existing incorporation and annexation ordinances that were approved by the County Commission but disapproved by the citizens for years. She noted the Task Force should consider the process used by Broward County, which decided to get out of the municipality business and concentrate on regional issues like infrastructure airport development and social services at a countywide level. She said she believed that placing a separate Charter amendment question on the ballot before the voters on whether or not Miami-Dade County should provide regional services only and incorporate all of UMSA might be a great way to test the sentiment of the voters.

Mr. Murphy noted that under the petition process, if someone wanted to repeal the existing ordinances under the Code, they could enact a countywide petition to repeal the entire section of

the Code that would stand for five years instead of one year. He noted that ordinance petitions were presented to the County Commission for acceptance or rejection and would go through the petition process.

Chairman Garcia noted the consensus of the Task Force was to streamline the process to make it easier for communities to incorporate; and the County Mayor expected this group to come up with recommendations to streamline the Charter incorporation process so that the County Attorneys could begin crafting the questions for review next week.

Mr. Slesnick noted he supported Mayor Bermudez' comments that the existing process complicated rather than facilitated the incorporation process; and the mitigation process and self-determination were unclear. He agreed that County government should play a role in speaking for all local residents regarding the future of the County; although in the past, the Commission had impeded what might have been the best course of action.

Mr. Ottinot noted the process needed to be easier and include checks and balances. He noted the Chair had said that the consensus of this Task Force was that the County should have a plan in place for incorporations and annexations. He questioned how Task Force members wished to proceed with this issue.

Mr. Percival noted the first step would be to prepare a question asking the voters whether the County Commission should be a regional body since at least three members had suggested this. If the voters approved this question, the next step would be to develop the process for incorporation and annexation.

Mr. Slesnick clarified that the charge of this Task Force was to recommend amendments and/or revisions to the Charter.

Mr. Percival noted the goal of the County should be to become a leaner, more efficient government that serviced regional areas; and municipal areas would require a paradigm shift through a self-determination process. The question to the voters should be whether the County Commission (or Miami-Dade County) should be a regional government that dealt with regional issues and whether that municipalities should be allowed to annex or incorporate without creating donut holes.

Chairman Garcia asked the Assistant County Attorney to explain the process for placing questions on the ballot.

Assistant County Attorney Oren Rosenthal clarified that the Charter was amended by placing a question on the ballot that was approved by the County Commission through a resolution. He provided an example of a ballot question, noting it could not exceed 75 words and must adequately summarize the proposed change. He explained that this Task Force was responsible for reporting to the County Commission how the Charter should be amended and how. He also explained that, once this process was complete, the County Attorneys would draft a ballot

question to be placed on the ballot; and the Task Forces' recommendations should be specific and was not limited to 75 words as the ballot question.

Ms. Greer noted Mr. Lawrence suggested the Task Force recommend that a question be placed on the ballot calling for countywide incorporation; however, it should be a citizen's initiative petition process rather than imposing countywide incorporations because residents should not be forced to incorporate against their will. Ms. Greer suggested the Task Force create a discussion item as to whether the County Commission's participation in this process should be limited; and Mr. Percival, Mr. Murphy, and she would work with the County Attorneys to draft appropriate recommendations for the Task Force's review at its next meeting.

The foregoing recommendation was accepted by a unanimous consensus of those members present.

Mr. Percival suggested that Mayor Bermudez and Ms. Aguilar should also work with the County Attorneys to craft the language.

Chairman Garcia commented two or more proposals would be before them for review by the time this group reconvenes, noting the final recommendation could be a hybrid although he agreed with some of each suggestion. However, they all agreed that a concrete incorporation process must be established.

Mayor Bermudez asked how he would communicate his input on language.

Assistant County Attorney Rosenthal clarified that Government in the Sunshine prohibited Task Force members from discussing these issues via email or any other median other than a publicly noticed meeting. However, they could schedule a meeting in the Sunshine to discuss these proposals.

Mr. Percival noted that Councilman Gonzalez's input was equally important and should be included in fashioning the language.

Ms. Greer suggested that the Task Force could meet on the Monday before its Wednesday meeting for a short session to discuss the language.

Mr. Manrique noted he was appointed by Senator Souto, whose Commission District was one of two that did not have a single city. He noted he tended to support some of every proposed suggestion; however, he believed that this body needed to consider the impact if the entire County became a regional government. He recommended that Task Force members keep in mind that, even though the County was moving toward a regional government, flexibility was needed.

Chairman Garcia noted this debate would be continued at the next meeting, and he proceeded to consider the issue of term limits.

- 2011 Adopted Millage Rates

(SEE REPORT FOR RELATED AGENDA ITEM INCORPORATION/ANNEXATION PRESENTATION.)

- Areas of Interest Tally

Chairman Rene Garcia noted the oral feedback given by the members of the public at the public hearing meetings were issues relating to county commissioners' salaries, incorporations/annexations, financial administration of personnel, governance of Jackson Memorial Hospital (JMH), and abolishment of certain policies and functions of the County administration. He asked that Task Force members begin to consider which of those issues should be reviewed.

- Blog Update

Mr. Michael Sarasti, Customer Service Advocate, Miami-Dade Community Information and Outreach, explained that a solution was developed at the request of the Task Force to help solicit additional feedback from the community outside of the Task Force's web page; therefore, a web blog link and website page was established. He noted the Task Force's website had a contact page link to submit comments on the record and include information such as email address and name. He noted a blog link was also included to allow the public to submit informal comments unanimously, and standard notification disclaimers were posted to notify users that privacy rights were not applicable when browsing through the website. He also noted several other solutions were available and many required a fee.

Mr. Sarasti reviewed the contents of the forms and how the comments could be submitted.

In response to Mr. Percival's inquiry, Mr. Sarasti clarified that the blog was not intended for the members of the Task Force to respond to the comments made by the public; and it was just a form to allow the public to have access to the Task Force. He noted it was designed to have the public submit recommendations and comments.

In response to Councilman Gonzalez, Chairman Garcia advised blog link was designed to allow Task Force members to log on and view all of the comments made by the public and to post questions to gather additional input.

Mr. Sarasti noted the web site address was charterreview2012.blogspot.com, and the Task Force's web site also had a link to the blog.

In response to Mr. Percival's inquiry regarding whether the public hearing meeting minutes should be linked to the blog to stimulate thinking, Chairman Garcia advised the minutes were linked to the website.

In response to Mr. Percival's and Councilwoman Garcia-Martinez's inquiries regarding how to access the blog link, Mr. Sarasti explained the blog could be accessed from the outside by logging in to charterreview2012.blogspot.com directly or by typing miamidade.gov/charter.

Mr. Sarasti advised that the blog form could be modified to accommodate the wishes of the members of the Task Force to include viewpoints to solicit input from the public.

Discussion ensued regarding how to access the blog page.

Assistant County Attorney Oren Rosenthal advised that Task Force members should not use this blog page as an opportunity to communicate with others or the public due to the Sunshine Law. He asked that Task Force members refrain from initiating or entertaining a discussion outside of the public process regarding blog responses.

In response to Mr. Murphy's question regarding whether Task Force members should participate in the blog, Chairman Garcia asked that Task Force members refrain from submitting anonymous blog comments on any issues.

Mr. Murphy commented that, even though comments were anonymous, blog comments were traceable, and he noted it represented a discussion form outside of the public process.

Ms. Inson Kim stated the blog link was established as a response to a request made at the Task Force's meeting of May 7, 2012, in order to gather the public's sentiment on issues. She stated the Task Force discussed the issue of individuals who wished to comment on issues without providing their names; and as a result, a mechanism was developed to allow for comments off the record and in an informal manner. She also noted the Task Force needed to determine the party responsible for monitoring the blog link.

Professor H. T. Smith noted the blog link substantially sufficed the intent of the Task Force members provided that several intricate points could be included to monitor the public's sentiment; but the Task Force would not participate as a consequence of the Sunshine Law.

In response to Mr. Percival's inquiry regarding whether Task Force members could confess orations at the official parliamentary, Professor Smith advised he was not sure.

- o Follow-up CRTF requests and other business (Translations, Independent Review Panel, Commissioner Moss Item, etc.)

Chairman Garcia stated at the next Task Force meeting he would like to discuss the issue of governance at Jackson Health System, and would like to have a presentation on what was going on around the country as it related to public hospitals and their governance. He noted this issue was critically important for this County.

A consensus was reached among a majority of the Task Force members present to discuss salaries for county commissioners.

Mr. Bermudez noted he would be absent from the May 23, 2012, meeting, and he would like to be present for the discussion on ethics and the Office of Inspector General. He noted he intended to proffer some ideas on these two issues.

Ms. Perry stated that she would like to discuss the two-thirds votes for changes to the Urban Development Boundary (UDB) by the County Commission. She noted this issue was an ex-Mayoral issue.

Chairman Garcia stated that issue would be discussed at the next meeting.

Ms. Perry commented on the two-thirds (2/3) required vote of the County Commission for changes to UDB, noting the two-thirds vote was required by the Miami-Dade County Code rather than the Charter meaning the County Commission could roll it back to 50%. She proposed that the two-thirds (2/3) vote requirement be considered by the Task Force with the possibility of having the two-thirds vote requirement placed in the Charter to prevent a roll back.

Mr. Murphy expressed his concern with the Task Force consideration of the two-thirds (2/3) vote requirement for changes to the UDB, and how it would fit in the Charter. He stated that a section would have to be created in the Charter to address this issue along with defining this section. He expressed it was more of a legislative issue inasmuch as many factors were associated with it.

Ms. Perry asked Assistant County Attorney Rosenthal to review this issue.

Assistant County Attorney Rosenthal explained the UDB was not in any way defined in the existing Charter. He further explained any recommendation of this Task Force, if supported by the County Commission, would be placed as a Charter amendment ballot question for the voters.

Mr. Manrique stated that Ms. Perry only stipulated half of what the former Task Force recommended on the UDB issue. He noted that the issue was highly opposed by the Latin Builder Association and the Florida Builders Association. He stated that he still did not understand the rationale for the opposition. Mr. Manrique stated that the Builder Association contended that allowing staff to drive the UDB was better than including it in the Charter. He stated that the Task Force should listen to the builder associations who argued that the UDB was not a line that was set, and it was a moving line through time. Mr. Manrique reminded the Task Force members that our predecessor asked the County Commission to place before the voters on a ballot question that a Charter Review Task Force or a similar body meet every five years to determine whether that UDB line should be moved or not. He noted that according to the builder associations a builder would have to invest approximately \$200,000 to initiate petition to move the UDB line. He suggested the UDB legislation be inserted in the Charter. Therefore, there would be no changes to the UDB until the Task Force met and made its recommendations to move the UDB line. Mr. Manrique stated that the builders did not support this idea.

Mr. Percival stated everyone knew he was the Mayor's appointee, and the Mayor had not dictated that he followed his suggestion, but his suggestion was in his State of the County

Address that UDB issue be codified and have 10 votes on the issue. He expressed that he supported a simple majority vote on the UDB issue as it stand now with nine votes and did not have a problem with it be codified in the Miami-Dade County Code. Mr. Percival stated would it hurt to codify this issue if the Task Force as suggested by Ms. Perry at a two-third (2/3) vote requirement.

Mr. Murphy stated he would consider placing it in the Charter.

It was moved by Ms. Aguilar that the Task Force recommend inserting language in the Charter regarding the UDB. This motion was seconded by Councilwoman Garcia-Martinez, and the floor was opened for discussion.

Mr. Ottinot questioned the time frame for how frequently the UDB issue would be reviewed.

Ms. Perry restated her motion that the current requirement that it took a two-thirds (2/3) vote of the County Commission to move the UDB be placed in the Charter.

Mr. Ottinot stated he believed that zoning matters should always be in the Code, and the Charter should be very limited.

A brief discussion ensued among the Task Force members regarding the UDB line.

It was moved by Ms. Perry that the Task Force recommend the insertion of language into the Charter pertaining to the two-thirds (2/3) vote requirement for the UDB line. This motion was seconded by Ms. Aguilar; and upon putting the motion to a vote, the motion passed by a vote of 11-0. (Mr. Arriola, Mr. Bucelo, Mr. Diaz, Ms. Greer, Mr. Julien, Dr. Richardson, and Mr. Trujillo were absent)

Mr. Donald Slesnick announced that he would not be present at the next Task Force meeting scheduled for May 23, 2012; and he would like for the Task Force to discuss the Government Supervisor Association and the Police Benevolent Association (PBA) letter regarding the mayoral veto on the union impasse items.

Chairman Bermudez stated that the May 23, 2012, meeting would address the ethics and the Office of the Inspector General.

Mr. Murphy suggested that the Task Force discuss the vacancy of the current Mayor's office before the County conducts a special election or a run-off election. He asked that the Task Force consider using the concept of an instant-runoff ballot method if there was a special election that needs to fill a vacancy in the office of the Mayor or a county commissioner seat. He informed the Task Force members that this method had been used in certain communities like Minneapolis as well as other areas.

Chairman Garcia stated that the suggestion made by Mr. Murphy could be placed on the May 23, 2012, meeting agenda.

Mr. Murphy asked that the appropriate department be prepared to make a presentation on his suggestion at that meeting.

Mr. Ottinot asked that the current benefit package for each county commissioner be provided to the Task Force in order to discuss the issue of salary for county commissioners.

In response to Mr. Ottinot's request, Chairman Garcia stated that information would be provided and available for the next meeting.

Mr. Murphy requested that staff prepare for the Task Force's review his proposal relating to county commissioners' salary and his formula consisting of the value of the property tax base divided by the population. He asked if the proposed formula be done for five-year increments between the census dates and the five-year estimate. He further stated when you divide the tax base of the entire County it was approximate \$192 million by the population of 2.5 million people it comes up to approximately \$76,000. Mr. Murphy suggested that the Task Force adopt a local formula to be developed instead of the State formula. He asked that staff prepare this information requested and present it to the Task Force.

Mr. Manrique reminded the Task Force of the current petition gathering process for incorporations be presented at the next meeting.

Mr. Percival made closing remarks, noting that the Task Force still have the task of reviewing the former Task Force's recommendations. He believed despite what was said in the beginning, if we have to proceed with making recommendations and forward those recommendations for consideration by the County Commission.

ADJOURNMENT

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting adjourned at 1:08 p.m.

A handwritten signature in black ink, appearing to read "Rene Garcia", written over a horizontal line.

Senator Rene Garcia, Chairman
Miami-Dade County Charter Review Task Force



Board of County Commissioners
Charter Review Task Force
May 17, 2012

Prepared by: Jovel Shaw

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	5/17/2012		2012 Charter Review Task Force First Meeting Sign-in Sheet
2	5/17/2012		Cmr. Barreiro's memo re New Appointment to the Charter Review Task Force
3	5/17/2012		Outline of Incorporation Charter Amendment Proposal
4	5/17/2012		Copy of Miami Herald's newspaper entitled, "Baby, you can't drive my car"
5	5/17/2012		Copy of Miami Herald's newspaper entitled, "Miami-Dade leady pipes: More than 47 million gallons of wast spilled in past two years"
6	5/17/2012		Copy of presentation dated May 17, 2012, entitled, "Charter Review Task Force Incorporation in Miami-Dade County"
7	5/17/2012		Copy of presentation entitled, "The Procurement Process Miami-Dade County" by Internal Services Department
8	5/17/2012		Metro-Dade Firefighters Proposed Changes to the Miami-Dade County Charter

2012 Charter Review Task Force

Meeting

Miami-Dade County Main Library, Auditorium

May 17, 2012 at 9:00 a.m.

Name	Email	Telephone	Address
Margie Rogers	amodame miamidadegov	375-3128	111 NW 1st 1220 Miami, FL 33128
Ronan Taylor	Ronan 5037 @BellSouth.net	(305) 543-6100	8000 NW 21st St Miami 33122
Alex Dominguez	alex MIAMI-DE-QU	(305) 375-5000	111 NW 1st Street
Alina Gonzalez	alvago MIAMI-DE-QU	375-5000	11
BOBBY HIDE	VOSMUS @ yaho0-com	786-326-0351	POB 403545 MB Fl (33140) ADD: 444 NE 31st #6 Miami, FL 33137
Belkis Nora Bosch	Belkis.ASIRA- Bosch@illimed.org	305 375-2454	9248 COLLINS AVE #102 Suite 102 R 11 NW 1st #23 fl
Alex Ariano	alexariano@ comcast.net	305-558-5270	8465 Menteiguita Ter. Miami, FL 33143



MEMORANDUM
BRUNO A. BARREIRO
Miami-Dade County Commissioner
District 5

TO: Christopher Agrippa
Clerk of the Board

FROM: Bruno A. Barreiro *Bruno Barreiro #5*

SUBJECT: New Appointment to the Charter Review Task Force

DATE: May 17, 2012

Please accept Mr. Louis Martinez as my new appointment to serve on the Charter Review Task Force.

You may contact Mr. Martinez at:

Mr. Louis Martinez
2333 Brickell Ave.
Suite A-1
Miami, FL 33129
Phone: (305) 764-3834
Fax: (305) 764-3814
E-mail: louis@lvmllegal.com

If you have any questions please do not hesitate to contact my Chief of Staff, Loreta Sanchez, at (305) 643-8525.

c: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Honorable Carlos A. Gimenez, Mayor
Honorable Harvey Ruvin, Clerk of the Courts
R.A. Cuevas, Jr., County Attorney

Outline of Incorporation Charter Amendment Proposal

Concept:

Amend Section 6.05 to create 6.05(a) Incorporation by the Board and 6.05(b) Incorporation by Initiatory Petition. The initiatory provision incorporation process will be modeled after initiatory petition for ordinances and Charter Amendments.

Process:

I. Creation of Committee and Approval of Form of Petition

An incorporation committee organized by electors with a minimum of 5 electors from the proposed area of incorporation will initiate the process by filing with the Clerk of the Circuit Court an initiatory petition on a form prescribed by the Clerk for such purpose. The form shall at a minimum identify the names and addresses of the committee persons and the area to be incorporated. The Supervisor of Elections will compute the total number of electors within the proposed incorporation area at the time of the submission of the form for approval. Within seven (7) days of receipt of the form, the Clerk shall approve the form of petition and provide the incorporation committee the number of required signatures which shall be equal to ten percent (10%) of the electors in the proposed incorporation area.

II. Circulation of Petition

The incorporation committee will have six (6) months to obtain signatures on a form provided by the Clerk equal to ten percent (10%) of the electors in the proposed incorporation area. The signatures shall include the name, address and signature of the elector but will not have to be notarized.

III. Canvass of Petitions

The signed petitions will be submitted to the Clerk who shall have thirty (30) days to canvass the signatures contained therein.

IV. Setting of Election and Study Process

Upon certification of the sufficiency of the signatures on the petition the Clerk shall present the petition to the Board of County Commissioners at their next regularly scheduled meeting at which time the Board shall call an election to authorize the creation of a municipality which shall occur no sooner than ninety (90) and no greater than one hundred twenty (120) days from the date the Clerk certifies the signatures. The election shall be held, whenever practicable, in conjunction with another election scheduled to occur within the proscribed time period. The election shall be determined by an affirmative vote of a majority of electors voting in the proposed new municipality. During the sixty (60) days following the certification of the petitions, the Board shall complete a budgetary analysis in cooperation with the incorporation committee of and on the proposed incorporation and schedule at least one public hearing prior to the incorporation election.

V. Post Election - Charter Creation

The Miami Herald

Posted on Tue, May. 15, 2012

Baby, you can't drive my car

BY MICHAEL PUTNEY
mputney@justnews.com

I'm pretty sure the job description for the Miami-Dade Commission sergeant at arms doesn't include chauffeur duties, but there he was — a Miami-Dade police officer (in business attire) — pulling into the VIP parking lot behind the Miami-Dade Government Center recently in a big county-owned SUV with just one passenger: Commissioner Barbara Jordan.

She wasn't pleased to see a TV camera or my Channel 10 colleague Jeff Weinsier who asked Jordan why she wasn't driving her own car, the one for which taxpayers give her \$800 a month. Somewhat indignantly, the commissioner told Jeff that she needed the services of the sergeant at arms because she had "work to do in the car," including several phone calls. "And I wanted to make sure I was safe coming in not having to deal with traffic." Hey, don't we all?

But very few hereabouts — just 13 Miami-Dade Commissioners, in fact — can order a cop to take the wheel of a taxpayer-provided Lincoln Navigator or Town Car to ease the pain of commuting. It's a perk our worthy county commissioners have given themselves under the guise of a "security escort." If there's a credible threat against a commissioner, by all means provide a police escort. But Jordan's trip to the office the other day, and on many days, isn't about security, it's about convenience. And a disturbing sense of entitlement.

She's not alone. At least 10 county commissioners have availed themselves of the sergeant at arms for chauffeur duty. Only Commissioners Xavier Suarez and Steve Bovo, according to the lead sergeant at arms, have never asked the sergeant at arms to squire them around. Let's give them a round of applause.

As for the others, a question: What makes you think you're entitled to being chauffeured around the county for your ordinary commission duties by an on-duty cop? And where do you get off doing so in a county-owned vehicle when you're given \$800 a month to lease a car of your own?

There's no log kept of which commissioner gets the most rides with the sergeants at arms (there are three) but I'm told Jordan is number one. She clearly feels entitled to this perk, and there's the rub. All commissioners have their own staff, one of whom could certainly serve as a driver in a pinch. Yet, commissioners prefer to use the police officer assigned to protect them, maybe because he's got a gun, a badge and a blue light in his car.

My guess is that commissioners think they're owed the chauffeur service because they're paid so little and work hard at their jobs. But there are plenty of benefits, too. Their total compensation package is in the vicinity of \$50,000.

If we did a survey of commissioners about their use of the sergeant at arms I suspect most would say, what's the big deal? In a county with a \$6.1 billion annual budget, does a car allowance of \$800 per month X 13 (\$124,800 a year) make any difference? Financially, no. Ethically, perhaps. But in terms of abusing the public trust, absolutely. Ordinary folks can't conceive of spending \$800 a month on a car. And to have been given that much for one and still use an on-duty cop to drive you around? It's offensive.

I wonder why commissioners can't see it. Mayor Gimenez did and eliminated his own and the car

allowances of everyone who reports to him. Good. He's also open to letting commissioners take their pick of one of the 100 or so county cars and trucks sitting idle in a garage at the Earlington Heights Metrorail station. Why not?

Miami-Dade Commissioners put in long hours and earn just \$6,000 in salary — an amount set in 1957 and which voters have refused to increase since because commissioners have always attached unacceptable riders to the ballot question. There's an election in August for Miami-Dade mayor and seven commission seats, plus a general election in November.

The salary for commissioners should be placed on one of those ballots as a stand-alone question. Let's say about \$92,000 a year, the state formula. I'd vote yes as long as being a commissioner is their full-time job and cops stop chauffeuring them. And they lose that entitlement attitude.

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The Miami Herald

Posted on Mon, May. 14, 2012

Miami-Dade's leaky pipes: More than 47 million gallons of waste spilled in past two years

By CHARLES RABIN AND CURTIS MORGAN
crabin@MiamiHerald.com



MARICE COHN BAND / MIAMI HERALD STAFF

The central district Wastewater Treatment Plant, on Key Biscayne, Monday.

Miami-Dade County's antiquated sewer system has ruptured at least 65 times over the past two years, spewing more than 47 million gallons of untreated human waste into waterways and streets from rural South Miami-Dade to the ritzy condos of Brickell Avenue to the Broward County border.

The breaks and blowouts — topping out at nine in a single stinky month last October — were documented in nine warning letters that state environmental regulators sent to the county's Water and Sewer Department between June 2010 and April.

The letters, warning that the county could be on the hook for "damages and restoration" and civil penalties of up to \$10,000 a day, were the catalyst for ongoing negotiations with the U.S. Environmental Protection Agency, U.S. Department of Justice and Florida Department of Environmental Protection. The talks are expected to end with a legal settlement committing the county to a multibillion-dollar plumbing repair plan — and probable customer rate hikes.

The letters lay out more dirty details of "unauthorized discharges" not included in a 78-page draft consent decree released last week that declares the county in violation of federal water quality laws, in large part because some of the foul spills drained into canals and Biscayne Bay.

Many of the leaks from the county's 7,500 miles of lines were relatively minor, posing minimal traffic disruptions and public health concerns. But at least eight topped 100,000 gallons. Six more released more than 1 million gallons of raw sewage from rusted valves or cracked concrete-and-steel pipes that county engineers acknowledge had long out-lived their intended life span.

The worst problem by far, according to the DEP letters, is the county's aging Central District Wastewater Plant on Virginia Key, which is designed to discharge partially treated sewage out a pipe more than a mile off shore. State records show that between October and December 2011 four separate failures sent a total of more than 19 million gallons spilling from the plant.

The largest at Virginia Key, on Oct. 9, spilled 17 million gallons of raw sewage.

Doug Yoder, the Water and Sewer Department's deputy director, blamed it on a broken pin holding a filter screen used to divert "chunks of stuff" from the liquid flow. Once the pin failed, the thick solids built up, triggering a massive back-up that forced workers to shut down that plant and divert incoming sewage to another site, causing even more of an overflow.

The public never heard about that failure, Yoder said, because "nothing actually left the plant site. The overflow went into the storm drains, then back to the plant."

But three weeks later, on Oct. 31, another million gallons of partially-treated sewage spilled out a relief valve into surrounding bay waters, forcing Miami-Dade to issue no-swimming advisories. That was triggered by a power outage that shut down a pump as operators shifted from a generator to the power grid.

Yoder conceded operators have a difficult task at Virginia Key, the oldest and most decaying of the county's three plants. It handles some 25 million gallons of raw sewage a day from Surfside, Bal Harbour and Miami Beach. The county has mulled replacing it, which would cost \$500 million — money Yoder said the department doesn't have. He also acknowledged the department has resisted pouring a lot of repair money into a plant it hopes to replace.

"We want to avoid spending a lot to keep it running if we're going to take it out of service," he said.

The federal enforcement action isn't the county's first. In 1996, Miami-Dade paid a \$2 million fine — at the time the largest ever for a U.S. Clean Water Act violation — and agreed to expand the capacity of a system that was constantly pouring raw sewage into the Miami River and Biscayne Bay.

Since then, the department estimates it has spent some \$2 billion on upgrades but hasn't come close to covering needed fixes for a system in which many pipelines are approach a half-century in age or even older.

Blanca Mesa, an activist with the Sierra Club who has raised concerns about the county's plans to replace only one segment of an aging and fragile sewer pipe under Government Cut, said the failures point to a long history of ignoring problems and putting off proper maintenance. She said today's problems echo failures detailed in a 1991 grand jury report documenting sewage spills into the Miami River.

"Somebody has to understand we have to set the right priorities in this county, and we haven't been doing that for a very long time," she said.

Miami-Dade Commission Chairman Joe Martinez agrees the county has to find a way to pay for the repair work. One option might be to issue bonds, Martinez said, but he would insist that property tax bills don't rise for residents as a result. Martinez said it's possible that any increase in bond debt would be offset by a decrease in the property tax rate, if home values rise this year, as he expects.

"We're going to have to wait until the tax rolls come out," he said. "We definitely need to fix the infrastructure, but we must gain people's confidence that [the money] will be used for that."

Mayor Carlos Gimenez said he is waiting to learn how much money the county would need to spend before committing to a financing plan. First he would look to reduce water department costs, he said, then possibly enter some type of private-public partnership.

"The last thing we want to do is put any kind of burden on the public," he said.

Past political decisions have compounded the sewer department's problems, by cutting into reserve funds that could have helped finance the system upgrades.

Historically, county leaders tapped water department funds for other departments struggling to make ends meet. Though that practice stopped in 2007, last year the Water and Sewer Department still "loaned" \$25 million to the county's general fund to help balance the books. Payback is scheduled to begin in 2014, at \$5 million a year.

Right now, the department has three reserve accounts. One is required to maintain a 60-day reserve, or \$55.7 million. Another is expected to have about \$30 million by the end of this budget year in September. A third is empty.

Another type of reserve account intended for unexpected repairs maintains between \$50 million and \$60 million each year — a fraction of the repair bill that county engineers estimate could run into the billions.

Adding to the problem, county commissioners and mayors have repeatedly resisted raising what rank as some of the lowest water and sewer fees in the state — though they did boost it 4.7 percent last year. The average homeowner pays about \$135 quarterly, according to the county.

Miami-Dade certainly isn't alone in struggling to mend its leaky and aging sewage system. Most major cities in the United States have similar problems. The EPA estimates there are 240,000 water and sewer main breaks across the country each year, and puts the price tag at hundreds of billions of dollars.

In Broward County, for instance, state regulators say sewer failures have sometimes drawn scrutiny but not a similar sweeping state-federal enforcement case. Waste there is handled by 28 different utilities with much smaller and generally newer systems. Miami-Dade's system is the largest, and among the oldest, in the state with huge pipelines carrying large volumes over long distances.

Alan Garcia, director of Broward's wastewater and water services, said less than 3 percent of the county's 7 million feet of pipes is older than 50 years. About 40 percent of the county's breaks are construction related, he said.

"We do an aggressive job of monitoring our pipes," he said.

Jennifer Diaz, a Florida DEP spokeswoman, said Miami-Dade hasn't tried to cover up its problems, acknowledging in an April 2011 "self assessment" sent to the EPA that numerous breaks were putting the county in violation of the U.S. Clean Water Act.

The DEP opened its own enforcement case against Miami-Dade in 2009. But the following year, after consulting with the EPA and Miami-Dade, all the parties agreed to draw up a joint state-federal consent decree that acknowledges "improper" management and maintenance practices.

In a written statement, Diaz said the spills "are mitigated by Miami-Dade to the greatest extent possible."

Still, the potential failure of some key pipelines could have disastrous consequences. Earlier this year a consultant warned that the sewer main running under Government Cut to Virginia Key was so brittle it could rupture at any time. It was constructed from pipe made by a now-defunct company named Interpace, whose notoriously defective products have been linked to a number of major failures.

Though county engineers maintain the pipeline remains safe for daily use, department director John Renfrow acknowledged an unexpected failure would be "catastrophic," spewing tens of millions of gallons of raw sewage into Biscayne Bay.

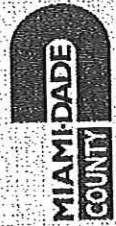
His warning echoes one issued exactly two decades ago about potential sewer line breaks by a Miami-Dade grand jury appalled by environmental and other conditions in the Miami River.

"The Miami River and Biscayne Bay would experience the worst environmental catastrophes in modern history," the 1991 report warned. "The detrimental impact of a spill of this type and the cleanup and mitigation costs are incalculable. If we are seriously concerned about the bay, we must address this known environmental hazard now."

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Charter Review Task Force
Incorporation in Miami-Dade County

May 17, 2012



History

- In 1957, with adoption of the Miami-Dade County Home Rule Amendment and Charter, incorporation and annexation authority shifted from the State legislature to the Board of County Commissioners (BCC). Article 6 of the Charter provides incorporation and annexation guidelines.



Charter Requirements

- Section 6.04 - Changes In Municipal Boundaries
 - BCC may effect a boundary change after obtaining the approval of the municipal governing bodies concerned and after hearing the Planning Advisory Board (PAB) recommendation; if there are over 250 resident electors in the area being considered an affirmative vote is required.

Charter Requirements

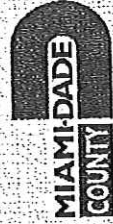
- Section 6.05 - Creation of New Municipalities
 - Only the BCC may authorize the creation of a new municipality in the unincorporated areas of the County after hearing the recommendations of the PAB, after a public hearing, and after a majority vote of the electors residing within the proposed boundaries.

Code Requirements

- Chapter 20 of the Code of Miami-Dade County governs the Annexation and Incorporation process.
- Petitions for incorporation must include consent from 25 percent of the electors in the proposed area.
- Once the petition is deemed complete, the BCC may form a Municipal Advisory Committee (MAC) to study the desirability and feasibility of creating a municipality.

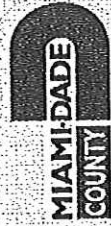
Incorporated Area v. UMSA

- At the time of Charter adoption, twenty-six municipalities were in existence. Approximately 35% of the County's population lived in the unincorporated municipal service area (UMSA).
- Prior to the incorporation of Miami Lakes, thirty municipalities were in existence and 53 % of the population lived in UMSA.
- Today there are 34 municipalities and about 44% of the population lives in UMSA.



Incorporation in the 1990s

- The incorporation of Key Biscayne in 1991 led to new interest in the creation of municipalities throughout the County.
- Three additional municipalities were created in the 1990s:
 - Aventura, 1995
 - Pinecrest, 1996
 - Sunny Isles Beach, 1997



Incorporation in the 1990s

- As a result of these incorporations, concern grew regarding the equitable distribution of resources and possible detrimental effects on the entire community.
- In December 1997, the BCC adopted a one-year moratorium on incorporation, directing the County Manager to study the impact the loss of revenue had on the remainder of UMSA.

BCC-adopted Policies

- After the moratorium, the BCC adopted policies addressing the concerns of equity and self-determination.

02-26	Requires new municipalities to remain in the fire and library districts and contract with MDPD for local patrol services
02-130	Requires MAC boundaries to be within a commission district or seek approval from neighboring commissioner
04-201	Provides for the BCC approval of any municipal charter changes prior to an election
05-73	Requires new municipalities to pay 100% mitigation on Commercial, Business, and Industrial (CBI) Areas
05-97	Codifies requirement for new annexing municipalities to be responsible for bond indebtedness
05-98	Allows UMSA bond funds to be used in new municipalities
05-112	Requires annexation applications to provide information related to terminals
05-140	Requires approval of 25% of resident electors for incorporation or to create a MAC
05-141	Codifies areas of countywide significance
05-142	Codifies mitigation for annexing municipalities
R-130-05	Requires independent budget analysis of proposed municipalities

Incorporation 2000 – Today

- Five new municipalities have incorporated since the moratorium was lifted:
 - Miami Lakes, 2000
 - Palmetto Bay, 2002
 - Doral, 2003
 - Miami Gardens, 2003
 - Cutler Bay, 2005



Recent BCC Actions

- On September 8, 2005, the BCC adopted Resolution 1051-05 requesting a report detailing the impacts of incorporation and annexation since 2000.
- On November 13, 2005, the BCC adopted Ordinance 05-192 directing that incorporations and annexations neither be considered nor processed until this report was presented and accepted by the BCC on May 8, 2007.
- On September 4, 2007, the BCC adopted Ordinance 07-120 suspending consideration of proposed incorporations until receipt of the County Manager's report on annexations.
- On April 3, 2012, the BCC adopted Ordinance 12-24 lifting the incorporation moratorium.

Non-Revenue Neutral Municipalities

- Three out of the five municipalities that have incorporated since 2000 were non-revenue neutral areas at the time the Board set an election among the registered voters seeking incorporation:

- Miami Lakes
- Palmetto Bay
- Doral

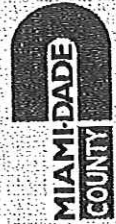


Non-Revenue Neutral Municipalities

- As a condition of incorporation, these municipalities agreed to pay a portion of their ad valorem revenues to offset the revenue loss to the unincorporated area as a result of their incorporation.
- The amount charged to the municipalities was based on a portion of difference between the revenues and expenses attributable to that area, the figures were based on an analysis done approximately two years prior to the time of incorporation.

Mitigation

- The County has phased out the mitigation payments from all of the municipalities at this time. The municipalities paid into the MSTF for a total of seven years.



Prior Miami-Dade County Incorporation Attempts

- In November 1997, the BCC considered an intent resolution to incorporate or annex the remaining unincorporated area by December of 2007 – no action was taken.
- In April 2002, another intent resolution was considered by the BCC to incorporate or annex the unincorporated area by January 2018 – this resolution failed by a 5-6 vote.



Miami-Dade County

- Incorporation and annexation efforts must be methodical.
- Each incorporation/annexation proposal is unique, and consideration must be given to the advantages and disadvantages associated with each.

Miami-Dade County

- Miami-Dade County has an obligation to the well being of the community, uncontrolled incorporation and annexation can lead to higher service costs to the taxpayer and general confusion regarding service area boundaries.
- The cost of municipal type services to the unincorporated residents has remained relatively low compared to municipalities in the County.
- Several large incorporation efforts within the unincorporated area have discontinued their efforts for lack of community support. (East Kendall MAC, West Kendall MAC, Northwest MAC)



Regional Type Services

- Fire Rescue Services
- Local Patrol Services
- Specialized Police Services



2007 Charter Review Task Force

The Charter Review Task Force issued its recommendations to the BCC on January 29, 2008. Issue 5 was the 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). The Task Force recommended that the County Commission appoint an independent task force to prepare and submit a comprehensive plan 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. This recommendation was not accepted by the Board.

The Procurement Process Miami-Dade County

Internal Services Department

Lester Sola, Director

Miriam Singer, Assistant Director

Amos Roundtree, Division Director
Procurement Management Services



Active Contracts

■ Over 1100 active contracts

- Uniforms (police, transit, fire, solid waste, etc)
- Food (elderly, zoo, corrections, etc)
- Vehicles (cars, trucks, buses, mowers, trains)
- Services (janitorial, landscaping, accounting)
- Technology (software, hardware, consulting)

2

Procurement Methods

- Invitation To Bid -
- Request for Proposals
- Request for Qualifications
 - Prequalified Pools

3

Procurement Process

- Specification Development
 - Valid requirements
- Advertisement
 - Cone of Silence Starts
- Evaluation
 - ITB process
 - RFP process
- Award Recommendation

4

Rights and Access

- The right to protest a recommendation
- The right to view existing contracts including prices
- The right to view previous proposals - scores and rankings
- The right to view all letters, memos, and other documents

5

Monthly Workshops

Tuesdays...10:00 a.m...18th Floor

- 2nd - "Invitation to Bid (ITB) Process"
- 3rd - "Request for Proposals (RFP) Process"
- 4th - "Architectural/Engineering (A&E) Selection Process"

6

May 17, 2012

**Metro-Dade Firefighters Proposed Changes to the
Miami-Dade County Charter**

Article 1 SECTION 1.05.

FORFEITURE OF OFFICE.

C. Any appointed official or employee of Miami-Dade County who qualifies as a candidate for election to any ~~federal, state or~~ municipal office within Miami-Dade County shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.