



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners
Stephen P. Clark Government Center
111 NW 1st Street
Miami, Florida 33128

Tuesday, November 20, 2007
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

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Clerk of the Board Division

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CLERK'S SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE
NOVEMBER 20, 2007

The Charter Review Task Force convened in a meeting on November 20, 2007 at the Stephen P. Clark Government Center, 111 N.W. 1st Street, Miami, Florida. The following members were present: Chairman Victor M. Diaz Jr. and members Ms. Lynn Dannheiser, Mr. Miguel De Grandy, former City of Miami Mayor Maurice Ferre, Commissioner Carlos Gimenez, Mr. Robert Ginsburg, Mr. Larry R. Handfield, Ms. Elizabeth Hernandez, Mr. John M. Hogan, Mr. Robert W. Holland, and Mr. Richard Kuper; (former City of West Miami Mayor Diaz-Padron, City of Miami Gardens Mayor Shirley Gibson, and Mr. Francois Illas, were late); (City of Miami Beach Mayor David Dermer, Mr. Murray Greenberg, former City of Hialeah Mayor Raul L. Martinez, Mr. Jorge Luis Lopez, Mr. H.T. Smith, Ms. Yvonne Soler-McKinley, and Mr. Ignacio Jesus Vazquez were absent).

1. Call to Order

Chairman Diaz called the meeting to order at 10:18 a.m.

2. Roll Call

The following staff members were present: Assistant County Manager Susanne M. Torriente; Assistant County Attorneys Mandana M. Dashtaki and Wilfredo Ferrer; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Diane Collins and Akira Spann.

Chairman Diaz reviewed those items on today's (11/20) agenda that required no formal action, until a quorum was present.

3. Approval of Minutes

A. Approval of October 31, 2007 meeting minutes

Mayor Ferre requested that the minutes of October 31, 2007 be corrected in connection with agenda item 4A, Review and Approval of Interim Report to the Board of County Commissioners, to reflect that he had indicated that if he had been present at the meeting of October 17, 2007, when the Task Force members had taken a final vote on the recommendations contained in its Interim Report, he would have voted "No" on the recommendations relating to the Public Safety Director, Property Appraiser and Supervisor of Elections, and that he was in support of the salary raise and term limits for county commissioners, however, the election

should be held in November, as reflected in the Dissenting Opinion he had submitted relating to the Task Force's Initial Recommendations.

It was moved by Mr. Illas that the October 31, 2007 Charter Review Task Force meeting minutes be approved as corrected by Mayor Ferre. This motion was seconded by Commissioner Gimenez, and upon being put to a vote, passed by a vote of 13-0 (Mayor Dermer, Mayor Gibson, Mr. Greenberg, Mayor Martinez, Mr. Lopez, Mr. Smith, Ms. Soler-McKinley, and Mr. Vazquez were absent).

4. Old Business

A. Discussion of Issue 5—Study of Municipalities and Unincorporated Municipal Service Area (UMSA)

- **Creating/Abolishing Municipalities**
- **Separation of Powers or Responsibilities between the County and Municipalities**
- **Annexation/Incorporation in effort to eliminate UMSA**

It was moved by Mr. De Grandy that the Task Force recommend to the County Commission that a comprehensive plan for countywide incorporation, accomplished through annexation and/or incorporation, be submitted in 2009, and placed on the ballot for all citizens to vote on in 2010. This motion was seconded by Ms. Hernandez.

Following discussion Mr. De Grandy amended his motion to provide that the plan for countywide incorporation be developed by an independent body. There was no objection from the seconder of the motion to the amendment.

Mayor Ferre addressed the issues of providing governance close to the people, politics and fairness in taxation and the provision of services, as it related to countywide incorporation. He recommended the task force look at the system used by Minneapolis/St. Paul, in which a committee was responsible for setting minimum standards for services and allocating funds from a special account to ensure that all communities received services.

Mr. Ginsburg expressed concern with reducing the powers of the County Commission. He opposed creating a task force to draw municipal boundaries, noting this should remain the responsibility of the County Commission, an elected body that could be held accountable. Mr. Ginsburg expressed that placing the question of countywide incorporation on the ballot for a countywide vote, would dilute the vote of those in the unincorporated area. Mr. Ginsburg referred to a proposal he had made at a prior meeting which required a countywide merit retention vote for all commissioners mid-way through their term of office, noting it would force commissioners to focus on regional issues.

Members of the Task Force spoke in support of the motion.

Commissioner Gimenez expressed that the plan for countywide incorporation should not be prepared by the County Commission. He stated that with the exception of specialized services, police services were better provided at the local level.

Mr. Holland spoke in support of the motion if it could be amended to provide that only the electorate in unincorporated Miami-Dade County would vote, not the entire county.

Following discussion, Mr. De Grandy's motion, as amended, to provide that the Task Force recommend to the County Commission that an Independent Task Force be appointed to prepare and submit a comprehensive plan in 2009 for countywide incorporation, accomplished through annexation and/or incorporation, subject to amendments or changes by two-thirds vote of the County Commission, and placed on the ballot for all citizens to vote on at a general election in 2010. The motion, upon being put to a vote, passed by a vote of 12-2, (Mr. Ginsburg and Mr. Holland voted no), (Mayor Dermer, Mr. Greenberg, Mayor Martinez, Mr. Lopez, Mr. Smith, Ms. Soler-McKinley, and Mr. Vazquez were absent).

B. Discussion of Issue 6—Study of Initiative, Referendum, Petition & Recall

Mr. Ray Scher, Office of Strategic Business Management (OSBM) Assistant Director, made a presentation entitled "Direct Democracy: Initiative and Recall.

Mayor Ferre requested that Assistant County Manager Torriente ensure that reports scanned and placed on the Charter Review Website be legible and that hard copies be available at the Task Force meetings.

At the request of Mr. Ginsburg, Chairman Diaz requested staff provide the Task Force with a list of any inconsistencies in the Charter relating to initiative, referendum, petition and recall that needed to be addressed.

Assistant County Attorney Wilfredo Ferrer noted that a recently adopted ordinance that criminalized false statements made in a petition or recall was being challenged with regards to the term "false statements."

It was moved by Mayor Ferre that the Task Force recommend to the County Commission that the Charter provision that addresses the need for periodic charter review be amended to provide that the Charter Review Task Force, once appointed by the County Commission, will have the power to put recommendations directly on the ballot, unless vetoed by a 2/3 super majority vote of the County Commission. This motion was seconded by Mr. De Grandy, and upon being put to

a vote, passed by a vote of 10-1 (Mayor Gibson voted No), (Ms. Dannheiser, Mayor Dermer, Mr. Greenberg, Mr. Handfield, Mr. Holland, Mayor Martinez, Mr. Lopez, Mr. Smith, Ms. Soler-McKinley and Mr. Vazquez were absent).

It was moved by Mayor Ferre that the Task Force recommend to the County Commission that amendments to the Charter may be proposed by petition of electors numbering not less than ten percent of the total number of electors registered in Miami-Dade County at the time the petition is submitted to the Board, provided that after five percent of the total number of signatures required have been gathered and certified by the Director of Elections there be 1) a public hearing, 2) a judicial review as to the legality of the proposed ballot language and its scope; and 3) that the time period for the collection of valid signatures be extended from 60 days to 120 days. This motion was seconded by Mr. Hogan.

Discussion ensued regarding the foregoing motion, as it related to the judicial review of the petition; when in the process the judicial review should be held; the potential for lengthy delays in the petition process, if a circuit court's judicial review was appealed; and when the election on a valid petition should be held.

There being no objections, Mayor Ferre amended the foregoing motion to provide that the Task Force recommend to the County Commission that amendments to the Charter may be proposed by petition of electors numbering not less than ten percent of the total number of electors registered in Miami-Dade County; that the time period for collection of valid signatures be extended to 120 days, provided that five percent of the total number of signatures required be collected in 60 days, followed by a public hearing, and upon conclusion of the public hearing the petitioner having 60 days to gather the remaining five percent of signatures required; and that a valid petition be placed on the ballot of the next general election. This motion was seconded by Mr. Hogan.

Mr. De Grandy noted his concern that when the electors vote on a charter amendment they should have a clear understanding of what they are voting on. He proposed that when a petition is submitted for approval as to form, one of the requirements should be that the petitioner submit a source document that indicates all sections of the charter that would be affected by the proposed amendment.

Mr. De Grandy proposed a friendly amendment to the foregoing motion which provided that when a petitioner submits a petition to amend the charter there be a source document that states what the ballot question intends to accomplish, or that a redlined charter be attached to the petition.

Following discussion, the Task Force agreed to vote on Mayor Ferre's motion at its next meeting, and requested that the county attorney present its opinion on the amendment proposed by Mr. De Grandy, which would be voted on separately.

5. New Business

A. Report on Board of County Commissioners Action related to Charter Revisions

Chairman Diaz noted that the Board of County Commissioners (BCC) at its special meeting on November 19, 2007 decided that there was insufficient time prior to the January 2008 special election to properly mount a campaign in support of the proposed Charter amendments. Whereupon it was decided to postpone placing any ballot questions before the electorate, with the exception of the Property Appraiser question, until the August or November 2008 ballot.

Chairman Diaz noted that the BCC treated the recommendations made by this Task Force with deference, and that this should re-energize their efforts in moving forward to consider further Issues of Study.

Chairman Diaz presented an overview of the Workshop held by the Task Force on November 15, 2007, regarding Incorporation.

B. Review and Prioritization of Pending Issues of Study

It was moved by Mr. De Grandy that the Task Force members individually submit a list ranking Issues of Study seven (7) through fifteen (15) based on the order of importance; and for the results to be tallied and presented at the next scheduled Charter Review Task Force meeting. This motion was seconded by Mr. Illas, and upon being put to a vote, passed by a vote of 10-1, (Mr. Ginsburg voted No), (Ms. Dannheiser, Mayor Dermer, Mayor Gibson, Mr. Greenberg, Mr. Handfield, Mayor Martinez, Mr. Lopez, Mr. Smith, Ms. Soler-McKinley and Mr. Vazquez were absent).

Chairman Diaz noted that staff only had sufficient time to research Issue 7—Balance of Power between the Mayor and the Board of County Commissioners, prior to the next Charter Review Task Force meeting. He stated that staff needed guidance on benchmarking research and input, as requested by Task Force members.

Commissioner Gimenez requested that staff examine the Charters of any other government that had a Strong Mayor and County Manager form of government, similar to Miami-Dade County, where the Mayor appointed the county manager and department heads, who all reported to the Mayor.

Mayor Ferre asked that the Charters for Washington D.C., Philadelphia, and Newark be examined.

C. Procedure for Workshop Requests/Public Hearings

Chairman Diaz noted that the workshop held on November 15, 2007 at the request of six (6) members of the Task Force, to continue discussion of Issue 5—Study of Municipalities and Unincorporated Municipal Service Area (UMSA), was only attended by three members.

Chairman Diaz noted that in the future, any request to schedule a workshop to be held in between scheduled meetings would be considered at the end of a regular scheduled task force meeting in order to reach a consensus of the members as to whether or not the workshop would be held.

6. Adjournment

There being no further business to come before this Task Force, the Charter Review meeting was adjourned at 12:56 p.m.

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