

Miami-Dade County Charter Review Task Force Meeting
Thursday, May 17, 2012
Miami-Dade County Main Library, Auditorium
101 West Flagler Street
9:00 a.m.

- **Approval of Minutes**
 - April 19, 2012 Task Force Meeting
 - May 7, 2012 Public Hearing
 - May 8, 2012 Public Hearing
 - May 9, 2012 Public Hearing
 - May 10, 2012 Public Hearing
 - May 14, 2012 Public Hearing
- **Chairman's Items**
 - Next Meeting Dates – Proposed May 23, May 30, and June 6
 - Proposed Timeline for the Charter Review Task Force
 - Prohibido Callarse Show Invitation (WQBA)
 - Other business
- **County Attorney's Reports**
 - Recommended Technical Amendments to Charter
 - Term Limits Discussion
- **Staff Reports/Presentations**
 - Procurement Presentation
 - Incorporation/Annexation Presentation
 - 2011 Adopted Millage Rates
 - Areas of Interest Tally
 - Blog Update
 - Follow-up CRTF requests and other business (Translations, Independent Review Panel, Commissioner Moss Item, etc.)

Minutes

**MIAMI-DADE CHARTER REVIEW TASK FORCE
CLERK'S SUMMARY AND OFFICIAL MINUTES OF MEETING
APRIL 19, 2012**

The Miami-Dade Charter Review Task Force (the Task Force) convened its first meeting at the Miami-Dade Public Library Auditorium, 101 West Flagler Street, Miami, Florida, at 10:00 a.m. There being present upon roll call members: Ms. Yolanda Aguilar, Mr. Joe Arriola, Mayor Juan Carlos Bermudez, Mr. Armando Bucelo, Senator Rene Garcia, City of Hialeah Councilwoman Isis Garcia-Martinez and Councilman Luis Gonzalez, Mayor Evelyn Langlieb Greer, Representative John Patrick Julien, Mr. Carlos Manrique, Mr. Terry Murphy, Mr. Hans Ottinot, Mr. Lawrence Percival, Reverend Dr. Walter Richardson, Mr. Donald Slesnick, Professor H. T. Smith, and Representative Carlos Trujillo (Mr. Jeffrey Bercow was late and Ms. Pamela Perry was absent).

In addition to the members of the Task Force, the following elected officials and staff members were present: Mayor Carlos Gimenez, Clerk of Courts Harvey Ruvin, Assistant County Attorneys Oren Rosenthal and Jess McCarty, Ms. Inson Kim, Ms. Lorna Mejia, and Deputy Clerk Flora Real.

Ms. Inson Kim, Director of Policy & Legislation, Office of the Mayor, called the meeting to order at approximately 10:11 a.m. She welcomed Task Force members and all others present.

Members of the Task Force convened in a moment of silence, followed by the Pledge of Allegiance.

Ms. Kim introduced Harvey Ruvin, Clerk, Miami-Dade County Circuit and County Courts, whom she noted would administer the Oath of Office for the newly appointed Task Force members immediately after they completed the Oath of Office Form.

Upon submittal of all Oath of Office forms, Clerk Ruvin congratulated each of the Task Force members on their appointment, noting Commissioner Bruno Barreiro recently appointed Mr. Jeffrey Bercow, who would join the meeting shortly. He said he believed the membership comprised a wealth of knowledge and expertise.

Upon concluding his remarks, Clerk Ruvin administered the Oath of Office to all Task Force members present. He said he fully supported this process and would be available to assist in any way possible.

Ms. Kim introduced Miami-Dade Mayor Carlos Gimenez, noting the Mayor would present the opening remarks.

WELCOME

Mayor Carlos Gimenez expressed appreciation to all Task Force members for their participation. He noted the Home Rule Charter (the Charter) was a very important document written in the 1950s, and was considered the County's constitution. He said he was hopeful that Task Force members would be provided with the historical background on the Charter and its creators. The Mayor noted he participated on the last Charter Review Task Force, which forwarded several

recommendations to the Board of County Commissioners. He stated, although some of those recommendations were placed in the ballot for approval by the voters, most of them were not.

Mayor Gimenez said the Charter Review process was an important, viable exercise for the community; and he was hopeful that the talented individuals in this group would engage in the same type of honest, open discussions as the members of the last Task Force did in 2007. He urged them to open their hearts and minds during the deliberation process, and engage in productive, comprehensive dialogue to move this County forward within the limited timeframe allowed for this process. He reassured Task Force members that he and members of the Administration would be available to assist. He wished Task Force members success in this endeavor.

INTRODUCTION OF TASK FORCE MEMBERS AND STAFF

Following a formal introduction of each of the Task Force members and staff, Assistant County Attorney Oren Rosenthal provided an overview of the Government in the Sunshine (Sunshine) Law.

OVERVIEW OF FLORIDA'S SUNSHINE LAW, PUBLIC RECORDS, AND CONFLICT OF INTEREST

Assistant County Attorney Oren Rosenthal explained the Florida's Sunshine, public records, and Conflict of Interest laws and applicability of these laws to the Task Force. He stated that, under the provisions of the Sunshine Law, this Task Force was deemed an "agency" of the Board of County Commissioners, and, as such, all proceedings would be governed by the Sunshine Law and provisions of the resolution creating the Charter Review Task Force. Mr. Rosenthal explained that the Task Force was also subject to Public Records Law.

The Sunshine Law subjected any conversations on issues discussed by members of this body to the provisions of the Sunshine and Public Records laws, which required those discussions to be publicly advertised and held in a public forum. He clarified the Sunshine Law was applicable to meetings held between two or more Task Force members as well as any emails among Task Force members and members of the County Commission as a whole. Written communications to staff were not subject to the Sunshine Law, the attorney noted. He recommended that any discussion regarding the Charter and related issues be held within the constraint of this body to ensure compliance.

Assistant County Attorney Rosenthal advised that the Public Records Law was applicable to any documents created by the members of the Task Force and such documents must be maintained in accordance to that law. He suggested Ms. Kim maintain these records on behalf of the Task Force members; and that copies of all documents and any other correspondence including emails be forwarded to her. He noted he would be available and that Task Force members could individually contact him with any questions or concerns regarding the requirements of the laws governing communications. Assistant County Attorney Rosenthal clarified that individual communication with staff members from the Mayor's Office or the County Attorney's Office was not subject to the Sunshine Law.

OVERVIEW OF RESOLUTION NO. R-253-12 CREATING THE CHARTER REVIEW TASK FORCE

Assistant County Attorney Oren Rosenthal advised that Resolution Number R-253-12 was enacted by the Board of County Commissioners to create this Task Force and to meet its obligations under the provisions of Section 9.08 of the Miami-Dade County Home Rule Charter (the Charter). Section 9.08 required that the Board of County Commissioners (BCC) convene at least once in every five years to review the Charter and to determine the need for changes. The BCC created this body and delegated its authority to this group to review the Charter and develop recommendations to revise or amend the Charter for the BCC to review and consider.

Assistant County Attorney Rosenthal advised the BCC had specifically made the following requests for this Task Force:

1. that the Miami-Dade County Home Rule Charter be reviewed in its entirety;
2. that a final report be prepared and submitted to the BCC setting forth, in writing, any proposed amendments or revisions to the Charter;
3. that a study of the final report submitted by the last Charter Review Task Force be conducted during this review process;
4. that all proposed Charter amendments submitted to the voters since the last Charter Review Task Force issued its recommendations be studied;
5. that knowledgeable members of the community be invited to appear, make recommendations, and assist in understanding some of the issues during the deliberation process;
6. that public hearings and meetings be conducted at various locations throughout the County to allow the entire community to participate and provide input; and
7. that the information gathered from the community outreach efforts shall be considered in deliberating and in preparing the final report.

Assistant County Attorney Rosenthal advised that Resolution R-253-12 also established a deadline for this Task Force to complete deliberations and present its final report and recommendations for the BCC to consider at its July 17, 2012, meeting. He noted one of the recommendations adopted from the previous Task Force was that all Charter amendments must be placed on the November election ballot, and July 17th would be the last possible meeting for the BCC to consider the final report and still have enough time to place Task Force recommendations on the November ballot.

Assistant County Attorney Rosenthal pointed out that this resolution expressed the Board's intent to place any recommendations or proposed amendments approved by a two-third majority of the Task Force directly on the ballot at the next available Countywide election.

Upon concluding his presentation, Assistant County Attorney Rosenthal opened the floor for questions and concerns from Task Force members.

In response to Mr. Bucelo's question, Assistant County Attorney Rosenthal said the County Commission intended to place any recommendation(s) approved by a two-third majority or 14 votes of the Task Force on the ballot.

Mr. Percival said he believed the word "should" in the resolution diluted the intent of the original legislation requiring that recommendations approved by a two-third majority be directly placed on the ballot. He expressed concern that the language in this resolution was ambiguous, and he believed it would be very offensive if the Commission failed to act on the final recommendations of this Task Force. He wanted some assurance that the County Commission would act on them.

Assistant County Attorney Rosenthal advised the Home Rule Charter provided two mechanisms for amendments, which could be accomplished either by initiatory petition of the electorate or by the County Commission placing proposed amendments on the ballot. He explained the intent of the language contained in the Charter relating to Charter amendments, and noted the County Commission was not obligated to amend the Charter. He stated the resolution only expresses the Commission's intent to place the amendments on the ballot.

Mayor Greer pointed out the 2008 Final Report distributed to Task Force members was missing some pages. She requested a complete copy of this report.

Assistant County Attorney Rosenthal noted a complete copy would be disseminated to all Task Force members because additional items needed to be included.

Professor H.T. Smith expressed his appreciation to Mr. Rosenthal for the explanation regarding the deadline for this Task Force to submit its final report. He asked the County Attorney whether the legislation would prevent Task Force members from forwarding its proposed recommendations directly to the electorate in the event the final report was not completed by the deadline.

Assistant County Attorney Rosenthal advised that the resolution required that the final report of the Task Force be submitted by July 17, 2012; however, Task Force members could request that the County Commission amend this resolution to extend the deadline to complete the Charter Review process, and that the Commission consider placing the proposed recommendations on the ballot for the 2014 election. He explained that the language in the resolution made the tenure of this Task Force go beyond the deadline for the final report, which allowed for an extension.

Assistant County Attorney Rosenthal recommended the Task Force members consider moving a request that the BCC amend resolution R-253-12 to provide that an interim report be submitted by the 2012 election deadline and a second (final) report be submitted for placement on the 2014 election ballot. He also recommended the Charter Review process not exceed 365 days or Task Force members may be subject to existing County ordinances governing financial disclosure requirements and other legislation that prohibit individuals from serving on two boards concurrently.

In response to Mr. Slesnick's question, Assistant County Attorney Rosenthal clarified that the intent of this resolution was to sunset this Task Force in 365 days. He urged Task Force members to ensure that this process did not exceed the 365th day timeframe or it would trigger the legislation previously mentioned.

Senator Rene Garcia suggested the final report of the Task Force be submitted to the County Commission at least two weeks before the prescribed July 17th timeframe to ensure that commissioners had sufficient time to thoroughly review the proposed recommendations.

Mayor Greer suggested that Assistant County Attorney Rosenthal establish a timeline to complete the Charter Review process.

Senator Garcia concurred with Mayor Greer's suggestions.

In response to Mr. Slesnick's question regarding the process, Assistant County Attorney Rosenthal explained the process for presenting the final report. Upon completing the Charter Review process and deliberations, the Task Force would instruct the County Attorney's Office to prepare any necessary resolutions, which would outline any proposed revisions/amendments to the Charter, for the County Commission's consideration, the attorney noted. He further advised, following another question from Mr. Slesnick, that the recommendations of the Task Force would be prepared in the form of resolutions, which would not be subject to the requirements for first and second readings.

Mr. Ottinot questioned the timeframe prescribed for the last Charter Review process.

Assistant County Attorney Rosenthal advised the last process had different legislative constraints. He noted an amendment was proposed by Commissioner Moss, which was subsequently withdrawn at the Committee level; and a request was made that this Task Force review that proposal, which Mr. Rosenthal advised would be disseminated to Task Force members for review during this process.

OVERVIEW OF THE HOME RULE AMENDMENT AND MIAMI-DADE COUNTY CHARTER

Assistant County Attorney Oren Rosenthal provided an overview of the Home Rule Charter in its entirety, noting Miami-Dade County was unique from all other counties throughout the State of Florida because it was home rule chartered. Although, several other counties in the State were chartered counties, Miami-Dade County was the only county with a home rule amendment to the Florida State Constitution. He explained the home rule amendment, and how the Charter distinguished Miami-Dade from other chartered counties and provided examples of some of the provisions contained in the Home Rule Charter Amendment.

Assistant County Attorney Rosenthal also provided an overview of the Citizens' Bill of Rights and each of the articles contained in the Charter.

In response to Mr. Slesnick's question regarding whether the County Attorney's Office would provide recommendations on technical changes, Assistant County Attorney Rosenthal noted he would be happy to prepare such recommendations; however, the County Attorney's Office had not been asked to prepare recommendations on technical changes by any other Task Force.

Mr. Slesnick suggested a study of technical amendments be conducted concurrently with the other studies.

In response to Mr. Percival's question regarding the Mayor's authority to place proposed Charter amendments on the ballot or to sponsor legislation amending the Charter, Assistant County Attorney Rosenthal advised the Mayor could only recommend amendments through the County Commission.

Hearing no other questions or comments, Assistant County Attorney Rosenthal advised that he along with Assistant County Attorneys Cynthia Johnson-Stacks and Jess McCarty would be the main contact persons in the County Attorney's Office for all Charter related questions/concerns; and he noted Task Force members should feel free to contact them, if necessary.

Ms. Inson Kim noted the Clerk of the Board Division received a letter from Task Force member, Ms. Pamela Perry, explaining that she was unable to attend today's meeting and why.

Upon conclusion of the foregoing discussion, the Task Force proceeded to select a chair.

COMMENTS/DISCUSSION BY TASK FORCE MEMBERS

▪ Charter Review Task Force Chair

It was moved by Mayor Evelyn Greer that the Task Force elect Professor H.T. Smith to Chair the 2012 Charter Review Task Force. This motion was seconded by Mr. Bercow, and Task Force members opened the floor for discussion.

Professor Smith recommended the Task Force refrain from electing a Chairperson until all members were present. He emphasized the importance for all members to have an opportunity to participate in the selection of the chairperson, and suggested Task Force members appoint a member to coordinate the process until the chairperson was elected.

Following further discussion regarding this matter, Professor Smith noted he sincerely appreciated being nominated by his colleagues; but he would be unable to Chair the Task Force.

It was moved by Representative Trujillo that the Task Force elect Senator Rene Garcia to Chair the 2012 Charter Review Task Force. This motion was seconded by Mr. Manrique, and Task Force members opened the floor for discussion.

Representative Trujillo noted the importance for Task Force members to select a chair with a recognizable image to better facilitate the coordination of meetings, communications, and outreach efforts.

Mr. Manrique pointed out that Task Force members needed to select a chair and expedite the review process considering the limited timeframe to complete their charge.

Senator Garcia concurred with the statements made by Mr. Manrique, noting the deadline for the final report should be changed to July 1, 2012. He noted the importance of expediting the process and for all Task Force members to be committed to the expedited process to ensure the community outreach effort was completed.

Senator Garcia said he would accept the nomination, and would be glad to serve as Chair of the Task Force and conduct the community outreach efforts.

Hearing no other questions or comments, Task Force members proceeded to vote on the foregoing motion to elect Senator Garcia as Chair of the 2012 Charter Review Task Force, as moved by Representative Trujillo and seconded by Mr. Manrique. This motion, upon being put to a vote, passed by a unanimous vote of those members present (Professor Smith abstained from voting).

Professor Smith noted, for the record, that although he supported the motion to elect Senator Garcia as Chair, he abstained from voting because he believed all Task Force members should have participated in the vote. He asked that the minutes reflect that Task Force members voted unanimously to elect Senator Garcia as Chair.

In response to Mr. Ottinot's question regarding the selection of a Vice Chair, Assistant County Attorney Rosenthal noted the resolution governing this Task Force only required that Task Force members vote to elect a chair; and they had complete discretion to either elect a Vice Chairperson or allow the newly elected Chairman to appoint that individual.

Mayor Greer recommended Task Force members elect Professor H. T. Smith to serve as Vice Chair.

It was then moved by Professor Smith that Task Force members elect Mayor Juan Carlos Bermudez to serve as Vice Chair. This motion was seconded by Representative Trujillo, and the members opened the floor for discussion.

Dr. Richardson noted the importance for this Task Force to be sensitive to issues of diversity, noting he was concerned that if the Chair and Vice Chair of the Task Force were of the same ethnic background, it could send the wrong message to the community. He suggested the Task Force members ensure that its leadership was reflective of this diverse community and sends a positive message to the community by electing either a woman or non-Hispanic member to serve as Vice Chair.

Mayor Bermudez noted he also appreciated being nominated by his colleagues, but he would be unable to accept. He said he agreed with Dr. Richardson that the leadership of the Task Force needed to be reflective of this diverse community.

Mr. Arriola recommended the Task Force elect Mayor Evelyn Greer to serve as Vice Chair.

Mayor Greer noted she would recommend that Dr. Richardson be elected to serve as Vice Chair.

Professor Smith noted he would support Mr. Arriola's recommendation that the Task Force elect Mayor Greer.

It was moved by Mr. Arriola that the Task Force elect Mayor Evelyn Greer to serve as Vice Chair of the 2012 Charter Review Task Force. This motion was seconded by Chairman Garcia, and upon being put to a vote, passed by a unanimous vote of those members present.

Upon conclusion of the foregoing discussion, Chairman Garcia assumed the Chair and called the next item on today's agenda.

▪ **Meeting Schedule**

Chairman Garcia advised the first order of business was to schedule a calendar of meeting dates for future Charter Review Task Force (CRTF) meetings. He suggested that these meetings be scheduled every two weeks.

Assistant County Attorney Rosenthal noted the dates for community outreach meetings should be included in the proposed calendar as well.

Councilwoman Isis Garcia-Martinez suggested that two Task Force meetings be scheduled without a timeframe to allow the time necessary for its deliberations.

Mayor Greer and Mr. Arriola noted they concurred with Councilwoman Garcia-Martinez, and the following recommendations were offered by Mayor Greer:

1. that community outreach meetings be scheduled before the CRTF meetings to obtain the public input and feedback;
2. that the community outreach meetings be scheduled before the end of the school year and after FCAT;
3. that online meetings be set up for those individuals unable to physically attend the public meetings;
4. that Chairman Garcia ask the Task Force members the areas of interest to be studied;
5. that the Task Force be divided into subgroups to study those areas of interest;
6. that all outreach efforts be conducted first within the first two weeks of the review process and that online interactive feedback be established;
7. that the community be divided into regional areas;
8. that two of the Task Force meetings be scheduled without a timeframe to be able to complete the deliberation process;
9. that additional public meetings be scheduled after the deliberation process was completed if that was the will of the Task Force;

10. that the Chair allow 30 days after the review process was completed to obtain feedback and lobby; and
11. that Task Force members not be required to attend all meetings.

Representative Trujillo recommended that the County be divided into regional areas and that community outreach meetings be scheduled in each of those regions.

Ms. Kim noted a CRTF Website had been created with a dedicated email address, and this page was monitored by her staff.

Mr. Manrique suggested that the Website be translated into other languages to satisfy the needs of the various ethnic groups in the community.

Following a brief discussion regarding the need to have the Website translated into other languages, Task Force members agreed that the Website would be translated into the predominant languages spoken by the local residents.

Regarding the proposal to schedule community public hearings by regions, Task Force members agreed to divide the County into the following regions: northwest, northeast, southwest, and southeast, and to schedule community outreach meetings in each of those areas. Task Force members also agreed that an email address would be created for local residents who were unable to attend the community outreach meetings to post input and feedback.

Following a discussion regarding where the community outreach meetings would be held, it was moved by Mayor Greer that these meetings be scheduled at the South Dade Government Center; the Miami-Dade Community College Wolfson Campus as well as the North Campus and the Kendall Campus; and the Goodwill site in Hialeah or the Hialeah Senior High School Auditorium. This motion was seconded by Chairman Garcia, and upon being put to a vote, passed by a vote of 19-0.

Chairman Garcia asked Task Force members to grant him discretion to change the meeting locations based on availability, if necessary.

Members of the Task Force pointed out that areas within the northeast and Miami Beach were not included in the regions for community outreach meetings.

Mayor Greer suggested that all community outreach meetings be scheduled consecutively or staggered between May 7 and May 13, 2012, depending on the availability of the subject facilities.

Following a brief discussion regarding how the meetings would be scheduled, the Task Force Members agreed to the following:

1. that the length of meetings be limited to four hours;

2. that testimony/comments by speakers be limited to three minutes per speaker; and that any speaker needing to exceed the three minute limit be required to submit a request in writing; and
3. that all meetings begin at 5:30 p.m.

Mr. Bercow suggested staff be given authority to identify alternative facilities if those facilities identified by the Task Force were unavailable. He noted he would not support the recommendation that the meetings be staggered since all Task Force members had a duty to be present at those meetings. He expressed concern that smaller meetings would be ineffective.

Discussion ensued regarding the meeting dates and the availability of some Task Force members on certain dates due to conflicting business commitments.

In response to Mr. Arriola's request, Assistant County Attorney Rosenthal advised either he or members of the Administration would schedule the meeting dates, times, and locations; and the calendar would be provided to Task Force members.

Mayor Greer noted inviting experts and other knowledgeable community residents to provide expertise and provide historical information was part of the process, goals, and mission of the Task Force. She suggested these individuals be invited to appear before the Task Force an hour earlier than the general public.

Representative Trujillo noted he did not support Mayor Greer's two-tier approach to allow those individuals perceived as knowledgeable to make presentations before the general public.

Mr. Slesnick suggested those persons could be invited to attend the meeting and to make presentations, without being given preference to speak over the general public.

Following a brief discussion, regarding this matter, Professor Smith suggested these individuals be scheduled to appear before the Task Force at a time certain during discussion on the historical background of the Charter or at the beginning of the process.

In response to Mr. Murphy's question regarding whether the sender's personal information would be available in emails posted on the Website, Ms. Kim explained that the Website could be designed to capture personal information; however, it was currently designed to send and receive email only.

Areas of Study

▪ Other Discussion Items

Task Force members did not discuss this item.

OTHER

Professor H. T. Smith reiterated his position regarding the selection of the Chairman and asked that it be captured as part of the official record. On behalf of All Task Force members, he closed by commending Ms. Kim and her staff for coordinating today's meeting; and he noted Task Force members looked forward to working with the members of the Mayor's Office, Mr. Rosenthal, and other members of the County Attorney's Office. He said staff should expect to work really hard during this process.

ADJOURNMENT

There being no further business to come before the Miami-Dade Charter Review Task Force, the meeting was adjourned at 10:55 a.m.

Chairman Rene Garcia
Miami-Dade Charter Review Task Force

-----Original Message-----

From: Tamara Manheimer [mailto:tamara@dresnicklaw.com] **On Behalf Of** Pamela I. Perry

Sent: Wednesday, April 18, 2012 10:03 AM

To: Agrippa, Christopher (COC)

Subject: Charter Review Task Force

Dear Mr. Agrippa,

I am a member of the Charter Review Task Force that will be meeting tomorrow, but I am unable to attend. I understand that you may be able to distribute this e-mail to the Task Force members. If you would be kind enough to do so, I would greatly appreciate it.

First, I want to apologize that I will not be in attendance at tomorrow's Charter Review Task Force meeting. As I told Ms. Kim, I was told about the meeting last Friday and was unable to reschedule the mediation I am conducting tomorrow on such short notice.

I understand that the Task Force will be discussing future scheduling, and I would like to make two suggestions for the group's consideration. First, to maximize attendance of both members and the public, I think that evening meetings would be best. Although there are certainly exceptions, most people have work, school or other commitments during the day, and we probably have a better chance of maximizing public participation and member attendance by convening in the evening.

Second, if we do not pick a regular and specific date to meet (i.e., the second Tuesday evening of the month), members should receive proposed dates at least two weeks in advance by group e-mail (we would have to consult the county attorney to determine how to avoid violating the Sunshine Law when scheduling in this manner).

I thank you for considering the above, and look forward to working with you.

Pam

Transcribed by,

Jenny Consuegra

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**CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE PUBLIC HEARING MEETING
May 7, 2012**

The Charter Review Task Force (CRTF) convened on May 7, 2012, at 5:30 p.m. in the Miami Art Museum, 101 West Flagler Street, Miami, Florida. The following members were present: Vice Chairwoman Honorable Evelyn Langlieb Greer, and Task Force members Ms. Yolanda Aguilar, Representative John Patrick Julien, Mr. Carlos Manrique, Mr. Terry Murphy, Mr. Hans Ottinot, Mr. Lawrence Percival, Ms. Pamela Perry, Dr. Walter T. Richardson, Mr. Don Slesnick, Professor H.T. Smith, Representative Carlos Trujillo (Senator Rene Garcia, Mr. Joe Arriola, Mayor JC Bermudez, Mr. Armando J. Bucelo Jr., Esq., the Honorable Luis Gonzalez, and the Honorable Isis Garcia-Martinez were absent).

In addition to the Chairman and members of the Task Force, the following staff members were present: Assistant County Attorney Oren Rosenthal, Ms. Inson Kim, Director, Policy and Legislative Affairs, Mayor's Office; and Deputy Clerk Karen Harrison.

- **Welcome and Introduction**

Vice Chairwoman Greer called the meeting to order at 5:35 p.m., and welcomed members of the Task Force as well as all persons present. She explained that the purpose of this meeting was to invite the public to make recommendations for the Charter amendments.

Vice Chairwoman Greer opened the public hearing and called for persons wishing to be heard.

- **Public Hearing**

Ms. Esperanza Reynolds, 8465 Menteith Terrace, Miami Lakes, appeared before the Task Force. She read, into the record, her concerns regarding Section A of the Citizen's Bill of Rights, which indicates this government was created to protect the governed. She questioned why County Commissioners insisted on serving more than a two four-year term. Ms. Reynolds suggested that ballot questions involving proposed Charter amendments be written in a manner that the voters could easily comprehend. She also suggested that the membership of the Task Force include private citizens as well as professionals, and noted she was hopeful that final recommendations of this Task Force were clear, and worded in a way that was easily understandable to the voters. In conclusion, she said she believed that the voters were disenfranchised.

Hearing no other persons wishing to appear, Vice Chairwoman Greer asked Task Force members to consider a date(s) for the next CRTF meeting, noting the importance of scheduling this meeting as soon as possible.

Following comments by Ms. Kim regarding the most suitable date(s) for the next meeting, Vice Chairwoman Greer noted based on the consensus of Task Force members, the next CRTF meeting would be scheduled on Thursday, May 17, 2012 at 9:00 a.m.

Mr. Don Slesnick concurred with Mr. Lawrence Percival's recommendation that members of the Task Force should be prepared to stay longer at the upcoming meetings in order to accomplish more and to limit the number of meetings.

In response to Mr. Carlos Manrique's concerns regarding whether Task Force meetings were properly and/or sufficiently advertised, Ms. Kim explained that all meetings were advertised in The Miami Today Newspaper, on CBS Television Station, Channel 4, and were posted on the County's Website at miamidade.gov, which included an announcement of today's meeting in addition to media press releases.

Discussion ensued among the members of the Task Force regarding the feasibility of broadening the media outlets for future meetings and providing advertisements in Spanish and Creole to increase public participation and involvement in this process.

Ms. Kim assured the members of the Task Force that more effort would be made to reach out to the residents of this community.

Task Force members discussed the feasibility of scheduling meetings within the various communities to increase public participation and working with the mayors to post on their respective municipalities' Websites and in published newsletters.

Following further discussion, Mr. Don Slesnick noted he opposed scheduling a Task Force meeting on a Friday night.

It was moved by Mr. Slesnick that the May 11, 2012 CRTF meeting be rescheduled to Monday, May 14, 2012 at 5:30 p.m. This motion was seconded by Mr. H.T. Smith, and upon being put to a vote, passed unanimously by those members present.

Mr. Trujillo asked that the May 14, 2012 Task Force meeting be posted on Websites and published by individuals from the various media outlets present at today's meeting.

In response to Ms. Pamela Perry's question whether the Task Force had an online blog, Ms. Kim advised an email address was displayed on the front page of the CRTFs Webpage to receive feedback.

Mr. Ron Fulton, 539 NE 210 Terrace, appeared before the Task Force and expressed concern regarding the lack of follow-up on issues discussed at previous CRTF meetings.

Following further comments by Mr. Fulton, Vice Chairwoman Greer explained that the intent of today's meeting was to allow residents of the community to make recommendations for proposed Charter amendments or revisions, rather than to discuss specific issues.

Ms. Renita Holmes, a local resident, appeared before the Task Force and noted she was an experienced community activist who had worked on various community projects in an effort to educate people. She presented the following recommendations for consideration by Task Force members:

- That Task Force members work closer with community action agencies;
- that future Task Force meetings be scheduled later in the evening to accommodate people who work late and those with children;
- that Task Force meetings be scheduled at different locations;
- that the language in the Charter be worded clearly and at a level understandable to the common reader;
- that public speakers be allowed more time to speak during public hearings before the County Commission; and
- that Task Force members collaborate and involve members of the Community Relations Boards in the process.

Vice Chairwoman Greer noted Task Force would schedule public hearings throughout the County to solicit public input and feedback.

Ms. Holmes pointed out that the average citizen would not know how to make recommendations for Charter amendments. She suggested Task Force members find a way to target and involve individuals from various communities who could truly inform the process. She noted the membership of the Task Force should include individuals who understood the mindset of the common people in order to maximize participation and improve the governance and political structure.

Florida House Representative Carlos Lopez-Cantera appeared before the CRTF and noted he was speaking on behalf of him, as a resident of this community, and he would reserve his comments until later. He noted; however, that he did have some concerns regarding proposals to place proposed Charter amendments directly on the ballot such as County Commissioners' salaries, voting requirements, and other issues.

Vice Chairwoman Greer clarified that Task Force members were merely discussing these issues; and they would solicit public input in the form of memorandums, letters or written statements.

Representative Cantera suggested Task Force members should discuss questions as to whether the County's Sheriff and Tax Collector should be elected.

In response to Mr. Manrique's question regarding whether this information was on the Bill, Mr. Cantera noted it was not.

Mr. H.T. Smith noted that this was a matter relating to the constitution, and one of his concerns was how frequently these issues were placed on ballots.

Vice Chairwoman Greer asked that Representative Cantera provide a copy of the Bill for review by Task Force members. She also asked Mr. Cantera to submit a memorandum outlining his recommendations/suggestions for amendments to the Charter

In response to Mr. Hans Ottinot's comments regarding a recent case ruling by the Supreme Court, Assistant County Attorney Oren Rosenthal advised that the Miami-Dade County was

governed by the Home Rule Charter, and was excluded from analysis such as the Jacksonville case mentioned by Mr. Ottinot.

Ms Kathy Charles appeared before the Task Force and read the following recommendations and concerns into the record:

- **Section 1.07** - Remove the language...*”appointed person may succeed themselves unless otherwise prohibited by the Charter...”*
- **Section 1.08** – Add the following language: *“The commission may determine the Rules of its proceedings discipline its members for disorderly behavior, and with the concurrence of two-thirds, censure its members through a formal resolution of disapproval.”*
- **Section 3.01** – Add the following language to the heading: *“...and Mayor*
- **Section 6.05** – Remove language from first sentence: *...and only the Board...and...”*

Also, add the following language following the first paragraph: *“The electors of the County shall have the power to propose the creation of new municipalities in the unincorporated areas of the County by petition. The petition process shall be identical with that for an initiatory or referendary petition, except that:*

1. *The Clerk of the Circuit court shall approve the form of the petition.*
2. *The person or persons circulating the petition must obtain signatures of electors of the Commission District, concerned in numbers at least equal to four percent of the registered voters in the subject Commission district(s) on which the petition is of Election.*
3. *The signed petition shall be filed with canvassed and certified by the Clerk of Circuit Court.*
4. *The Board of County Commissioners must provide for a election not less than 90 nor more than 120 days after the certification of the petition.*
5. *The question of establishment of a municipality shall be placed on the ballot in a manner that will give the electors a clear choice for or against the creation of the municipality. The result shall be determined by a majority vote of the electors voting on the question.”*

Mr. Terry Murphy noted the Bill was a problem and the Ethics Commission was unable to enforce the law without looking at the probable cause. He also noted the penalty included removal from public office which was severe. He noted this was an excellent issue for this Task Force to address.

Vice Chairwoman Greer noted the need to seek advice from the County Attorney’s Office. She asked Mr. Murphy to take the lead in developing recommendations and proposed Charter language in this area.

Mr. Murphy noted he would welcome Ms. Charles’ assistance with any further recommendations.

Mr. Smith noted Task Force members should be reminded to consider individuals who could provide input and invite them to participate in this process.

Vice Chairwoman Greer concurred with Mr. Smith, and suggested Mr. Gene Sterns and Mr. Wilbur Bell be invited.

Vice Chairwoman Greer noted the need to increase communication. She asked that a draft of proposed Charter amendments be placed online also with the recommendations.

In response to Vice Chairwoman Greer's question regarding whether or not the question regarding term limit should be placed on the ballot, Assistant County Attorney Rosenthal advised the terms of office for County Commissioners were two-four years, excluding terms prior to this year. He also advised that the terms would have to be consecutive or the incumbent would have to come back after sitting out for a term. Assistant County Attorney Rosenthal noted that he would provide the appropriate language for review by Task Force members.

Mr. Lawrence Percival asked whether a proposal of an alternative language was appropriate.

Assistant County Attorney Rosenthal advised that having two different sets of languages on the ballot would complicate the process and it would be difficult to draft proposals as they would be based on those that received the most votes. He noted other recommendations could be discussed.

Mr. Percival questioned whether Task Force members could present an alternative language could be presented to public once reviewed by the County Attorneys, Mr. Rosenthal said this was possible; however, the language would have to meet the requirements of the Courts.

Following discussion among Task Force members, Mr. Robert Hyde, 444 NE 34th Street, appeared before the Task Force and emphasized the importance for Task Force members to improve communications with residents of the community in their language to increase participation.

Vice Chairwoman Greer noted she appreciated Mr. Hyde's comments, and reassured him that Task Force members were committed to improving communications with the community residents.

Ms. Kathy Charles appeared before Task Force members and recommended that individuals throughout the community be invited to submit ideas.

Mr. Amy Causwell, a County employee appeared before the members of the Task Force and noted that many people would be willing to make comments provided they were not made public.

Ms. Inson Kim noted, for the record, that these meetings were public record and the names and addresses of all participants must be included as part of the record.

Vice Chairwoman Greer suggested an email address be created that would not require participants to list their names and addresses, noting this Task Force could benefit from more ideas and recommendations.

Mr. Murphy noted he opposed the idea of receiving anonymous emails, and people should be willing to identify themselves so that everyone could be aware of the origin of specific recommendations.

Members of the Task Force pointed out that the value of recommendations would not be diluted by allowing the name(s) of individuals who submitted them to remain anonymous. They discussed concerns that County employees would not speak out because they would concerns about potential problems with superiors.

Following further discussion among Task Force members regarding these issues, Assistant County Rosenthal advised that the names and addresses of individual participants must be identified as part of the public record in accordance with the Public Records Laws, Section 119. He further advised Task Force members that the laws protected employees from being punished or reprimanded for their comments; however, each employee must use his/her individual discretion.

It was moved by Ms. Pamela Perry that the Task Force create an online blog that would allow anonymous comments. This motion was seconded by Mr. H.T. Smith, and upon being put to a vote, the vote passed 11-1, Mr. Terry Murphy voted No.

Ms. Renita Holmes reappeared before the Task Force and recommended that council members be prohibited from representing community boards due to potential Conflicts of Interests.

There being no further business to discuss, the Charter Review Task Force meeting was adjourned at 7:15 p.m.

2012 Charter Reform Task Force

Public Hearings

MAM

May 7, 2012 at 5:30pm

Name	Email	Telephone	Address
ESPERANZA "Hope" Reynolds	hope.reynolds@comcast.net	558-5870	8465 Newfield Trail Miami Lakes FL 33016
Samuel Wilson II	wilson@middle.cu	305-375-4732	
B ZARTE			
M. SABINA			
Katie Halloran	KTPearl@yahoo.com		6709 Biscayne Blvd
Robert Hyde	rosmus@jshdo.com	786-326-0351	PO Box 403544 N.B. Fl. 33140
Rosita Homs	homs@boulton.com	786/265-2409	Miami DO
Amy Causwell	amy2e@midstate.gov	305-375-1408	111 N.W. 1st Street 1014 Floor.
Kathy Charles			
Adolph Kachan			

**Miami-Dade County Charter Review Task Force
Public Hearing Meeting
Monday, May 7, 2012
Miami-Dade County Miami Art Museum
101 West Flagler Street
5:30 p.m.**

Agenda

- **Welcome and Introduction**
- **Public Hearing**
- **Adjournment**

Kathy Charles
May 7, 2012

12. Quarterly Budget Comparisons. The County Mayor shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

13. Adequate Audits. An annual audit of the County and each municipality shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. A summary of the results, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy.

14. Regional Offices. Regional offices of the County's administrative services shall be maintained at locations in the County for the convenience of the residents.

15. Financial Disclosure. The Commission shall by ordinance make provision for the filing under oath or affirmation by all County and municipal elective officials, candidates for County and municipal elective offices, such employees as may be designated by ordinance, and such other public officials, and outside consultants who receive funds from the County or municipalities, within the County and who may legally be included, of personal financial statements, copies of personal Federal income tax returns, or itemized source of income statements. Provision shall be made for preparing and keeping such reports current from time to time, and for public disclosure. The Commission shall also make provision for the filing annually under oath of a report by fulltime County and municipal employees of all outside employment and amounts received therefrom. The Mayor and any City Manager may require monthly reports from individual employees or groups of employees for good cause.

16. Representation of Public. The Commission shall endeavor to provide representation at all proceedings significantly affecting the County and its residents before State and Federal regulatory bodies.

17. Commission on Ethics and Public Trust. The County shall, by ordinance, establish an independent Commission on Ethics and Public Trust comprised of five members, not appointed by the County Commission, with the authority to review, interpret, render advisory opinions and enforce the county and municipal code of ethics ordinances, conflict of interest ordinances, lobbyist registration and reporting ordinances, ethical campaign practices ordinances, when enacted, and citizens' bill of rights.

Comment [k1]: 1996 Amend the Citizen Bill of Rights

(B). The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of Dade County. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the County. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C). **Remedies for Violations.** In any suit by a citizen alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the Court. Any public official or employee who is found by the Court to have willfully violated this Article shall forthwith forfeit his office or employment. In any complaint alleging a violation of this Article by a citizen filed with the Commission on Ethics and Public Trust and the subsequent finding by Ethics Commission that a person has violated this Article shall subject said person to an admonition or public reprimand and/or a fine(s) or appropriate restitution. Assessment of penalties and recovery of cost shall be governed by adopted County administrative orders and rules of procedure promulgated by the Ethics Commission.

(D). **Construction.** All provisions of this Article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Article shall be declared invalid, it shall not affect the validity of the remaining provisions.

SECTION 1.07. VACANCIES.

Any vacancy in the office of Mayor or the members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election; appointed person may succeed themselves unless otherwise prohibited by the Charter. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 45 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

SECTION 1.08. ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES.

The Mayor shall not be a member of the Commission. The Commission shall select the chairperson and vice-chairperson of the Commission. The Chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The Vice-Chairperson shall perform the duties of the chairperson in the absence or incapacity of the Chairperson. Any member may be selected by the Commission to preside over commission meetings in the event of the absence of the Chairperson and the Vice-Chairperson.

The Commission may determine the Rules of its proceedings, discipline its members for disorderly behavior, and, with the concurrence of two-thirds, censure its members through a formal resolution of disapproval.

The Commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the Commission may appoint its members or authorize the Chairperson to appoint committee members. Commission committees may conduct public hearings, as authorized by ordinance of the Commission. The Clerk of the Circuit Court or a deputy shall serve as clerk of the Commission. No action of the Commission shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.

SECTION 6.05. CREATION OF NEW MUNICIPALITIES.

The Board of County Commissioners ~~and only the Board~~ may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries.

The electors of the County shall have the power to propose the creation of new municipalities in the unincorporated areas of the county by petition. The petition process shall be identical with that for an initiatory or referendary petition, except that:

1. The Clerk of the Circuit Court shall approve the form of the petition.
2. The person or persons circulating the petition must obtain signatures of electors of the Commission district, concerned in numbers at least equal to four percent of the registered voters in the subject Commission district(s) on the day on which the petition is approved, according to the official records of the County Supervisor of Elections.
3. The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.
4. The Board of County Commissioners must provide for a election not less than 90 nor more than 120 days after the certification of the petition.
5. The question of establishment of a municipality shall be placed on the ballot in a manner that will give the electors a clear choice for or against the creation of the municipality. The result shall be determined by a majority vote of the electors voting on the question.

The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida. Notwithstanding any provision of this Charter to the contrary, with regard to any municipality created after September 1, 2000, the pre-agreed conditions between the County and the prospective municipality which are included in the municipal charter can only be changed if approved by an affirmative vote of two-thirds (2/3) of the members of the Board of County Commissioners then in office, prior to a vote of qualified municipal electors.

Comment [k2]: 2000 Election 14,509 to 13,263

Article - 3

Elections

SECTION 3.01. ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS AND MAYOR

A. The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections.

B. A candidate must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, beginning with the elections in 2004, the terms of office of the Mayor and County Commissioners shall commence on the second Tuesday next succeeding the date of the general election in November.

D. Notwithstanding any other provision of this Charter, effective with the term of Mayor scheduled to commence in October, 1996, no person shall be elected as Mayor for more than two consecutive four-year terms. Neither service as Mayor or County Commissioner prior to the terms scheduled to commence in October, 1996, nor service of a partial term subsequent to October, 1996, shall be considered in applying the term limitation provisions of this section.



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners

North Dade Regional Library
2455 NW 183 Street
Miami, Florida 33056

May 8 , 2012
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Christopher Agrippa, Division Chief
Clerk of the Board Division

Alicia Stephenson, Commission Reporter
(305) 375-1475



Charter Review Task Force
Public Hearing
May 8, 2012

The Charter Review Task Force (CRTF) convened on May 8, 2012, at 5:30 p.m. in North Dade Regional Library Auditorium, 2455 NW 183 Street, Miami, Florida. The following members were present: Chairman Rene Garcia, Mr. Terry Murphy, and Mr. Don Slesnick (Vice Chairwoman Evelyn Langlieb Greer, and Task Force members Ms. Yolanda Aguilar, Mr. Carlos Manrique, Mr. Lawrence Percival, Ms. Pamela Perry, Dr. Walter T. Richardson, Representative Carlos Trujillo were absent. Members John Patrick Julien, Hans Ottinot, and H.T. Smith arrived later).

- Welcome and Introduction

Chairman Rene Garcia called the public hearing to order at 5:39 PM.

At the request of Chairman Garcia, Task Force members formally introduced themselves.

Mr. Murphy introduced himself as Commissioner Barbara Jordan's appointee.

Chairman Garcia introduced himself Commissioner Esteban Bovo's appointee.

Mr. Slesnick introduced himself, noting he was appointed by Chairman Joe Martinez.

- Public Hearing

Chairman Garcia noted that the presentations by public speakers and all other comments would be recorded as a part of the official record, and the minutes and recordings would be available to those members not present today.

Chairman Garcia opened the public hearing and the following persons appeared:

1. Ms. Esperanza Reynolds, 8465 Menteith Terrace, Miami Lakes, appeared before the Task Force and noted she was not aware that time limits were not imposed on presentations before the Charter Review Task Force (CRTF) when she spoke at the public hearing last night (5/7). She noted she thought the speakers only had two minutes to speak and therefore, rehearsed and presented a speech that was limited to two minutes. Ms. Reynolds noted that she now understood she had ample time to speak.

Ms. Reynolds paraphrased the following preamble to the Miami-Dade County Home Rule Charter:

"We, the people of this County, in order to secure for ourselves the benefits and responsibilities of home rule, to create a metropolitan government to serve our present and future needs, and to endow our municipalities with the rights of self determination in their local affairs, do under God adopt this home rule Charter."

Ms. Reynolds noted the Charter also states that the government was created to protect the governed, not itself. She questioned why commissioners insisted on governing without term limits, since institutionalizing positions was questionable.

Ms. Reynolds asked why the Assistant County Attorney present at last night's (5/7) public hearing expressed himself in a manner that the average person could not understand. She said Assistant County Attorney Rosenthal was asked clearly last night whether language could be crafted that captures the expressed intent of the people accurately and concisely and placed on the ballot for approval by the voters. She said a recommendation was that the people, through the Charter Review Task Force, be ensured that going forth, the ballot reflected what they wanted. She suggested that Task Force members recommend that the ideas and expressed intent of the people be placed on the ballot in 2012, without any changes or interference by members of the County Commission.

Ms. Reynolds inquired why the wording of proposed charter amendments was confusing and written in a manner that forced the public to vote for something it did not want. She expressed concern that at County Commission meetings, commissioners always questioned the County Attorney and Assistant County Attorneys regarding how to defend themselves, when tax dollars were being used to pay the County Attorney's Office to protect the governed. Ms. Reynolds asked why this Task Force was composed of mostly legislators and/or attorneys, and did not include any representation from the common residents. She suggested that the Charter be amended to require that a group be created consisting of a random sampling of the population, to review performance and to assess the needs of the people on a quarterly basis when officials were required to present progress reports.

Ms. Reynolds indicated that members of the County Attorney's Office wrote ballot questions in such a way that commissioners got what they wanted. Ms. Reynolds indicated it was also agreed last night that a process should be created in which proposed Charter language would be sent to a select group of residents to test how it was perceived.

Ms. Reynolds questioned whether the governed was protected when 70% of the County's operating budget was spent on salaries and benefits. She noted that during a town hall meeting with Mayor Carlos Gimenez, it was suggested that students graduating from colleges and universities be hired as summer interns to infuse fresh ideas on governmental operations. She noted this would eliminate one quarter of the County's salary and benefits structure and educate the next generation about the functions of government, and prepare them to inspire meaningful change in the business community.

She asked if the governed is really protected when the government, in desperate need to collect revenue, identifies creative ways to fine, tax, and penalize the governed.

Ms. Reynolds asked why business owners received recurring penalties for violations 20 consecutive days, when they were helpless to comply with the County's requirements. Ms. Reynolds expressed appreciation that a recommendation made at

last night's public hearing to reschedule the CRTF public hearing scheduled for Friday May 11, 2012 to Monday, May 14, 2012, was taken to heart. She questioned why Town Hall meetings were scheduled near the Town of Miami Lakes on the same night as Council meetings. She said voters would have an opportunity to vote for or against all elected officials in November 2012, which may be the best reform. She said she believed a silent majority of the United States' population felt so disenfranchised that they were no longer participating in the electoral process.

2. Mr. Richard Mason, 3650 NW 181 Street, appeared before the Task Force and expressed concern that County employees failed to exhibit the honesty and the courtesy that were called for in the Citizens' Bill of Rights. He suggested that each employee be required to read and sign a copy of the Citizens' Bill of Rights when he/she was hired, and that the signed copy be placed in his/her personnel file.

Mr. Mason noted the Commission on Ethics and Public Trust was mentioned in the Citizens' Bill of Rights in the Charter. He expressed concern that when a resident appeared before this Ethics Commission to complain about how they were treated, that resident was told that he/she would have to go to court in order to address the issue. Mr. Mason noted the Independent Review Panel that existed several years ago was very helpful, and should be reinstated and incorporated in the Charter. He added that residents should be able to file complaints and identify problems for follow-up by the County Administration or the appropriate entity.

Mr. Mason noted that he participated in public hearings between 1999 and 2001 regarding a master plan for Haulover Beach Park. He said a \$4.5 million Safe Neighborhood Parks bond was sold to make improvements in the park, but he did not see any indication of how the money was used, and none of the projects in the master plan were completed. Mr. Mason said the designated clothing-optional naturist family beach at Haulover was classified as a tourist destination, and generated \$800 million in revenue for the County, and created over 10,000 local jobs; yet the Greater Miami Convention and Visitors Bureau had not spent any money promoting it. Mr. Mason expressed concern that the beach's parking lot brought in \$1.5 to \$1.7 million per year in parking revenue, yet his group was unsuccessful in its attempts to obtain an assessment regarding whether the lot could be expanded. He expressed concern that the beach's parking lot revenue went into the County's General Fund and as a result, no funds were available to provide amenities and improvements needed to continue supporting the large population at Haulover Beach Park. He suggested Task Force members recommend that a provision be incorporated in the Charter to address this issue.

Mr. Mason noted that the parking lot's revenues could be used to provide a needed police presence and adequate parking at Haulover Beach. He expressed concern that that an agreement was signed in June 2010, to allow a boat storage house to be placed in one of the park's parking lots, but no public hearing was held. He further expressed concern that the lot would be

too small to support the number of visitors at Haulover, the storage house would block the scenic view, and the destruction of a mangrove area was contemplated. Mr. Mason said no resolution bypassing Article 7 should be presented to the County Commission.

In response to Chairman Garcia's request for clarification regarding whether Mr. Mason was recommending that the Charter include a provision for park revenues to remain in park budgets, Mr. Mason noted he was recommending that parking revenue or a portion thereof, remain in the respective park budget.

In response to Mr. Mason's comments regarding bypassing Article 7, Mr. Murphy noted he had heard similar commentary in relation to a marina at Matheson Hammock Park. He agreed that language in Article 7 should be reviewed. He said it was his understanding that a boat storage house operation was a commercial activity; and that pursuant to Article 7, a commercial activity performed on County-owned land was subject to a referendum.

In response to Mr. Mason's comment regarding the Ethics Commission's response to complaints, Mr. Murphy noted the Ethics Commission would not find probable cause to proceed on a complaint involving a violation of the Citizens' Bill of Rights because the remedy provided in the Charter was to remove someone from office. He noted a suggestion was made at the previous public hearing (5/7) to include a provision in the Charter to allow the Ethics Commission to reprimand, fine, and take other punitive measures to remedy situations without requiring the complainant to go to the Third District Court to sue or remove an elected official from office.

At the request of Chairman Garcia, Task Force members who arrived after the beginning of tonight's public hearing stated their names and who appointed them to the Task Force.

State Representative John Patrick Julien, District 104, noted he was Commissioner Jean Monestime's appointee.

Mr. Hans Ottinot noted he was the City Attorney of the City of Sunny Isles Beach and was appointed by Shirley Gibson, Mayor, City of Miami Gardens.

Mr. H.T. Smith noted he was the County Commission's Vice Chairwoman Audrey Edmonson's appointee.

Mr. Mason noted although suing and removing elected officials from office may be viewed as severe measures, it may also be necessary to fire staff. He also noted he believed a portion of resort taxes should be dedicated to provide police patrol and lifeguards on the County's beaches.

3. Ms. Shirley Smith Mason, 3650 NW 181 Street, noted she represented the Beach Education Advocates for Culture, Health, Environment, and Safety (BEACHES). She expressed concern that the Parks Department told vendors for concession services how to bid for contracts; and that punitive measures were taken against those who spoke out against what they witnessed. She indicated that firing members of County staff as punishment might be the right thing to do. She expressed concern that the members of Parks Department manipulated the bidding process to get results that Department Directors and commissioners wanted, under the guise of correct protocol, which was not in the best interest of the public. She noted that to win the public confidence, the County Commission should reevaluate its operations by improving collaborations with vendors/contractors bidding on contracts as well as County staff.

She noted that when members of BEACHES pointed out flaws in the procurement process on behalf of a concessionaire, an Assistant County Attorney told them that he/she did not care whether the concessionaire made money, as long as the individual got his/her share.

In response to Mr. Murphy's inquiry regarding whether Ms. Mason had any thoughts on the Inspector General's (IG's) Office, Ms. Mason noted she believed the IG's Office should be independent and included in the Charter.

Mr. Julien noted the Charter was silent on the procurement process and that Section 5.01 of the Charter states that the County should have a finance department. He asked whether the Finance Department's procedures manual included a procurement process and whether Ms. Mason was familiar with it.

Ms. Mason noted she knew the procurement process, but she was trying to convey how County staff drew up Requests for Proposals to exclude all but one or two companies. She added that when these problems were mentioned to staff members, they did not send new information to all potential bidders, but only to a select few.

Chairman Garcia asked that a presentation regarding the procurement process be made at the public hearing scheduled on May 9th, since he did not understand how it worked and how the County Commissioners were involved.

Mr. Ottinot acknowledged former City of Miami Gardens Councilman Melvin Bratton, whom he noted was in the audience.

In response to Mr. Slesnick's question regarding whether a location for the public hearing to be held on Monday, May 14th could be confirmed, Ms. Inson Kim, Director of Policy and Legislative Affairs in the Mayor's Office, said she was reaching out to the City of Hialeah to confirm that the Wilde Community Center was available, and staff would like the public hearing to be held at that facility since it was advertised, even though the meeting date in the original advertisement would change.

Mr. Slesnick asked Ms. Kim to follow up on that the next morning (5/9).

In response to Mr. Murphy's question concerning whether the Task Force meeting scheduled for May 17, 2012 would begin at 9:00 a.m., and whether the time the meeting would end was advertised, Ms. Kim noted the meeting was advertised to begin at 9:00 a.m.; however, the time the meeting would end was not advertised.

Chairman Garcia noted it was better not to advertise the time the public hearing would end.

Mr. Slesnick requested that a brief report regarding the County's procurement process be presented at the Task Force's May 17th meeting.

Mr. Ottinot asked that a report regarding the annexation and incorporation process at the May 17th meeting.

In response to Mr. Slesnick's inquiry concerning whether the Independent Review Panel (IRP) still existed, Mr. Murphy noted he believed the IRP's Executive Director position was eliminated from the budget two years ago.

Mr. Slesnick asked Ms. Kim to submit to him documentation regarding what the former IRP used to do. He noted that Assistant County Attorney Oren Rosenthal informed him prior to today's meeting that he was working on technical revisions to the Charter that could be discussed at the May 17th Task Force meeting.

- Adjournment

Hearing no further business to come before the Task Force, Chairman Garcia adjourned the meeting at 6:17 PM.

**Miami-Dade County Charter Review Task Force
Public Hearing Meeting
Tuesday, May 8, 2012
North Dade Regional Library
2455 NW 183rd Street
5:30 p.m.**

Agenda

- **Welcome and Introduction**
- **Public Hearing**
- **Adjournment**

2012 Charter Reform Task Force Public Hearing Sign-In Sheet

North Dade Regional Library

May 8, 2012 at 5:30 pm

Name	Email	Telephone	Address
ESPERANZA "Hope" Reynolds	hope.reynolds1@comcast.net	305 558-5370	8465 Monticello Terrace Miami Lake
CHARLES SMITH	EXDIR BEPHES@AOL	305-620-7090	3650 NW 181 ST. MIA. GARDENS 33052
Richard Mason	Richard.Mo92@comcast.net	305/16207090	3650 NW 181 ST. MIA. GARDENS 33052
Belkis Asina Bosch	Belkis.Asing-Bosch@Aimed.org	305 375 2457	9248 COLLINS AVE #102 SURFSIDE FL 33154
Lynn Harkley	lynnh@fla.audubon.org	305 5694	
Ronald Fulton			
ROBERT HYDE	vosmus@yahoo.com	786-326-0351	MAINING POB 403545 M.B.F.I. 33140 444 NE 31ST #6 Miami, FL 33137
BRATTIN MELVIN		303.620.0820	19468 NW 28 PLACE

**MIAMI-DADE CHARTER REVIEW TASK FORCE
PUBLIC HEARING
CLERK'S SUMMARY AND OFFICIAL MINUTES OF MEETING
MAY 9, 2012**

The Miami-Dade Charter Review Task Force (the Task Force) convened the public hearing meeting at the Miami-Dade West Kendall Public Library Auditorium, 10201 Hammocks Boulevard, Miami, Florida, at 5:30 p.m. There being present Chairman Rene Garcia, Vice Chairwoman Evelyn Langlieb Greer, Mr. Armando Bucelo, Representative John Patrick Julien, Mr. Carlos Manrique, Mr. Terry Murphy, Mr. Lawrence Percival, and Mr. Donald Slesnick (Reverend Dr. Walter Richardson and Professor H. T. Smith were late). (Ms. Yolanda Aguilar, Mr. Joe Arriola, Mr. Jeffrey Bercow, Mayor Juan Carlos Bermudez, City of Hialeah Councilwoman Isis Garcia-Martinez and Councilman Luis Gonzalez, Ms. Pamela Perry, Mr. Hans Ottinot, and Representative Carlos Trujillo 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 Attorney Cynthia Johnson-Stacks, Ms. Inson Kim, Ms. Lorna Mejia, Mr. Jev Clayton, and Deputy Clerk Flora Real.

Chairman Rene Garcia called the meeting to order at approximately 5:41 p.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 and staff, Chairman Rene Garcia explained the charge of the Task Force.

Chairman Joe Martinez, Board of County Commissioners, thanked all Task Force members for their participation in this important charge, which was to review the County's Home Rule Charter adopted in May 21, 1957. He noted the recommendations of this Task Force would have a constitutional impact, and urged its members to approach this responsibility comprehensively and bring forth conscientious, well-thought out recommendations.

Chairman of the Board Martinez commented on all of the infrastructure improvements made to the West Kendall area. He noted this would be his last term as a member of the County Commission.

Upon conclusion of the introductory remarks, Chairman Garcia proceeded to consider the public input.

PUBLIC HEARING

Chairman Garcia opened the public hearing to have the public provide input and make suggestions.

Mr. Juan Zapata, 10610 S.W. 158 Court, No.105, Miami, Florida appeared before the Task Force and presented the following recommendations for their consideration:

- that the Jackson Memorial Hospital (JMH) be operated as an independent, not-for-profit entity with a contractual agreement with the County;
- that the JMH continue to provide services to the County as a public hospital;
- that the West Kendall area be considered for incorporation;
- that the tax revenues generated by the Unincorporated Municipal Service Area (UMSA) be invested in that area;
- that the County Commission focus on regional governments and its services;
- that the structural organization of the County Commission continue to have 13 single district members in order to maintain diversity; and
- that the impact of creating Countywide elected seats be reviewed in terms of what would be the incentives for individuals to run for a Countywide seat as opposed to a different office as well as an analysis of the impact of such a seat on the governance of the County and how it would function.

Mr. McHenry Hamilton, 7860 S.W. 86 Street, Miami, Florida, appeared before the Task Force members and presented the following recommendations for their consideration:

- that term limits be imposed for a maximum of eight years;
- that County Commissioners' salaries be increased to a reasonable salary in the range of \$60,000;
- that the UMSA area be recognized and treated as a separate financial entity from the County; and
- that the County be restricted from spending UMSA generated tax revenues for any purpose other service the UMSA areas.

Mr. Lawrence Percival noted he would like to have UMSA abolished to allow the incorporation of all unincorporated areas in Miami-Dade County and change County government to regional governments.

Mr. Donald Slesnick noted members agreed, at the first Task Force meeting, that the intent of the community public hearings was to gather input and recommendations from the public; and that the members of the Task Force would not act or take an official position at these hearings.

In response to Mr. Carlos Manrique's inquiry regarding the salary compensation level for County Commissioners, Assistant County Attorney Cynthia Johnson-Stacks clarified that the members of the Task Force could prepare a proposal to establish the salary level to other than the provisions of the State of Florida Statutes.

Ms. Alice Pena, 14390 S.W. 199 Avenue, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the terms of office for County Commissioners be limited to two four-year terms;
- that the County Commissioners' salaries be increased;

- that steps be taken to restore voter confidence;
- that the size of County government be reduced;
- that the operational costs of County government be reduced; and
- that efforts be made to reduce bureaucracy.

Mr. Miles Moss, 12900 S.W. 84 Street, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the salary compensation level of County Commissioners be increased to a level attractive enough to encourage the average citizen to run for office; and that it be increased incrementally annually, based on a formula that would gradually reach a level comparable to the State of Florida's statutory formula;
- that County Commissioners' salaries be retroactively tied to the two four-year term limits;
- that County Commissioners be prohibited from holding outside employment once their salaries reached the state's statutory level, with an expressed intent to increase the diversity of the pool of candidates running for office;
- that the incorporation process be simplified;
- that citizens petitioning an incorporation be allowed to work with members of the County Administration on budgetary issues and to place questions directly on the ballot; and
- that the Countywide elected seats on the County Commission be reinstated.

In response to Dr. Richardson's inquiry regarding Countywide elected seats, Mr. Moss noted Task Force members should determine the appropriate number of Countywide and single member district seats.

In response to Chairman Garcia's inquiry on County Commissioners' salaries, Mr. Moss advised that the Kendall Federation of Homeowner Associations would submit a recommendation identifying the proposed formula to increase the salaries after their meeting tomorrow (5/10).

In response to Representative Julien's question regarding the proposal to tie County Commissioners' salaries to term limits retroactively, Mr. Moss advised that the compensation would be tied to term limits if that question was approved by the electorate.

Following further discussion regarding proposals to increase County Commissioners' salaries and the County Commission's structure, Mr. Moss pointed out that the Federal Court's ruling on single member districts prohibited the composition of the County Commission from comprising only Countywide elected seats.

Discussion ensued among Task Force members regarding the proposal to prohibit County Commissioners from outside employment and the appropriate number of Countywide elected seats.

Mr. Lenny Feldman, 20630 N.E. 22 Place, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the incorporation process be streamlined;
- that the signature requirement for citizens' initiatives be reduced to 10 percent of the registered voters;
- that the annexation option of incorporation be reviewed with emphasis on crafting appropriate language to address conflicting language;
- that the financial burden created by the conflicting language between Section 6.07 of the Charter, entitled Franchise of Utilities Taxes, which states that revenues realized from franchise and utility taxes imposed by municipalities shall belong to the municipalities, and the language contained in Miami-Dade Municipal Code, specifically Sections 20-8.1 and 20-8.2, which states that any changes in the boundaries of municipalities involving the annexation of unincorporated areas shall be affected only upon the condition and with the reservation that the County shall forever continue to collect and receive all utility tax revenues as well as franchise and electric franchise revenues within such annexed areas; and
- that citizens wishing to become a regional government be allowed to determine whether incorporation or annexation was the best option for their area.

Mr. Feldman offered to assist and provide guidance in the review of the annexation option of incorporations.

Chairman Garcia asked Mr. Feldman to submit his recommendations to the Task Force, in writing, to ensure that copies were provided for review by members during the deliberations.

Mr. Percival announced the Task Force would schedule additional public hearings upon the conclusion of the deliberations to present proposed Charter recommendations and revisions. He noted the public could remain informed on the status of this process via the Charter Review web page dedicated for this purpose, and noted members of the public were invited to attend the Task Force meetings and voice their comments/concerns.

Mr. Slesnick noted Task Force members agreed to schedule only one final public hearing at the end of the deliberations.

Ms. Kathy Charles, 1547 S.W. 152 Court, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the timeframe to collect signatures for citizens' initiatives be extended to 120 days from the successful circulation of the petition;
- that the positions of Public Safety Director, Supervisor of Elections, and Tax Collector remain appointed positions;
- that the questions of County Commissioners' salaries and the prohibition of outside employment be grouped as one question;
- that the terms of office be limited to two consecutive four-year terms to include an additional one, four-year term served prior to November 2012;

- that the organization of the County Commission remain as is;
- that the Charter Review Task Force be allowed to place proposed Charter amendments or revisions approved by a majority vote directly on the ballot; and
- that an independent task force be appointed to prepare a Countywide incorporation plan.

Pursuant to hypothetical questions made by several Task Force members, Ms. Charles clarified the intent of her recommendation on term limits and salaries.

Mr. Andrew Nierenberg, 13725 S.W. 104 Court, Miami, Florida, appeared before the Task Force on behalf of the Village of the Falls Steering Committee, and presented the following recommendations for their consideration:

- that the County Commissioners' salaries be increased above \$94,000 as previously proposed;
- that no prohibition be placed on outside employment;
- that the statutory salary compensation of County Commissioners be enforced;
- that the ethics provisions of the Charter be strengthened to expand the subpoena powers, establish sanctions, and incriminate violators to ensure the citizenry that County Commissioners would not benefit from illicit means;
- that the ballot questions on salary compensation and term limits be separated;
- that a process be established to require County Commissioners to report all personal benefits received to set forth transparency to the citizenry;
- that the amount of funds County Commissioners could actually control while asking for an increase in salary compensation be restricted;
- that incumbent County Commissioners be allowed to serve another full term from the effective date term limits were established if passed;
- that the 25 percent signature requirement for citizens' initiatives be lowered to 10 percent of the electorate;
- that the process of soliciting and collecting petitions for incorporations be reviewed to develop and establish a fair and democratic process to allow community groups to come before the voters without the process being thwarted by the Board; and
- that the Task Force should have the authority and ability to place directly on the ballot those initiatives approved by either majority or super majority vote.

Mr. Nierenberg advised that he was the Co-Chair of Village of the Falls Steering Committee and the Budget and Finance Chair of Village of the Falls Steering Committee. He also noted he had been an appointee of former Commissioner Katy Sorenson to FRAC.

Discussion ensued regarding the incorporation process of the Falls area.

Mr. Nierenberg advised that his group stood ready to meet with staff members of the Office of Budget and Management and the Finance Department to discuss incorporation related issues to develop a fair, democratic, and equitable process.

Dr. Richardson clarified that the Task Force had the authority to place directly on the ballot proposed amendments approved by two-thirds majority vote.

Discussion ensued regarding the language contained in the resolution creating the Task Force relating to whether the County Commission was obligated to place on the ballot proposed amendments approved by two-thirds majority vote.

Pursuant to Mr. Smith's question, Mr. Nierenberg clarified he was representing the Village of the Falls Steering Committee; but he was also a member of Let's Incorporate Now Coalition (LINC).

Mr. Smith asked that Mr. Nierenberg submit his proposed recommendations in writing for the Task Force's consideration.

Following a discussion regarding the process of incorporation and the politics involving that process, Ms. Greer advised that she intended to introduce a proposal addressing the Board's resistance to petitions whereby the process would follow the rules of budget analysis; and upon completion of the process, the incorporation question would be placed directly on the ballot for the electorate to vote.

Discussion ensued regarding the intricate process of incorporation and the development of language addressing the placement of incorporation related questions directly on the ballot for the electorate to vote.

Mr. Nierenberg advised that the Village of the Falls Steering Committee intended to submit for the Task Force's consideration specific proposed recommendations on a point by point basis. He noted those recommendations had already been submitted to Mayor Gimenez and various county commissioners.

Discussion ensued regarding the rationale for empowering the citizenry with the right to incorporate and the power for self-determination.

Ms. Anne Cates, 13939 N.W. 1 Avenue, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the salary compensation level of County Commissioners be increased as provided by the State of Florida formula;
- that two four-year term limits be proposed;
- that incumbent County Commissioners be limited to run for office for one four-year term;
- that the electorate be empowered to determine whether to incorporate or annex;
- that the number of religious organizations allowed within one regional area in the County be limited; and
- that the subpoena powers granted to the Property Appraiser be reviewed.

Mr. Kenneth Bluh, 7745 S.W. 86 Street, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the electorate be empowered to incorporate;

- that the County Commission be required to focus on important county related issues affecting the community such as deepening of a canal, aging sewer system, mass transit, and marketing our community;
- that the salary compensation level of County Commissioners be increased as provided by the State of Florida formula if serving on a full-time basis; and
- that the prohibition of no outside employment for County Commissioners be proposed.

Mr. Anthony Garcia, 14810 S.W. 63 Street, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that salary compensation level of County Commissioners not be increased inasmuch as any public office should be a position of service; and
- that no Charter amendments be proposed.

Ms. Holly White, 9300 S.W. 80 Avenue, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the citizens be empowered to make more decisions at the local level; and
- that the Task Force should publicize more its charge and schedule of public hearings to promote public attendance and comment.

Chairman Garcia asked that Ms. White help in this effort by publicizing in newsletters or any other type of publication the dates of the public hearings.

In response to Ms. White's recommendation that high school students be required to attend a County Commission meeting as a field trip and as part of their education, Ms. Greer advised that the Miami-Dade School Board had eliminated from its budget all types of field trips due to budgetary constraints.

Ms. White recommended high school students be required to attend a County Commission meeting as one of the requirements to fulfill the required community service hours.

Mr. Smith asked that any suggestions to promote voters' participation be submitted.

Mr. Tom Hutton, 11025 S.W. 119 Street, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the 25 percent signature requirement for citizens' initiatives be lowered; and
- that the electorate be empowered to initiate citizens' petitions of any sort.

Ms. Bonnie Hutton, 11025 S.W. 119 Street, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the Charter include language stating that incorporation or annexation petitions had precedence over any other process of the Board.

Ms. Greer noted the Charter provided the Board the authority to initiate and place on the ballot the question of whether an area should be incorporated without any consent or participation of the voters in the affected area.

Ms. Bev Gerald, 14271 S.W. 74 Court, 11025 S.W. 119 Street, Miami, Florida, appeared before the Task Force and presented the following recommendations for their consideration:

- that the citizens' initiative process for incorporation be reviewed;
- that the 25 percent signature requirement for citizens' initiatives be lowered to 10 percent; and
- that the electorate be empowered with self-determination.

In a closing statement, Mr. Smith noted the Task Force was holding the public hearings to learn from the public prior to engaging in deliberations.

Chairman Garcia asked that a copy of all suggestions and proposals be submitted to the County Attorney's Office and County Administration in order to have that information available at the next meeting.

Mr. Slesnick asked that County staff include in the agenda folder for the next meeting a copy of the Miami Herald editorials he intended to submit to staff.

Mr. Manrique asked that proposed recommendations be sent electronically to the members of the Task Force through the Charter Review Task Force web page and that the Charter article or Florida Statute associated with the recommendation be referenced.

Ms. Greer suggested that a dialogue with the County Attorney's Office could be initiated in terms of the language for proposed amendments.

Chairman Garcia announced the next Task Force public hearing was scheduled for May 10, 2012, at the South Dade Regional Library at 5:30 p.m.

ADJOURNMENT

There being no other speakers to come before the Charter Review Task Force, the public hearing was adjourned at 7:30 p.m.

Chairman Rene Garcia
Miami-Dade Charter Review Task Force

MIAMI-DADE CHARTER REVIEW TASK FORCE
MEETING DATE OF MAY 9, 2012

	TASK FORCE MEMBERS	Present	Late	Absent
1	Ms. Yolanda Aguilar			X
2	Mr. Joe Arriola			X
3	Mr. Jeffrey Berchow			X
4	Mayor Juan Carlos Bermudez			X
5	Mr. Armando Bucelo	5:40 PM		
6	Senator Rene Garcia	5:40 PM		
7	Councilwoman Isis Garcia-Martinez			X
8	Councilman Luis Gonzalez			X
9	Ms. Evelyn Greer	5:40 PM		
10	Representative John Patrick Julien	5:40 PM		
11	Mr. Carlos Manrique	5:40 PM		
12	Mr. Terry Murphy	5:40 PM		
13	Mr. Hans Ottinot			X
14	Mr. Lawrence Percival	5:40 PM		
15	Ms. Pamela Perry			X
16	Reverend Dr. Walter Richardson		5:50 PM	
17	Mr. Donald Slesnick	5:40 PM		
18	Professor H. T. Smith		6:10 PM	
19	Representative Carlos Trujillo			X
20				
	Staff Members:			
	<i>ACA Cynthia Johnson-Stacks</i>			
	<i>Ms. Inson Kim (Mayor's Office)</i>			
	<i>Ms. Lorna Mejia (Mayor's Office)</i>			
	<i>Mr. Jeve Clayton (Mayor's Office)</i>			
	<i>Deputy Clerk Flora Real</i>			

Eleven (11) members constitutes a quorum

**Miami-Dade County Charter Review Task Force
Public Hearing Meeting
Wednesday, May 9, 2012
West Kendall Regional Library
10201 Hammocks Boulevard
5:30 p.m.**

Agenda

- **Welcome and Introduction**
- **Public Hearing**
- **Adjournment**

EXHIBIT

CHARTER REVIEW TASK
FORCE PUBLIC HEARINGS
MAY 9, 2012

Miami-Dade County
Home Rule Charter

Preamble

We, the people of this County, in order to secure for ourselves the benefits and responsibilities of home rule, to create a metropolitan government to serve our present and future needs, and to endow our municipalities with the rights of self determination in their local affairs, do under God adopt this home rule Charter.

October 31, 2007 Final Recommendations

In its October 31, 2007 Initial Report, the Task Force made the recommendations listed below. Resulting Action listed in bold and input provided in italics after each item:

1. The **Public Safety Director** should remain an appointed position. However, the Task Force recommended that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that: the **Public Safety Director** (i.e. Sheriff, Police Chief) shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Public Safety Director could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)

No Action taken by BCC. *Recommend consider supporting in 2012 Recommendations.*

2. The **Supervisor of Elections** should remain an appointed position. However, the Task Force recommended that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that: the **Supervisor of Elections** shall be appointed by the Mayor for a period of four (4) years, at the expiration of each term subject to re-appointment; that the appointment can be vetoed by a super majority (two-thirds) vote of the County Commission; that the Supervisor of Elections could be removed by the Mayor subject to the consent of a simple majority vote of the County Commission; or by the County Commission subject to a super majority (two-thirds) vote. Once appointed, that person shall carry out the functions of the office independent of the Mayor and County Commission except for funding and budgeting matters. (Motion passed: 10-5)

No Action taken by BCC. *Recommend consider supporting in 2012 Recommendations.*

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

Approved by Electors in Charter Ballot Question – Elected Property Appraiser in place.

4. The Task Force recommends that the electors of Miami-Dade County be asked whether they wish to amend the Home Rule Charter to provide that County Commissioners shall receive a population based salary provided by Florida's Statutory formula (approximately \$91,995); Commissioner's terms in office shall be limited to two, four-year terms; and Commissioners shall be prohibited from having outside employment. (Motion passed: 14-0)

Placed on Ballot twice since recommendation in various forms as single question but multi-parts. The ballot items failed in various ballot language adaptations.

Recommend one Charter question on prohibition on outside employment and salary based on Florida Statutory formula. Possibly add increase prohibition time on Lobbying. (Compensation Issue)

Term limit as separate question framed to allow two consecutive, four year term including one-four year term served prior to November 2012. (Issues of service/ effect of incumbency)

5. The **Tax Collector** remain as an appointed position. (Motion passed unanimously: 14-0)
No Action Taken. *Agree the function not exercising discretionary policy making.*

6. The manner in which the Board of County Commissioners is currently comprised shall remain as is, with 13 single-member Commission Districts. (Motion passed: 14-1)

No Action Taken. *Agree that current Commission composition is appropriately structured*

January 29, 2008 Final Recommendations

The Task Force continued its work, and on January 17, 2008 adopted additional **final** recommendations listed below. Resulting Action listed in bold and input provided in italics after each item:

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

No Action taken by BCC. *Recommend consider strongly supporting in 2012 Recommendations. The County Commission appoint an independent Task Force to prepare and submit a comprehensive plan in 2013 for countywide incorporation, accomplished through annexation and/or incorporation, subject to amendments or changes by two-thirds vote of the County Commission, and that such plan be placed on the ballot for all citizens to vote on at a general election in 2014. This is in addition to allowing creation of municipalities by petition process.*

Ballot question on Nov 6th 2012 on support for countywide incorporation through establishment independent Taskforce to develop plan to place all unincorporated area within a city, amended by a supermajority of the Commission an place on general election ballot of 2014. Commissioner Monestime proposed and subsequently withdrew sponsorship of Resolution calling of ballot question.

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

No Action. *Not sure if needed. Commissioners are responsible as elected Officials for deliberating thoughtfully on the items.*

9. The electors of Miami-Dade County be asked whether the Home Rule Charter should be amended to provide that the time period to collect signatures for proposed Charter amendments and citizens' initiatives be extended to 120 days and that proposed Charter amendments must only be placed on the ballot during a general election. (Motion passed: 14-0)

Approved on Jan. 2012 Ballot.

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2012 Charter Reform Task Force Public Hearing Sign-In Sheet

West Kendall Regional Library

May 9, 2012 at 5:30 pm

Name	Email	Telephone	Address
STEVE REDLICH	steve.redlich@att.net	305 968-5772	8500 SW 119TH ST, MIAMI 33156
Holly White	hdybw@bellsouth.net		9300 SW 86 AVE
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FRANK WEISS	frank@ultrafire.com	305 496 7322	10925 SW 119 ST MIA 33176
MILES MOSS	MilesMoss@gmail.com	305 386 1212	12900 SW 84 ST 33182
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BONNIE HUTTON	B.HUTTON@BELLSEVENTH.NET	305 251-8733	" " " "
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Lenny Feldman	feldman@strade.com	305-458-6464	20630 NE 22 PL Miami, 33170

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Name		Email	Telephone	Address
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Thais Asper		thaisasper@gmail.com		MIA
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Van C. Zapata		jczapata@co.com		10610 SW 158 CT #105 33196



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Charter Review Task Force

Board of County Commissioners

South Dade Regional Library
2nd Floor Auditorium
10750 SW 211 Street
Miami, Florida

Thursday, May 10, 2012
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Christopher Agrippa, Division Chief
Clerk of the Board Division

Scott Rappleye, Commission Reporter
(305) 375-5108



**CLERK'S SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE PUBLIC HEARING
May 10, 2012**

The Charter Review Task Force convened in a meeting on May 10, 2012, at 5:30 p.m. in the 2nd Floor Auditorium of the Miami-Dade County South Dade Regional Library, 10750 SW 211 Street, Miami, Florida. The following members were present: Chairman Rene Garcia, Vice-Chairwoman Evelyn Greer, and members Ms. Yolanda Aguilar, Mr. Carlos Manrique, Mr. Terry Murphy, Ms. Pamela Perry, Mr. Walter Richardson, and Mr. H.T. Smith.

- Welcome and Introduction

Chairman Rene Garcia called the meeting to order at 5:42 p.m.

Chairman Garcia explained that the purpose of this meeting was to provide the public access to Task Force members and to allow individuals to voice their comments/concerns regarding amendments to the Home Rule Charter. He noted the Task Force would start deliberating on proposed recommendations and revisions to the Charter May 17, 2012.

Following Chairman Garcia's comments, the Task Force members in attendance formally introduced themselves.

- Public Hearing

Chairman Garcia opened the public hearing.

Ms. Melissa Llahues, 200 S Biscayne Boulevard, Latin Builders Association, noted the previous Charter Review Task Force recommended to the County Commission that any application requesting to move the Urban Development Boundary (UDB) require approval by a three-fourth majority vote of the County Commission or 10 affirmative votes, as opposed to a two-third majority or nine affirmative votes; that an independent body be constituted every five years to conduct studies to show exactly where the UDB should be, and that any recommended changes by the independent body be approved by a majority of the County Commission and subsequently by the voters. She pointed out that the Community Planning Act implemented by the Florida Legislature prohibited all referendums on comprehensive plan amendments, which prevented this recommendation from being placed on the ballot in 2012.

Ms. Llahues requested that the 2012 Charter Review Task Force not make any recommendations to change the process for moving the UDB. She noted the existing process worked as evident by the fact that the UDB was moved only five times in the last 20 years. She clarified that these five changes impacted 1,900 acres, and that only one application was approved to allow a residential use. Ms. Llahues noted that the UDB line was not immovable, and that the Comprehensive Development Master Plan (CDMP)

clearly states the factors that should be considered before approving an application to move the UDB.

Discussion ensued between Mr. Murphy and Ms. Llahues regarding specific applications to change the UDB line.

Ms. Greer noted the Community Planning Act had not been tested in the courts, and that the Act could violate the County's right to control its own Zoning process through the Home Rule Charter. She pointed out the UDB applications that were not approved generated a significant amount of public opposition.

Ms. Llahues noted the reason UDB applications were not approved was not always a result of public outcry, noting some applications were approved by the County Commission, and subsequently denied by the Department of Community Affairs.

Ms. Greer noted the County Commission should listen to public opinion and not move the UDB.

Mr. Murphy noted he would research whether County staff filed an application to move the UDB in a manner that would result in hundreds of acres of land to go from inside to outside the UDB.

Mr. Richardson requested Ms. Llahues advise the Task Force regarding the Latin Builders Association's position on term limits and a salary increases for commissioners.

Ms. Llahues noted the Latin Builders Association did not support term limits due to the potential to deplete the institutional knowledge among commissioners. She noted; however, that members of the Latin Builders Association had not discussed the salary for commissioners.

Mr. Jeff Bercow, 200 S Biscayne Boulevard, pointed out that Yankee Town, Florida had filed litigation to challenge the Community Planning Act.

Mr. Bercow noted the fact that the UDB applications that generate heavy opposition were not approved supported Ms. Llahues' argument that Task Force should not recommend any changes to the UDB process. He noted the existing process worked, and noted he agreed with Ms. Llahues that this Task Force should not recommend any changes to the current UDB rules. He explained that the UDB process was effective for the following reasons:

1. The County accepted applications to move the UDB once every two years;
2. the County required substantial fees to file an application to move the UDB;
3. the County Commission had to approve an application to expand the UDB by two-third majority vote;

4. the CDMP had stringent policies to allow periodic expansion of the UDB, particularly Policy LUAF;

Mr. Bercow expressed concern that adding more language to the Charter regarding the UDB would further politicize it and detract from its intended use, which was a land use planning tool.

Ms. Perry questioned whether the courts could rule against the County Commission if the Commission approved an application to expand the UDB that did not meet the established criteria.

Mr. Bercow noted the State of Florida Department of Community Affairs (DCA) overruled an application approved by the County Commission for failure to demonstrate that commercial land did not exist in that area. He explained that following the DCA decision, the application went to an Administrative Hearing Officer, as well as the Governor's cabinet and ultimately, the State of Florida First District Court of Appeals.

Chairman Garcia questioned who set up the current UDB process.

Mr. Bercow explained the UDB was part of the CDMP as well as the County Code of Miami-Dade, as established by the County Commission.

Ms. Greer expressed concern that the County Commission had the authority to change the UDB process with an ordinance, and that the DCA no longer existed. She pointed out that many residents did not have confidence that the County Commission would not change the UDB process.

Mr. Bercow pointed out that, pursuant to the DCA being dissolved, a State of Florida land planning agency had regulatory oversight of the CDMP process Statewide, and that would review all decisions made by local governments.

Ms. Greer noted the Task Force would have to discuss ways to improve public confidence that the County Commission would change the UDB process.

In response to Mr. Manrique's question why he opposed having an independent body review the UDB every five years, Mr. Bercow noted he did not think it was necessary. He also noted this independent body would be subject to the same lobbying and political pressures as the County Commission.

Mr. Manrique asked Mr. Bercow why he believed having an independent body to review the Charter every five years would cause concern.

Mr. Bercow noted the current process required the County's planning staff to conduct such a review every seven years. He pointed out that a most recent study concluded the land supply in the County would be depleted by 2021.

Mr. Smith requested Mr. Bercow and Ms. Llahues provide the Task Force members with an argument to support the existence of another entity, besides the County Commission, to provide oversight on UDB expansion.

Chairman Garcia explained he understood the argument to be that the UDB process had worked without being part of the Charter. He clarified that some government processes do work and not every issue could be deliberated by the Task Force.

Mr. Smith stressed the importance of the UDB on quality of life in the County.

Chairman Garcia suggested the Task Force identify residents who supported changes to the UDB process and hear their arguments.

Mr. Murphy pointed out the requirement for approval by a 2/3 majority of the County Commission halted expansion of the UDB for residential projects.

Ms. Perry clarified the requirement for approval by a two-third majority was part of the Code and could be amended to revert back to requiring a simple majority.

Mr. Bercow noted polls indicated that 70 percent of County residents opposed moving the UDB. He explained that the issues of disenfranchisement were the most concerning to County residents at this time.

Mr. Wilbur Bell, 18271 SW 109 Avenue, Vice-Chair, Community Council 14, noted Community Council 14 had approved several applications to expand the UDB. He explained the UDB was not a current issue. Mr. Bell explained he wanted the Perrine area west of highway US 1 to be incorporated.

Mr. Richardson asked Mr. Bell what changes could be made to the Charter to ensure that groups seeking to incorporate could do so.

Chairman Garcia pointed out the speakers at the May 9th public hearing expressed concern that the County Commission could impede incorporation.

In response to Mr. Richardson's inquiry regarding proposals to impose term limits and increase commissioners' salaries, Mr. Bell noted he supported two, four-year term limits, and he believed the proposal to increase commissioners' salaries should be determined by the voters.

Ms. Greer pointed out the County Commission prevented the area of Perrine and Richmond Heights from incorporating, and that this area would benefit by removing the existing language in the Charter delegating power to the County Commission to stop the incorporation and annexation processes.

Mr. Kent Forbes, 25121 SW 120 Place, spoke in support of the incorporation Countywide. He explained that natural boundaries should be used to set boundaries for areas that annex or incorporate. He expressed concern that the unincorporated areas were underserved and opportunities to secure state and federal grant funding was limited.

Mr. Smith urged Mr. Bell and Mr. Forbes to identify specific hurdles preventing incorporation and to prepare Charter recommendations or revision for review by Task Force members.

Mr. Forbes noted the only hurdle his community faced was the moratorium on incorporations put in place by the County Commission.

Mr. Ramon Ramos, 9897 SW 4th Street, appeared before the Task Force and noted he supported the proposal to limit the terms of office to two full terms. He explained that a commissioner could serve more than eight years if he or she replaced a commissioner between elections. He noted this limit should apply retroactively to incumbent commissioners. He noted he also supported Countywide incorporation, the proposal to increase commissioners' salary consistent with the State formula and that outside employment be prohibited.

In response to Ms. Perry's inquiry regarding the potential to lose institutional knowledge as a result of term limits, Mr. Ramos noted he did not feel institutional knowledge was critical.

Ms. Aguilar noted the learning curve was several years, particularly considering the complex issues facing the County. She explained she was not convinced that eight years was the best limit.

Chairman Garcia noted losing institutional knowledge was inevitable with new commissioners; however, new commissioners would be more likely to ask questions that incumbent commissioners did not ask.

Mr. Ramos noted he thought the positives of term limits outweighed the negatives.

Mr. Murphy expressed concern that commissioners would be less accountable to the public in their final term.

Mr. Manrique pointed out the County Commission had already approved placing a question on the ballot asking voters whether commissioners' terms of office should be limited to two, four-year terms. He noted the institutional knowledge would remain with staff in the case of term limits, and staff would take over. He explained that in order to impose term limits successfully, they must be imposed in a way that institutional knowledge resided on the County Commission, and not only County staff.

Mr. Ramos noted the commissioners relied on staff's recommendations now, and term limits were not in place.

Mr. Forbes noted he supported proposal to impose term limits, increase commissioners' salaries, and restrict on outside employment for commissioners. To avoid losing institutional knowledge, Mr. Forbes suggested the incumbent commissioners be allowed to serve one more term after completing two full, four year terms.

Mr. Alfonso McCray, 18040 SW 104 Avenue, suggested the incorporation process be amended to require areas wishing to incorporate to submit a proposal to the County Commission; that the County Commission direct staff to conduct the necessary research, and that question be placed on the ballot for approval by the electorate. Mr. McCray suggested that questions to amend the Charter be placed on the ballot for general elections only. He spoke in support of allowing the voters in each County Commission District to decide whether the respective commissioner's salary should be increased; and the commissioners' terms of office be limited, although he did not support term limits. He suggested the language contained within the Charter relating to commissioners salaries be removed and established by ordinance.

Mr. Michael Rosenberg, 13030 N Calusa Club Drive, appeared before the Task Force and spoke in opposition to term limits for commissioners. He expressed concern regarding the disparity in campaign funds for incumbent commissioners and their challengers. He noted the chief of staff for each commissioner better understood the flaws in County Government and would be the best persons for the Task Force to solicit input for revisions to the Charter.

Mr. Rosenberg noted he was President of the Kendall Federation of Homeowner Associations (KFHA). He presented a resolution from the KFHA urging the Task Force to consider the following recommendations:

1. Establish a two term limit for County commissioners;
2. change the composition of the County Commission to a mix of single-member districts and at-large districts;
3. increase the salary for commissioners by \$10,000 the first year in office, and increase by \$5,000 annually up to \$50,000, and that no outside employment be allowed once the salary reached \$50,000;
4. require a $\frac{3}{4}$ majority of commissioners to approve changes to the UDB, and that an independent body review the UDB every five years;
5. have an independent board oversee the Inspector General;
6. remove the County Commission's ability to block incorporation elections, and that such elections should not be scheduled by special elections;
7. restore the 10 percent threshold required for registered voters' signatures on incorporation petitions; and
8. prohibit the County from requiring mitigation from newly incorporated cities.

Mr. Richardson questioned why the KFHA did not recommend the state formula be used to set commissioners' salaries.

Mr. Rosenberg explained that the public did not support salary increases for commissioners.

Mr. Richardson noted a speaker at the May 9th public hearing suggested that the commissioners receive a salary based on the State formula, that commissioners be prohibited from outside employment, and that an Ethics Commission be established to ensure compliance. He questioned how KFHA might view this proposal.

Mr. Rosenberg noted the idea of an independent Ethics Commission was a good idea, however, he expressed concern that it may not be practical in terms of monitoring outside employment.

Mr. Murphy suggested the idea of a salary increase for commissioners could be more favorable to voters if it would not be effective until after the next election.

Mr. Manrique questioned whether retirement pensions would violate the provision to hold no outside employment.

Mr. Rosenberg noted the boundaries for what constituted outside employment were difficult to define.

Ms. Kathy Charles, 15471 SW 152 Court, noted Article 4 - County Manager in the Charter would become a reserved article in November 2012 when the language regarding the County Manager would be stricken. She suggested Article 4 become an article regarding conflict of interest, ethics and lobbying. She explained that ethics couldn't be legislated, however, minimum standards could be clearly stated.

Ms. Charles suggested that Section 4.01 be titled *Voting Conflicts*, and that it include the same language currently found in Article 5 Section 5.03 of the Charter with a small amendment to apply the language to County commissioners.

Ms. Charles suggested that Section 4.02 be titled *Enactment of Conflicts of Interest Code and Implementation of a Code of Ethics*, and that the existing language from the Code of Ethics in the Miami-Dade County Code be used.

Ms. Charles suggested that Section 4.03 be titled *Examination of Matters Related to Ethical Conduct and Lobbying*, and that the language in this section would give the Commission on Ethics and Public Trust the authority to examine matters related to the Code of Ethics and conflict of interests.

Ms. Charles suggested that Section 4.04 be titled *Use of Public Property*, and that the language in this section would require the approval of the electorate to use tax dollars for

the benefit of private individuals, partnerships, or corporations. She noted this section was aimed at avoiding another controversy like the stadium for the Miami Marlins.

Regarding the UDB line, Ms. Charles noted the language already existed in the Charter that required periodic review of the UDB. She suggested the Charter be amended to provide specific calendar dates for those reviews.

Mr. Murphy noted the County Manager made recommendations to the County Commission for County contracts if the Mayor had a conflict of interest. He questioned, in the absence of a County Manager, who should make the recommendation when the Mayor had a conflict of interest.

Ms. Charles suggested the Mayor designate a person.

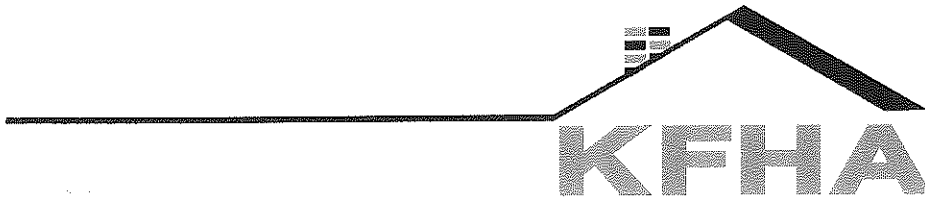
Mr. Murphy noted the Charter did not include a provision for this scenario.

Chairman Garcia expressed appreciation to those in attendance for their participation.

- Adjournment

There being no other business to come before the Task Force, the meeting adjourned at 7:34 p.m.

Rene Garcia, Chairman
Charter Review Task Force



RESOLUTION

WHEREAS, the Kendall Federation of Homeowner Associations, (KFHA) representing an area of over 400,000 Miami-Dade County citizens, stands with all citizens that yearn for a more effective, ethical and transparent government that is accountable and accessible to the people it is supposed to serve; and

WHEREAS, the KFHA recommends that Commissioners' terms in office be limited to two full consecutive, four-years terms (retroactive); and

WHEREAS, the KFHA recognizes the need to secure a diverse and representative board yet is cognizant of the parochial tendencies of the current system, therefore recommends that the composition of the Board of County Commissioners be a combination of single-member districts with a high percentage of at-large districts in order for the majority of Miami-Dade voters/residents to be able to contact and influence the County Commissioners; and

WHEREAS, the KFHA acknowledges that the current compensation structure for County Commissioners under-compensates the members of the Board for what is essentially a full-time job yet takes into consideration that there is a strong public sentiment that any salary increase for County Commissioners should be accompanied by some

countervailing restrictions on the other prerogatives of this office, the KFHA recommends that if and only if the referendum for retroactive term limits passes, all Commissioners' salaries will be increased by \$10,000 the first year in office and \$5,000 increments per each year successively until \$50,000, at which point no outside employment will be allowed; and

WHEREAS, the KFHA recommends that any Comprehensive Development Master Plan application requesting that the Urban Development Boundary (UDB) line be moved must be approved by a vote of at least three-fourths of the County Commissioners then in office and that the line should be reviewed by an independent body every five years; and

WHEREAS, the KFHA strongly supports an independent Inspector General, overseen by an independent board and recommends that the IG should have more control over its budget; and

WHEREAS, the KFHA recommends that Incorporation elections, after the study is completed, shall not be blocked by the Board of County Commissioners and shall not be scheduled by special elections; and

WHEREAS, the KFHA recommends to restore the prior 10% threshold required for registered voters' signatures on incorporation petitions and eliminate the 25% level that is now required as no other voter petition process in the county requires such a high barrier to the democratic right to petition; and

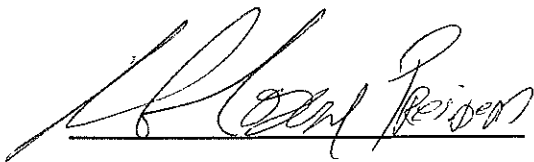
WHEREAS, the KFHA recommends that municipal

boundaries should be determined by the residents of the proposed new city and not imposed arbitrarily by the County Commission; and

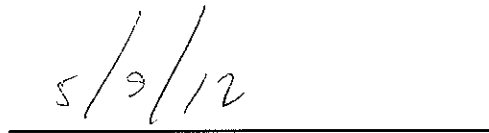
WHEREAS, the KFHA strongly supports that no mitigation shall be required of any newly incorporated city as this was determined to be unconscionable by the a unanimous vote of the Florida Legislature;

NOW THEREFORE, the Kendall Federation of Homeowner Associations adopts this Resolution and strongly urges the 2012 Charter Review Task Force to consider these recommendations.

Resolution STRONGLY Approved by KFHA Board Of Directors On May , 2012.

A handwritten signature in cursive script, appearing to read "Alan Reiser", written over a horizontal line.

signature

A handwritten date "5/9/12" written in cursive script, positioned to the right of the signature line.

* * *

ARTICLE - 4

RESERVED-CONFLICTS OF INTEREST, ETHICS AND LOBBYING

SECTION 4.01. VOTING CONFLICTS

Any >>County Commisioner <<county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Willful violation of this Section shall constitute malfeasance in office, shall effect forfeiture of office or position, >> as outlined in the Citizen Bill of Rights (C) Remedies for Violations<<and render the transaction voidable by the Board. (Note: Language comes from Article 5 Section 5.03, Financial Administration.)

SECTION 4.02. ENACMENT CONFLICTS OF INTEREST CODE AND IMPLEMENTATION OF A CODE OF ETHICS

The County Commission shall enact, by ordinance, a Conflict of Interest section in the County Code that requires Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities to avoid even the appearance of impropriety in the performance of their duties and responsibilities. The County Commission shall also enact, by ordinance, a Code of Ethics that shall apply to Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities that establishes minimum standards of ethical conduct for County and municipal elected officials, employees, members of advisory boards and quasi-judicial bodies and designated County contract workers. In the ordinances enacted pursuant to this sub-section, the County shall provision governing lobbying by those seeking to influence legislative action or administrative policy.

SECTION 4.03. EXAMINATION OF MATTERS RELATED TO ETHICAL CONDUCT AND LOBBYING

The Commission on Ethics and Public Trust shall provide procedures for the examination of matters related to the ethical conduct of Commissioners, County employees, and individuals appointed to Boards, Committees, Agencies, and Authorities. The Ethics Commission shall also investigate any person engaged in lobbying activities who may be in violation of enacted Conflict of Interest and Code of Ethics provisions. In the event that a violation is found to have been committed, the Ethics Commission may assess penalties, prohibit registration as a lobbyist or prohibit lobbying by such person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein set forth in enacted Code provisions.

SECTION 4.04. USE OF PUBLIC PROPERTY

The County shall prevent the use of public property or its taxing power for the benefit of private individuals, partnerships or corporations, in violation of the restrictions imposed by Article VII, Section 10. of the Florida Constitution, or by the laws of the State of Florida,, without the approval of electors. (Not sure if this will address Stadium issue.)



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners
Wilde Community Center
1701 W. 53rd Terrace
Hialeah, Florida

May 14, 2012
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Christopher Agrippa, Division Chief
Clerk of the Board Division

Mary Smith-York, Commission Reporter
(305) 375-1598



**CLERK'S SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW TASK FORCE PUBLIC HEARING
May 14, 2012**

The Charter Review Task Force convened a meeting on May 14, 2012, at 5:30 p.m. in the Wilde Community Center, 1701 W. 53 Terrace, Hialeah, Florida. The following members were present: Chairman Rene Garcia, Vice Chairwoman Evelyn Greer, and members Honorable Juan Carlos Bermudez, Honorable Isis Garcia-Martinez, Honorable Luis Gonzalez, Mr. Carlos Manrique, Mr. Terry Murphy, Mr. Hans Ottinot, Ms. Pamela Perry, Mr. Don Slesnick, and Representative Carlos Trujillo.

- Welcome and Introduction

Chairman Rene Garcia called the meeting to order at 5:41 p.m. and stated the purpose of tonight's meeting. He noted the purpose of this meeting was to provide a forum for the citizens of this community to voice opinions, comments, concerns, and recommendations regarding amendments to the Charter. Chairman Garcia advised that the Task Force would begin deliberations on proposed amendments/revisions to the Charter on May 17, 2012.

Following Chairman Garcia's remarks, each of the Task Force members formally introduced themselves.

- Public Hearing

Chairman Garcia opened the public hearing and the following individuals appeared before the Task Force:

1. Honorable Michael Pizzi, Mayor, Town of Miami Lakes, appeared and expressed concern regarding the additional restrictions on the primary, basic right of the people, which is the right to petition their government. He explained that over the years, the County Commission changed the initiative petition process to impose a 15-day withdrawal period as well as penalties for false statements, and limiting the font size and limiting the number of signatures per page to one, which made it more difficult for people to petition the government. Mayor Pizzi recommended that the Charter be amended to incorporate clear language prohibiting any governmental body from enacting legislation that makes it significantly more difficult for the average citizen to engage in the petition process. Additionally, Mayor Pizzi expressed concern that citizens presentations and other items heard before the County Commission were not scheduled for a time certain, and recommended Task Force members craft appropriate language to strengthen right of the people to be heard, i.e., a provision similar to that contained within certain municipal charters that guarantees right to access by setting public hearings at a specific time.

2. Honorable Nelson Hernandez, Councilman, Town of Miami Lakes, appeared and expressed concern regarding new incorporation within Miami-Dade County. He recommended a mechanism be included in the Charter to facilitate and encourage incorporation of the County's unincorporated areas to increase the level and efficiency of services. Mr. Hernandez explained that this would enable the County to serve as a regional government and focus on the Port of Miami and the Airport, while municipalities focus on the daily functions of government.

In response to Mr. Marique's request for clarification as to whether Mr. Hernandez was referring to incorporation and annexation, Councilman Hernandez noted he supported both.

Mr. Marique questioned the Councilman's position on the proposal to reduce the percentage of signatures from registered voters on petitions from 25 percent to ten percent; and on the proposal to create a task force to determine the boundaries for proposed annexation/incorporation areas.

Councilman Hernandez said he fully supported reducing the signature requirement, and that he supported the creation of a task force to maintain order, gather input, and determine the desired level of services for different areas of the County.

Honorable Evelyn Greer, Mayor, Village of Pinecrest, noted the Town of Miami Lakes and all other areas that incorporated were the result of Citizens' Initiative Petitions. She noted the residents from many areas did not want to incorporate and were opposed the notion of a task force deciding they should incorporate. She further noted some grassroots organizations were willing to work with the residents from areas that did want to incorporate. Mayor Greer explained that a Countywide task force might impose incorporation on people who did not want it and prevent those who wanted to incorporate from organizing on a grassroots basis.

Mr. Terry Murphy inquired about whether Task Force members should consider granting additional authority to the County Commission to determine whether or not to annex unincorporated areas into a city of municipalities such as the area surrounded by the City of Hialeah.

Honorable Luis Gonzalez, Councilman, City of Hialeah, noted this would require an agreement with the neighboring city/municipality and a body must be created to finalize some of the stages in the process of incorporation.

Mr. Hernandez noted the Charter should include a procedure to educate citizens and make it easier for them to incorporate.

City Attorney Hans Ottinot, Esq., City of Sunny Isles Beach, asked whether the decision to incorporate or annex should be citizen-driven or County Commission-driven, noting he favored a citizen-driven process.

Councilman Hernandez noted the citizens' should make the final decision; however, an easier platform needed to be created to bring them to that point.

3. Mr. Alexander Ariano, 8465 Menteith Terrace, Miami Lakes, appeared and expressed concern that recommendations submitted by the previous Task Force were not implemented by the County Commission, and noted he was hopeful that all the recommendations presented by this Task Force would be placed on the ballot and approved or disapproved by the voters.
4. Ms. Esperanza Reynolds, 8465 Menteith Terrace, Miami Lakes, appeared and read into the record a statement in support of County Commission Chairman Joe Martinez, Property Appraiser Pedro Garcia, and Mayor Michael Pizzi, which she noted was prepared by Mr. Humberto Acosta, an ex-political prisoner from Cuba (See Exhibit No. 1)
5. Mr. Manny Lopez, 8004 NW 154 Street, Miami, appeared before the Task Force and noted he supported giving the people the right to vote. He stated the moratorium on incorporation and annexation was lifted, and the people needed the right to vote.
6. Ms. Truly Burton, Government Affairs Director/Executive Vice President, Florida Atlantic Building Association (FABA), appeared and noted she supported the good planning and adherence to the Code. She stated the Urban Development Boundary (UDB) had not been extended more than four or five times within the past 30 years. Ms. Burton spoke in support of the Charter as it pertains to the super majority vote and the seven year VAR plan review by professional staff. She noted the City of Doral was currently experiencing a water and sewer crises, and capital improvements was a long-term planning issue and must be the focus of the planning department. Ms. Burton stated the recent reorganization of the planning department would probably not affect its ability to perform.

Mr. Marique commented that a representative from the Latin Builders Association (LBA) appeared at the last meeting and suggested that the 2/3 majority vote requirement be enacted as a Charter amendment rather than an ordinance. He also suggested that a body be created to determine whether the UDB should be extended every five years.

Ms. Burton noted positions of the FABA and the LBA regarding those issues were the same.

7. Mr. Otto Castillo, 11205 SW 99 Court, Miami, representing the Government Supervisors Association of Florida, appeared and read a prepared statement, into the record, regarding the Mayor's veto power to resolve collective bargaining impasse disputes (See Exhibit No. 2).

Mr. Joseph Centorino, Executive Director, Commission on Ethics, noted he was present to answer any questions from members of the task force might have.

Mr. Murphy referred to comments made by a speaker last week that the language contained within Section C of the Citizens' Bill of Rights be amended to include a provision stating that the Ethics Commission or the appropriate jurisdiction would have the ability to reprimand and impose sanctions.

Mr. Centorino noted the Charter currently did not contain any penalties; however, he would support a recommendation to incorporate language in the Charter imposing a range of penalties that was enforceable.

Mr. Marique noted another speaker appeared before the Task Force and proposed aht commissioners' salaries be increased and the outside employment be prohibited and the the Ethics Commission monitor outside employment to prevent violations.

Mr. Marique asked Mr. Centorino to address concerns regarding Article IV, relative to Conflicts of Interests.

Mr. Centorino noted he would not comment on issues concerning the County Commission; however, the Ethics Commission currently had oversight authority in terms of enforcing the Code of Ethics on Conflicts of Interests.

Upon concluding the foregoing, Chairman Garcia called the next speaker and the following persons appeared before the Task Force.

8. Ms. Barbara Hagan, 7336 Bay Hill Drive, appeared and noted she resided in an enclave area, and she would like for her area to be annexed into North Pointe. She noted she also supported the proposal to reduce the signature requirement for registered voters on petitions from 25 percent to 10 percent.
9. Ms. Maribel Balbin, President, 8346 Dundee Terrace, Miami Lakes, representing the League of Woman Voters, presented a list of recommendations, which she read into the record (See Exhibit No. 3).
10. Mr. Lewis Thaler, 19333 Collins Avenue, Sunny Isles Beach, Fl, appeared and recommended that the terms of office for the Mayor and members of the County Commission be limited to eight years or two, four year terms.
11. Ms. Anne Cates, 13939 NW 1 Avenue, Miami, appeared in support of the recommendation to reduce the signature requirement for registered voters on petitions from 25 percent to 10 percent. She spoke in opposition to the annexation of the area in which she resides based on the projected increase in millage rate. Ms. Cates requested language be included in the Charter delegating subpoena power and to include more stringent criteria for granting tax exemption to religious organizations and institutions.

Mr. Marique questioned the millage rate paid by residents in the area where Ms. Cates lived. He asked that staff review and confirm those rates and provide a report at the upcoming May 17th meeting.

12. Honorable Paul Hernandez, Councilman, City of Hialeah, 501 Palm Avenue, appeared and expressed appreciation to Hialeah and Miami Lakes officials for hosting this public hearing.

There being no other persons wishing to appear, Chairman Garcia closed the public hearing.

Chairman Garcia asked Task Force members to identify the recommendations/topics they wished to discuss. He noted the minutes from the previous meetings would be submitted for review before the May 17th meeting.

Vice Chairwoman Greer pointed out that pursuant to the enabling ordinance, this Task Force must hold public hearing after the recommendations were presented to the County Commission. She suggested that the public hearing be scheduled at the same location and that public input and participation be facilitated via video conferencing, email, and that other communication channels.

The proposed dates for future meetings were listed as May 23, May 30, and June 6, at 9:00 a.m.

Chairman Garcia read, into the record, a letter from Mr. John Rivera, President, Dade County Police Benevolent Association, Inc., in which he apologized that he was unable to attend and urging the Task Force to recommend the creation of a Public Safety Taxing District and that the Sheriff be an elected position.

There being no further business to come before the Task Force, the meeting adjourned at 7:11 p.m.

Buenas noches, mi nombre es Humberto Acosta y estoy de visita en Town of Miami Lakes.

Tengo 85 años y solamente quiero decirles que a gran costo personal que resultó en el sacrificio de mi juventud, luché por la libertad de Cuba y hoy encuentro la gran necesidad de participar en todo lo relacionado a nuestro gobierno para prevenir que nuestra nueva patria tome un curso que nos lleve la repetir los errores del pasado.

Por esto, pedi que me trajeran para ver y conocer como es que funciona el gobierno en el Sur de la Florida...

Con permiso, Esperancita repetira lo que he dicho en Ingles...

Good evening,

His name is Humberto Acosta, ex political prisoner from the Island of Cuba, a man recognized yesterday at Versailles by the likes of Miami Dade County Commissioner Joe Martinez, Property Appraiser Pedro Garcia and Town of Miami Lakes Mayor Michael Pizzi...

He is 85 years old and only wanted to share with you that at great personal cost that resulted in the sacrifice of his youth, he did much to ensure freedom for Cuba and to at least demonstrate courage against tyranny, he now feels the great need to participate in government to prevent these United States from repeating historical mistakes of the past.

That is why he asked us to bring him with us, so we could see first hand... how government operates in South Florida...

Mr. Chairman and Task Force Members:

I am Otto Castillo, Vice President of the Government Supervisors Association of Florida and a Utilities Supply Supervisor in the County's Water & Sewer Department. Our union represents the Supervisory and Professional employees throughout County government – almost five thousand employees. We appreciate the opportunity to address the task force and hope that in your deliberations you remember that Miami-Dade County employs one of the largest work forces in South Florida which is made up of your fellow citizens who devote their life to public service by providing essential services to our community.

Let me call your attention to one provision of the Charter which has recently caused great concern for all unions that represent county employees. The use of the veto power by the Mayor to "trump" the action of the Commission in resolving collective bargaining impasse disputes in accordance with the provisions of Florida Statutes, Chapter 447 (the "Public Employees Relations Act"). That statute calls for the Commission (as in other Florida jurisdictions) to act as the final "court of appeal" when the negotiations between a union and the Mayor break down. When the Mayor uses his veto to negate the decision of the Commission, his act undermines the essence of the dispute resolution system established by the Florida Legislature.

Article 2, Section 2.02. E. already contains certain prohibitions on the use of the veto – we strongly suggest that labor contract disputes being resolved by the statutorily-prescribed method be added to that list of exceptions.

On behalf of our President, Greg Blackman, and our entire membership which spans every department in the County – we thank you for your consideration.



The League of Women Voters® of Miami-Dade County

TO: Miami-Dade County Charter Review

FROM: The League of Women Voters of Miami-Dade County

RE: Public Hearing Comments – (Meeting of May 14th, 2012)

The League of Women Voters of Miami-Dade County (League) would like to submit the organization's existing positions regarding the Miami-Dade County Charter, re-adopted at the 2012 Annual Meeting.

- Proposed Charter amendments should be placed on the ballot either by a resolution adopted by the County Commission or by petition.
- Support of removal of specific figure for salaries from the Charter, with salaries set as recommended by state scale.
- The Florida Legislature should not be given the authority to place proposed Charter amendments on the Miami-Dade County ballot.
- Support of a formal mechanism for citizen input into the Miami-Dade County budget prior to printing of the proposed budget document.
- Support of procedures for recall requiring:
 - A statement of grounds on the petition
 - A statement of grounds and a rebuttal on the ballot

The League will review the recommendations coming from this Committee and will provide comments on those recommendations at the appropriate time.

Presented on behalf of the League of Women Voters of Miami-Dade County by:

Maribel Balbin, President
8346 Dundee Terrace
Miami Lakes, Florida



THE VOICE OF LAW ENFORCEMENT

DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC.

May 14, 2012

Senator Reno Garcia, Chair
Miami-Dade Charter Review Task Force
1490 West 68 Street, Suite 201
Miami, FL 33014

RE: Miami-Dade Charter Review

Dear Chairman Garcia and Task Force Members:

On behalf of the Dade County Police Benevolent Association (PBA) and the men and women of law enforcement that we represent, let me begin by thanking you for accepting the challenge of reviewing Miami-Dade's Charter and coming up with solutions to better serve our community and those employees who devote themselves to public service. Our members live in this community, work in this community and all too often die protecting this community.

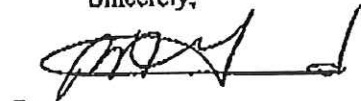
I understand that today is the last public hearing before the Charter Review Task Force. Unfortunately, we have been unable to attend any of the public hearings as we were not notified until late last week and we have been, and currently still are, out of town for the Law Enforcement Memorial, held in Washington D.C., honoring those men and women in law enforcement who paid the ultimate sacrifice while serving and protecting their community. Sadly, some of the officers' names being added to the Memorial are from right here in Miami-Dade County.

I regret not being able to appear before you on this important issue of reforming the Charter, but please accept this correspondence as our position and for your consideration. I urge you to create a public safety taxing district and an elected sheriff in order that government be able to fulfill its first responsibility of providing safety to its people without political interference. This community supports funding public safety and the ability to fund it appropriately should not be left to the whim of politics and politicians seeking to grandstand.

Notwithstanding any legal position and/or argument regarding the Mayor's ability to veto a labor contract dispute that is resolved by the statutorily prescribed method in State Statute, I would also urge you to consider adding labor contract disputes to the list of prohibitions on the use of the Mayoral veto contained in Article 2, Section 2.02.E. of the Charter, thereby further clarifying that it is the Commission, the legislative body, who makes the final decision when negotiations between a collective bargaining agent and the Mayor break down.

Thank you for your consideration

Sincerely,


for John Rivera
President

2012 Charter Review Task Force

Public Hearings

Wilde Community Center

May 14, 2012 at 5:30pm

Name	Email	Telephone	Address
ESPERANZA "Hope" Reynolds	hope@reynolds.com	305-538-5270	8465 Menfeith Terr Miami, FL 33016
Otto Castillo	GSARF06ell@earthlink.net	305-477-9644	11205 SW 99 CT, Miami, FL 33176
LEW THALER	MR TERNISLT@aol.com	786 202 1122	S.I.B.
Manu4 Lopez	MANU4@bellSouth.net		8004 NW 154 ST #648 Miami 33016
Alexander J. Ariano	alex.ariano@comcast.net	305-558-5270	8465 Menfeith Terr. Miami, FL 33016
Humberto Acosta			
Robert Hide	vosmus@yahoo.com	786-326-0357	803 403545 MB FLA 33140
BARBARA HAGAN	BHAGAN4902@comcast.net	305/829-5811	7336 Bay Hill Dr. 33015
PAULINO SANTANA		305/4958976	645 W 345TH HIAL FL 33012
Miguel Michael Pizzi			Miguel Lake
Ben Gerald	bevgersld@hotmail.com	305-255-3638	14271 SW 74 CT, Palmetto Bay, 33158

Name	Email	Telephone	Address
Nelson Hernandez	ne/hern@gmail.com	305-343-6802	15900 W Tron Cir Miami Lakes, FL 33014
Miguel Pizarro	.	305 8702254	650 LURE BL (Hialeah)
Salvatore DeVito	SRDeVitoCOH@gmail.com		501 Palm Ave
Judy Buxton		31556-6534	
Jule Centorino	Centorino2@miami-lake.gov	305-350-0613	19 W Flagler St Miami, FL 33130 Suite 820
Ric Hernandez	paul188@gmail.com	305-206-7001	531 70 East 54 St Miami FL 33013
Vivian Casull - Munoz	VCAS441@gmail.com	Munoz066@gmail.com	Belmont - net
MARIBEL BARRIN	maribelbarrin@gmail.com		8346 Dundee Terr. Miami, Lakes
Anne Cates	annecates@gmail.com	305 305-3010 / comcast.net	13939 NW 1 st Ave Mda 33168

Chairman's Items

Timeline (Proposed)

May 17	Charter Task Force Meeting
May 23	Charter Task Force Meeting
May 30	Charter Task Force Meeting
June 6	Charter Task Force Meeting
June 13	Preliminary Report Circulated to members
June 20/21	Public Hearings Re: CRTF Recommendations
June 25 or 26	CRTF Meeting to consider public feedback
June 29	Final Report Circulated to members
July 3	Deadline for dissenting opinions
July 5	Final Report transmitted to BCC
July 6	Submit to agenda coordinator for inclusion on 7/19 BCC agenda
July 17	BCC meeting

Staff Reports / Presentations

The Procurement Process Miami-Dade County

Internal Services Department

Lester Sola, Director

Miriam Singer, Assistant Director

Amos Roundtree, Division Director
Procurement Management Services



1

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

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

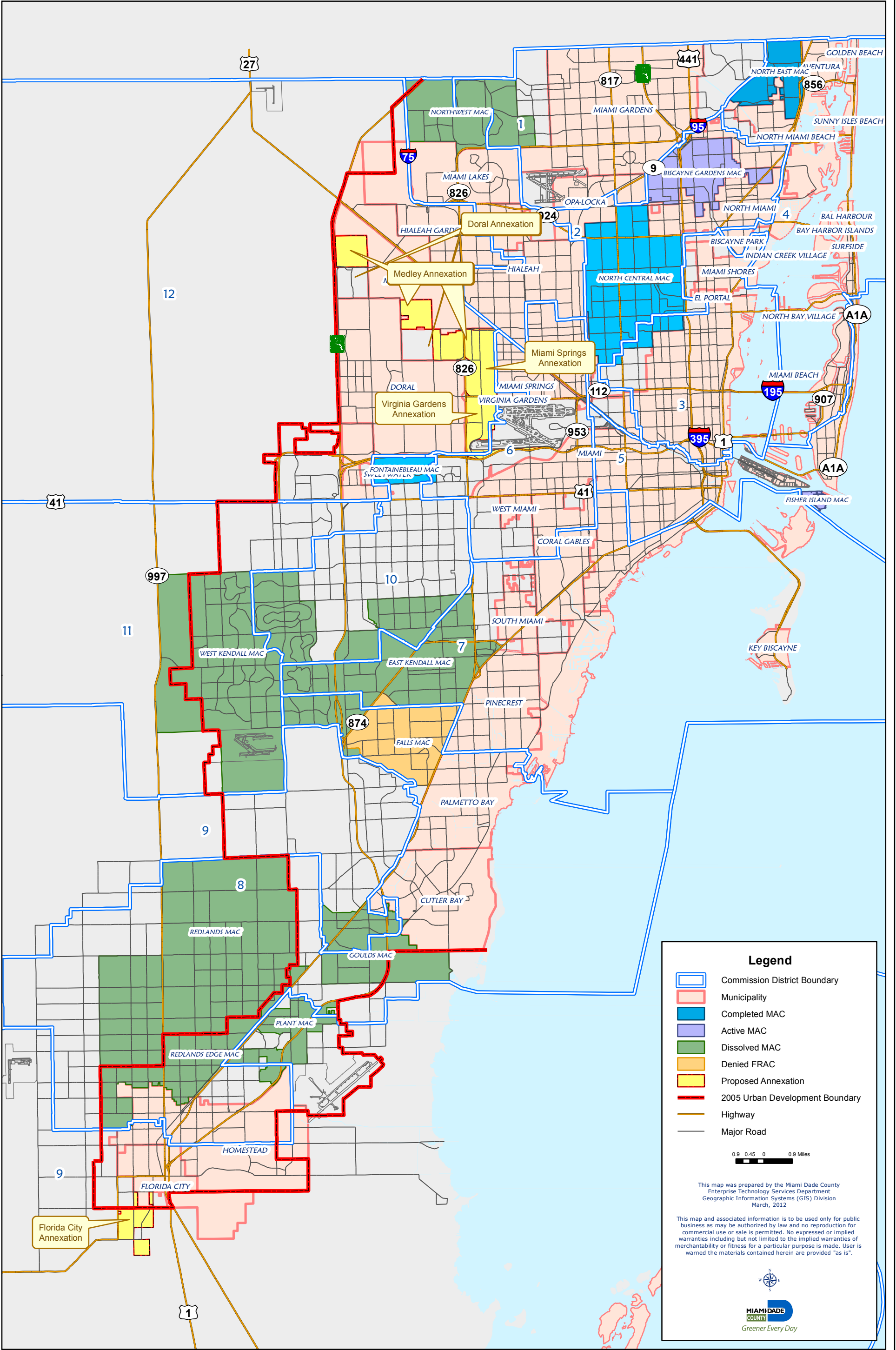
- Fire Rescue Services
- Local Patrol Services
- Specialized Police Services

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.

MIAMI-DADE COUNTY

Current Municipalities, Municipal Advisory Committees and Proposed Annexations



2011 ADOPTED MILLAGE RATES

Millage Code	Municipalities or County Areas	City / Unincorporated Millages				School Millages				Regional Millages				County Wide Millages						Other	Total Millage 2011	Total Millage 2010
		City / UM/SA Millage	Debt Service	Misc. Millage	Operating Millage	Debt Service	Evr Proi.	So Fla Wtr Mgmt	FIND	County Millage	Debt Service	Fire & Rescue	Fire Debt	Library	Children's Trust							
0100	Miami	7.5710	0.9300		7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850			0.1795	0.5000	22.7463	24.2081					
0101	Miami (DDA)	7.5710	0.9300	0.4780	7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850			0.1795	0.5000	23.2243	24.7081					
0200	Miami Beach	6.1655	0.2884		7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850			0.1795	0.5000	20.6992	22.0665					
0201	Miami Beach	6.1655	0.2884	1.0935	7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850			0.1795	0.5000	21.7927	23.1040					
0300	Coral Gables	5.8690			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850			0.1795	0.5000	20.1143	21.6360					
0400	Hialeah	6.5400			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850				0.5000	20.6058	21.8200					
0500	Miami Springs	6.7400			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	23.4480	25.1001					
0600	North Miami	8.1955	0.2188		7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131		0.5000	24.9428	26.2945					
0700	North Miami Beach	6.6036	1.2580		7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131		0.5000	24.3901	25.6849					
0701	North Miami Beach		1.2580		7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	17.7865	19.0813					
0800	Opa-locka	9.1526			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	25.8606	26.9593					
0801	Opa-locka				7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	16.7080	18.1593					
0900	South Miami	4.6662			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	21.3742	23.1119					
1000	Homestead	6.2917			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	22.9997	24.4510					
1100	Miami Shores	8.0000	0.7855		7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131		0.5000	25.3140	26.6515					
1200	Bal Harbour	2.4468			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131		0.5000	18.9753	20.4320					
1300	Bay Harbor Islands	5.2971			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131		0.5000	21.8256	23.1724					
1400	Surfside	5.5000			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131		0.5000	22.0285	23.4783					
1500	West Miami	6.8858			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	23.5938	25.0451					
1600	Florida City	7.7500			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	24.4580	25.9093					
1700	Biscayne Park	8.9000			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	25.6080	27.1526					
1800	El Portal	8.3000			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	25.0080	26.0593					
1900	Golden Beach	6.9799	1.5201		7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	25.2080	26.6593					
2000	Pinecrest	2.2000			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	18.9080	20.2633					
2100	Indian Creek	2.7200			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	19.4280	19.9631					
2200	Medley	5.6500			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	22.3580	23.8093					
2300	North Bay Village	4.7772	1.2355		7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	22.7207	23.4373					
2400	Key Biscayne	3.2000			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850			0.1795	0.5000	17.4453	18.7640					
2500	Sweetwater	2.9200			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	19.6280	22.8211					
2600	Virginia Gardens	5.4233			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	22.1313	23.9078					
2700	Hialeah Gardens	5.5880			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	22.2960	23.6193					
2800	Aventura	1.7261			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	18.4341	19.8854					
2900	Islandia	0.0000			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	16.7080	18.1593					
3000	Uninc. County	2.0083			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	18.7163	20.4573					
3100	Sunny Isles Beach	2.8860			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	19.5940	21.0453					
3200	Miami Lakes	2.3518			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	19.0598	20.5295					
3300	Palmetto Bay	2.4470			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	19.1550	20.6063					
3400	Miami Gardens	6.5616			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	23.2696	23.8734					
3500	Doral	2.4376			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	19.1456	20.6063					
3600	Cutler Bay	2.5702			7.7650	0.2400	0.0624	0.3739	0.0345	4.8050	0.2850	2.4496	0.0131	0.1795	0.5000	19.2782	20.7481					

Issue & Number of Members Interested (as of May 15)

Salary (4)
Incorporation (3)
Term Limits (2)
Board Composition (2)
Annexation (2)
Procurement (2)
Outside Employment (1)
Ethics (1)
Jackson Governance (1)
UDB (1)
Section 1.07, Vacancies (1)
Section 2.02, Responsibilities of the Mayor (1)
Section 5.01, Departments (1)
Section 5.03, Financial Administration (1)
Section 5.04, Assessment and Collection of Taxes (1)
Section 5.05, Personnel (1)
Section 5.07, Department of Planning (1)
Section 5.08, Boards (1)
Section 6.03, Municipal Charters (1)
Section 7.02, Restrictions and Exceptions (1)
Section 8.02, Recall (1)
Section 9.01 , Abolition of Certain Office and Transfer of Functions (1)
Section 9.10 , Commission Auditor (1)

PART III - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE IC. - INDEPENDENT REVIEW PANEL

Board Description: TO CONDUCT INDEPENDENT REVIEWS AND HOLD PUBLIC HEARINGS ON COMPLAINTS AND GRIEVANCES MADE AGAINST AN EMPLOYEE, AGENCY OR INSTRUMENTALITY OF THE MIAMI-DADE COUNTY.

Composition: NINE (9) MEMBERS APPOINTED BY THE COUNTY COMMISSION FROM NOMINATIONS SUBMITTED BY EACH OF THE FOLLOWING COMMUNITY GROUPS OR ORGANIZATIONS: THE IRP; THE COMMUNITY RELATIONS BOARD; THE COMMUNITY ACTION AGENCY; THE MIAMI-DADE COUNTY LEAGUE OF WOMEN VOTERS; THE MIAMI-DADE COUNTY BAR ASSOCIATION; THE MIAMI-DADE POLICE CHIEFS' ASSOCIATION. EACH NOMINEE BY THE MIAMI-DADE POLICE CHIEFS' ASSOCIATION SHALL BE AN ASSOCIATION MEMBER. IN ADDITION, FORMER PANEL MEMBERS MAY SERVE AS SUBSTITUTE PANEL MEMBERS GIVEN ADVANCED NOTICE OF ABSENCE OF CURRENT MEMBERS OR VACANCY PENDING APPOINTMENT.

Date Created: 2/19/1980

Board Status: Inactive as of 10/26/2009

ARTICLE IC. - INDEPENDENT REVIEW PANEL ^[8]

⁽⁸⁾ **Editor's note**— Ord. No. 80-8, §§ 1—12, adopted Feb. 19, 1980, did not expressly amend this Code; hence, codification as Art. IC of Ch. 2, §§ 2-11.41—2-11.52, is at the discretion of the editor.

Sec. 2-11.41. - Legislative intent and purpose; liberal construction.

Sec. 2-11.42. - Created, established.

Sec. 2-11.43. - Composition; appointment and terms of office; compensation, oath; attendance at meetings, vacancies.

Sec. 2-11.44. - Organization and procedures.

Sec. 2-11.45. - Authority and powers generally.

Sec. 2-11.46. - Panel proceedings.

Sec. 2-11.47. - Interim reports during pending review.

Sec. 2-11.48. - Final reports on matters reviewed; referral for further proceedings.

Sec. 2-11.49. - Simultaneous reviews.

Sec. 2-11.50. - Immunity of Panel members from suit.

Sec. 2-11.51. - Physical facilities and staff.

Sec. 2-11.52. - Municipal utilization of Panel authorized.

Sec. 2-11.41. - Legislative intent and purpose; liberal construction.

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board of County Commissioners that the impartial review panel created by this article conduct independent reviews and hold public hearings concerning serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. It is also the intent of the Board of County Commissioners that the Independent Review Panel conduct hearings as provided in Chapter 2, Article LXXI of the Code where there is a complaint of retaliation for the disclosure

PART III - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE IC. - INDEPENDENT REVIEW PANEL

of specific information. The provisions of this article shall be liberally construed to accomplish these legislative objectives.

(Ord. No. 80-8, § 1, 2-19-80; Ord. No. 96-41, § 2, 3-5-96)

Sec. 2-11.42. - Created, established.

There is hereby created and established an Independent Review Panel (hereinafter referred to as the "Panel") pursuant to Section 4.08(a) of the Miami-Dade County Home Rule Charter.

(Ord. No. 80-8, § 2, 2-19-80)

Sec. 2-11.43. - Composition; appointment and terms of office; compensation, oath; attendance at meetings, vacancies.

(A) The Panel shall consist of nine (9) members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility and has demonstrated an active interest in public affairs and service.

(1) *Members:*

(a) In order to secure representative membership on the Panel, each of the following five (5) community groups or organizations shall submit a list containing the names of three (3) qualified persons [and] the Board of County Commissioners shall select one (1) panel member from each of the five (5) lists:

(i) The Community Relations Board.

(ii) The Community Action Agency.

(iii) The Miami-Dade County League of Women Voters.

(iv) The Miami-Dade County Bar Association.

(v) The Miami-Dade Police Chiefs' Association. Each nominee by the Miami-Dade Police Chiefs' Association shall be an Association member. In the event the Panel is investigating an incident involving the jurisdiction employing this appointee, the Miami-Dade Police Chiefs' Association shall submit the names of three (3) different members for an appointment as a substitute until the conclusion of the investigation. In the event that none of the three (3) nominees meets with County Commission approval, the nominating entity shall submit another and entirely different list for Commission consideration. This process shall continue until a member has been appointed.

(b) In addition to the five (5) Panel members selected in accordance with the preceding subparagraph (a) of paragraph (1) of this subsection, four (4) members shall be appointed by the Panel based on consensus of integrity and community representation, considering ethnocultural and gender balance.

The foregoing appointments shall constitute the membership of the Panel, and each member shall serve for a period of three (3) years. The Board of County Commissioners may extend this term if necessary to complete any pending investigation(s).

PART III - CODE OF ORDINANCES
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ARTICLE IC. - INDEPENDENT REVIEW PANEL

(2) *Nonpermanent members.* In addition to the foregoing, former Panel members may serve as substitute Panel members given advanced notice of absence of current members or vacancy pending appointment.

(B) Members of the Panel shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties as shall be determined and approved by the Board of County Commissioners. Before entering upon the duties of office, each member shall submit written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the County Commission.

(C) Any Panel member shall be automatically removed if absent for three (3) consecutive meetings without a satisfactory excuse or if absent from more than one-half of the Panel's meetings during his or her term of office. A Panel member shall be deemed absent from a meeting when not present at the meeting at least seventy-five (75) percent of the time. The provisions of this section may be waived by a two-thirds vote of the members of the full Board of County Commissioners. Any vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for three (3) years from the date of appointment.

(Ord. No. 80-8, § 4, 2-19-80; Ord. No. 81-44, § 1, 4-21-81; Ord. No. 97-86, § 1, 6-5-97)

Sec. 2-11.44. - Organization and procedures.

(a) The members of the Panel shall select a chairperson to serve at the pleasure of the Panel, together with such other officers as may be deemed necessary by the Panel.

(b) A simple majority of the constituted members of the Panel attending a Panel meeting or hearing shall constitute a quorum.

(c) All action by the Panel shall be by majority vote.

(d) All Panel proceedings shall be conducted in accordance with the [Government-in-the-] Sunshine Law, Section 286.011, Florida Statutes.

(e) All Panel proceedings shall be conducted in accordance with the provisions of the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter.

(f) The Panel shall be deemed an "agency" for purpose of compliance with the Public Records Law, Chapter 119, Florida Statutes.

(Ord. No. 80-8, § 6, 2-19-80)

Sec. 2-11.45. - Authority and powers generally.

(a) The Panel may hold public hearings, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. The Panel may also hold hearings, render findings of fact and conclusions of law and issue recommendations, as provided in Chapter 2, Article LXXI of the Code. The Panel shall have the authority and responsibility to determine whether complaints or grievances are sufficiently serious to institute a review process.

(b) The Panel may adopt, promulgate, amend and rescind such rules of procedure as may be necessary to exercise its authority; provided, however, that no rules shall conflict with the provisions of

PART III - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE IC. - INDEPENDENT REVIEW PANEL

this article.

- (c) The Panel may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes, as may be amended from time to time.
- (d) The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.
- (e) The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence.
- (f) The Panel may conduct or participate in conferences, inquiries, meetings or studies.
- (g) The Panel may request the County Attorney to render opinions relating to its duties, jurisdiction or power.
- (h) The Panel shall not interfere with any ongoing criminal investigation of the State Attorney.

(Ord. No. 80-8, § 3, 2-19-80; Ord. No. 96-41, § 2, 3-5-96)

Sec. 2-11.46. - Panel proceedings.

Panel members shall meet with staff from time to time:

- (1) To consider the County's complaint review processes and investigatory activities designed to serve the public; and
- (2) To consider whether any complaint or grievance filed with the Panel is sufficiently serious to merit review by the full Panel.

Full panel meetings shall be scheduled monthly and with appropriate notice given to the public.

(Ord. No. 80-8, § 5, 2-19-80; Ord. No. 81-44, § 2, 4-21-81; Ord. No. 97-86, § 2, 6-5-97)

Sec. 2-11.47. - Interim reports during pending review.

At least every thirty (30) days, the Panel shall receive interim reports from staff with regard to each pending review.

(Ord. No. 80-8, § 7, 2-19-80; Ord. No. 97-86, § 3, 6-5-97)

Sec. 2-11.48. - Final reports on matters reviewed; referral for further proceedings.

The Panel shall publish a final report with regard to each matter reviewed. Said final report shall be transmitted simultaneously to the Board of County Commissioners, the County Manager and the director of the concerned County department. If the Panel has reason to believe that any public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities.

(Ord. No. 80-8, § 8, 2-19-80)

PART III - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE IC. - INDEPENDENT REVIEW PANEL

Sec. 2-11.49. - Simultaneous reviews.

The Panel may review more than one (1) incident at the same time.

(Ord. No. 80-8, § 11, 2-19-80; Ord. No. 97-86, § 4, 6-5-97)

Sec. 2-11.50. - Immunity of Panel members from suit.

The Panel members shall be, to the full extent permitted by law, immune from any suit based upon any action or report undertaken within the scope of the Panel's duties or powers as provided in this article.

(Ord. No. 80-8, § 9, 2-19-80)

Sec. 2-11.51. - Physical facilities and staff.

(a) *Office space, etc.; auditorium.* The County shall provide the Panel with appropriately located office space and auditorium facilities together with necessary office supplies, equipment and furnishings.

(b) *Executive Director.* The Board of County Commissioners shall appoint an Executive Director from 3 nominees provided by the Independent Review Panel. The Independent Review Panel shall utilize a competitive selection process when selecting nominees for Executive Director. The Executive Director shall only be removed by the Independent Review Panel. Such removal shall be for good cause upon a majority vote. The Independent Review Panel shall establish the rate of remuneration of the Executive Director in conjunction, concurrence and consensus with the County Manager.

(c) *Staff.* The Executive Director may hire and administer the necessary staff, subject to budgetary allocation by the Board.

(d) *Legal counsel.* The County Attorney shall provide the Panel with necessary legal counsel.

(e) *Research, investigative personnel.* The Panel may request the Board to provide such other fact-finding and research personnel as it may determine are necessary from time to time.

(Ord. No. 80-8, § 10, 2-19-80; Ord. No. 81-44, § 3, 4-21-81; Ord. No. 83-19, § 1, 4-19-83; Ord. No. 83-42, § 1, 6-21-83; Ord. No. 97-86, § 5, 6-5-97; Ord. No. 97-130, § 1, 7-22-97; Ord. No. 06-31, § 1, 3-7-06)

Sec. 2-11.52. - Municipal utilization of Panel authorized.

At the request of any municipality, on a case-by-case basis or for a time certain, the Panel may assume jurisdiction to consider complaints of citizens against any employee, agency or instrumentality of said municipality. The Panel may proceed to consider, review, investigate and conduct hearings relative to such complaint or grievance. In such event, all references to the County or County officers, employees or representatives shall be determined to be references to the municipality and to the municipal officers, employees or representatives who serve in comparable capacities.

(Ord. No. 80-8, § 12, 2-19-80; Ord. No. 81-44, § 4, 4-21-81; Ord. No. 97-86, § 6, 6-5-97)

MEMORANDUM

Special Item No. 3

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

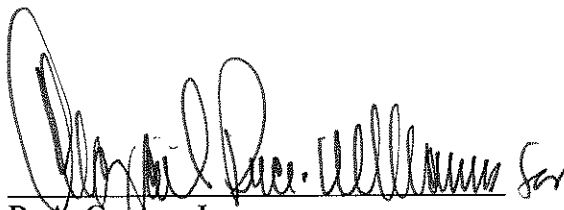
DATE: March 8, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution calling a special
election whether to amend the
Home Rule Charter to provide
that County Commissioners shall
serve no more than two
consecutive four-year terms in
office excluding terms of service
prior to 2012

Resolution No. R-254-12

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsor are Commissioner Rebeca Sosa, Commissioner Lynda Bell and Commissioner Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 8, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 3

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 3
3-8-12

RESOLUTION NO. R-254-12

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT COUNTY COMMISSIONERS SHALL SERVE NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS IN OFFICE EXCLUDING TERMS OF SERVICE PRIOR TO 2012

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with the General Election on Tuesday, November 6, 2012, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will

close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

HOME RULE CHARTER AMENDMENT
RELATING TO TERM LIMITS OF COUNTY
COMMISSIONERS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT
COUNTY COMMISSIONERS SHALL SERVE NO MORE
THAN TWO CONSECUTIVE FOUR-YEAR TERMS IN
OFFICE EXCLUDING TERMS OF SERVICE PRIOR TO 2012?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her

designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

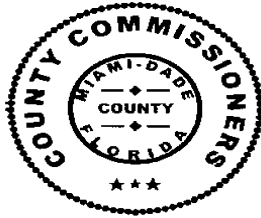
Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Rebeca Sosa, Commissioner Lynda Bell and Commissioner Esteban L. Bovo, Jr. It was offered by Commissioner **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	nay
	Audrey M. Edmonson, Vice Chairwoman	nay
Bruno A. Barreiro	aye	Lynda Bell aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz aye
Sally A. Heyman	nay	Barbara J. Jordan nay
Jean Monestime	aye	Dennis C. Moss nay
Rebeca Sosa	aye	Sen. Javier D. Souto aye
Xavier L. Suarez	aye	

5

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of March, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

OR

Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-3¹

ELECTIONS

Section 3.01 ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

* * *

>>E. Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four-year terms. No term of service as a Commissioner commencing prior to 2012 shall be considered a part of or counted toward the two term limit.<<

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.



INLUC
Agenda Item No. 2(E)

MEMORANDUM

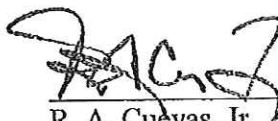
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 11, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution calling a special election for the purpose of submitting to the electors the question of whether to amend the Home Rule Charter to provide that County Commissioners shall receive either their current \$6,000 annual salary or such other amount approved by a vote of the electors of a commissioner's district

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 1, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
5-1-12

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT COUNTY COMMISSIONERS SHALL RECEIVE EITHER THEIR CURRENT \$6,000 ANNUAL SALARY OR SUCH OTHER AMOUNT APPROVED BY A VOTE OF THE ELECTORS OF A COMMISSIONER'S DISTRICT

WHEREAS, Miami-Dade County established an annual salary of \$6,000 for County Commissioners in 1957, when the County's Home Rule Charter was adopted; and

WHEREAS, the demands of the position of County Commissioner have grown substantially, while the salary has remained the same; and

WHEREAS, Miami-Dade County is now the most populous county in the State of Florida with a population of over 2.4 million residents and a budget in excess of \$7.3 billion,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with a General Election on Tuesday, November 6, 2012, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

HOME RULE CHARTER AMENDMENT
RELATING TO SALARIES OF COUNTY COMMISSIONERS

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT
COUNTY COMMISSIONERS SHALL RECEIVE EITHER
THEIR CURRENT \$6,000 ANNUAL SALARY OR SUCH
OTHER AMOUNT APPROVED BY A VOTE OF THE
ELECTORS OF A COMMISSIONER'S DISTRICT?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of May, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA

BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.06. SALARY.

[[Each]]County Commissioner>>s<< shall receive [[a]]
>>an annual<< salary of \$6,000 per year [[~~payable-monthly~~]] >>or
such other amount established by a referendum called by the Board
of County Commissioners and approved by the electors of a
Commissioner's district<< and shall be entitled to be reimbursed
for such reasonable and necessary expenses as may be approved by
the Board. >>Such salary shall be payable monthly.<<

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

HJR 349

2012

House Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors; providing requirements for a bill proposing such a special law.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.
The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by

HJR 349

2012

29 county officers; the county seats; and the municipalities and
30 special districts of the state, their powers, jurisdiction and
31 government.

32 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
33 office when this article becomes effective shall continue in
34 office for the remainder of the term if that office is not
35 abolished. If the office is abolished the incumbent shall be
36 paid adequate compensation, to be fixed by law, for the loss of
37 emoluments for the remainder of the term.

38 (d) ORDINANCES. Local laws relating only to
39 unincorporated areas of a county on the effective date of this
40 article may be amended or repealed by county ordinance.

41 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections
42 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall
43 remain in full force and effect as to each county affected, as
44 if this article had not been adopted, until that county shall
45 expressly adopt a charter or home rule plan pursuant to this
46 article. All provisions of the Miami-Dade ~~Metropolitan Dade~~
47 County Home Rule Charter, heretofore or hereafter adopted by the
48 electors of Miami-Dade ~~Dade~~ County pursuant to Article VIII,
49 Section 11, of the Constitution of 1885, as amended, shall be
50 valid, and any amendments to such charter shall be valid;
51 provided that the said provisions of such charter and the said
52 amendments thereto are authorized under said Article VIII,
53 Section 11, of the Constitution of 1885, as amended. However,
54 notwithstanding any provision of Article VIII, Section 11, of
55 the Constitution of 1885, as amended, or any limitations under
56 this subsection, the Miami-Dade County Home Rule Charter may be

HJR 349

2012

amended or revised by special law approved by the electors of
Miami-Dade County and, if approved, shall be deemed an amendment
or revision of the charter by the electors of Miami-Dade County.
A bill proposing such a special law must be approved at a
meeting of the local legislative delegation and filed by a
member of that delegation.

(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To
the extent not inconsistent with the powers of existing
municipalities or general law, the Metropolitan Government of
Miami-Dade ~~Dade~~ County may exercise all the powers conferred now
or hereafter by general law upon municipalities.

(g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
shall have power, by joint resolution, to delete from this
article any subsection of this Section 6, including this
subsection, when all events to which the subsection to be
deleted is or could become applicable have occurred. A
legislative determination of fact made as a basis for
application of this subsection shall be subject to judicial
review.

BE IT FURTHER RESOLVED that the following statement be
placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 6

AUTHORIZING AMENDMENTS TO MIAMI-DADE COUNTY HOME RULE
CHARTER BY SPECIAL LAW APPROVED BY REFERENDUM.—Authorizes
amendments or revisions to the Miami-Dade County Home Rule
Charter by a special law when the law is approved by a vote of
the electors of Miami-Dade County. A bill proposing such a

HJR 349

2012

85 | special law must be approved at a meeting of the local
86 | legislative delegation and filed by a member of that delegation.
87 | It also conforms references in the State Constitution to reflect
88 | the county's current name.

From: webmaster@miamidade.gov [mailto:webmaster@miamidade.gov]

Sent: Monday, April 30, 2012 12:35 PM

To: 311

Subject: Information Request - Miami-Dade Webmaster Inquiry #4302012123514P - rec:

Contact Information

Name: MARVA LIGHTBOURNE

E-mail: randydavisinc@aol.com

Details

Reason for e-mail: Information Request

Web URL:

<http://www.miamidade.gov/info/contact.asp>

Subject: charter meetings

Comments:

..notice the meetings places...& I notice none for the overtown, little haiti, liberty city, brownsville area... what's with that???.. we have the caleb center & haiti cultural arts center available for >> THE PEOPLE !!!..you are including us in these details (.. VERY IMPORTANT DETAILS TOO, IN THIS CHARTER REFORMS ..)..MS.MARVA LIGHTBOURNE, R.N., CHAIRWOMEN CONCERNED CITIZENS COMMITTEE, INC. LIBERTY CITY

Timestamp:4/30/2012 12:35:14 PM

Kim, Inson (Office of the Mayor)

From: Charter - Miami-Dade
Sent: Monday, May 07, 2012 3:14 PM
To: Kim, Inson (Office of the Mayor); Mejia, Lorna (Office of the Mayor)
Subject: FW: Charter Review Suggestions

From: webmaster@miamidade.gov [mailto:webmaster@miamidade.gov]
Sent: Monday, May 07, 2012 10:42 AM
To: Charter - Miami-Dade
Subject: Charter Review Suggestions

Contact Person: **Santiago Leon**

E-mail: sleon@accbrokers.com

Contact Phone Number: **3056667361**

Home Address: **11600 SW 69 AVE.**

City: **Pinecrest**

State: **FL**

Zip Code: **33156**

Suggestions: **1. Suggestion for voting in single-member districts** I would suggest that the Commission look into preference voting, also called instant runoff voting. It is in force in San Francisco and a number of other cities. The current list includes: San Francisco, California; Oakland, California; Berkeley, California; San Leandro, California; Takoma Park, Maryland; Aspen, Colorado; Minneapolis, Minnesota; Telluride, Colorado; St. Paul, Minnesota; Portland, Maine and Hendersonville, North Carolina. There is a full explanation here: <http://www.fairvote.org/what-is-irv/#.T4dF0KuXSa8> There is a diagram explaining the system on the web site. Here is a summary from the web site: Instant runoff voting allows voters to rank candidates in order of preference (i.e. first, second, third, fourth and so on). Voters have the option to rank as many or as few candidates as they wish, but can vote without fear that ranking less favored candidates will harm the chances of their most preferred candidates. First choices are then tabulated, and if a candidate receives a majority of first choices, he or she is elected. If nobody has a clear majority of votes on the first count, a series of runoffs are simulated, using voters' preferences as indicated on their ballot. The candidate who receives the fewest first place choices is eliminated. All ballots are then retabulated, with each ballot counting as one vote for each voter's highest ranked candidate who has not been eliminated. Specifically, voters who chose the now-eliminated candidate will now have their ballots added to the totals of their second ranked candidate -- just as if they were voting in a traditional two-round runoff election -- but all other voters get to continue supporting their top candidate who remains in the race. The weakest candidates are successively eliminated and their voters' ballots are added to the totals of their next choices until a candidate earns a majority of votes. **2. Suggestion for election for some or all seats on the Board of County Commissioners: Choice Voting** Here is a link to a discussion of choice voting: <http://www.fairvote.org/what-is-choice-voting#.T6fbXuuXSa8> Choice voting is a proportional voting system where voters rank candidates in multi-seat constituencies. Through choice voting, like-minded groupings of voters win legislative seats in better proportion to their share of the population. Whereas winner-take-all elections award 100% of power to a 50.1% majority, proportional voting allows voters in a minority to win a fair share of representation. In Miami-Dade County, choice voting probably have resulted in the election of a Haitian commissioner much sooner, because even though Haitians were not a majority in any one district, there would have been enough Haitians to elect a commissioner on a county-wide basis. It could also result in the election, for example, of a Colombian commissioner, a libertarian commissioner or a commissioner running on

an environmental platform. Choice Voting is used for elections all around the world and has a history of use in the United States. Cities such as New York and Cincinnati have used it for decades while Cambridge continues to employ it for City Council elections. Choice voting is also frequently used to elect board members in private organizations and corporations. On many campuses, choice voting has been adopted to elect student governments that are reflective of the student body. Under a choice voting system, voters simply rank candidates in order of preference, putting a "1" by their first choice a "2" by their second choice and so on. Voters can rank as few or as many candidates as they wish knowing that a lower choice will never count against the chances of a higher choice. To win under choice voting, candidates need an exact number of votes called a threshold". For example in a ten-seat legislature candidates need roughly 10% of votes to win and the threshold would be approximately 10% of the total number of votes cast. After counting first choices candidates with the winning threshold are elected. To maximize the number of voters who help elect someone "surplus" ballots beyond the threshold are transferred to remaining candidates according to voters' next-choice preferences. After transferring surplus ballots until no remaining candidate has obtained the winning threshold the candidate with the fewest votes is eliminated. All of his/her ballots are distributed among remaining candidates according to voters' next-choice preferences. This process continues until all seats are filled. I would be glad to meet with members of the Task Force to discuss these ideas.

Mejia, Lorna (Office of the Mayor)

From: Charter - Miami-Dade
Sent: Monday, May 14, 2012 10:02 AM
To: Kim, Inson (Office of the Mayor); Mejia, Lorna (Office of the Mayor)
Subject: FW: Covenant with the People of MDC for Reform of Count Government

Emailed to Charter@miamidade.gov

From: Alice Pena [mailto:alipen@msn.com]
Sent: Saturday, May 12, 2012 7:28 AM
To: Charter - Miami-Dade
Subject: Covenant with the People of MDC for Reform of Count Government

A COVENANT WITH THE PEOPLE OF MIAMI-DADE COUNTY FOR REFORM OF COUNTY GOVERNMENT

1. REVAMP THE COUNTY COMMISSION AND REDUCE THE COST OF GOVERNMENT BY REDUCING THE NUMBER OF COMMISSIONERS FROM THIRTEEN TO NINE.
2. PRESERVE POLITICAL DIVERSITY WHILE PROMOTING A MORE REGIONAL FOCUS BY PROVIDING FOR SEVEN DISTRICT COUNTY COMMISSIONERS AND TWO AT-LARGE COMMISSIONERS.
3. TRANSFORM THE OFFICE OF COUNTY COMMISSIONER BY IMPOSING A TERM LIMIT OF 2 FOUR YEAR TERMS (ENSURING TURNOVER). BARRING COMMISSIONERS FROM OUTSIDE EMPLOYMENT (ELIMINATING UNSEEMLY CONFLICTS OF INTERESTS). BARRING THEM FROM LOBBYING ACTIVITIES FOR TEN YEARS AFTER LEAVING OFFICE (CLOSING THE REVOLVING DOOR OF LOCAL POLITICIANS LOBBYISTS.) IN EXCHANGE FOR WHICH THEY WOULD BE PAID A REASONABLE SALARY (MAKING PUBLIC SERVICE ACCESSIBLE TO YOUNG PEOPLE AND OTHERS WHO ARE NOT WEALTHY OR WILLING TO BE CORRUPTED).
4. ELIMINATE THE MANIPULATION OF ELECTION DATES BY REQUIRING ELECTIONS FOR COUNTY MAYOR AND COMMISSIONERS TO BE HELD CONCURRENTLY WITH ELECTIONS FOR OTHER STATE AND NATIONAL OFFICES.
5. RESIZE, RESTRUCTURE AND REDUCE THE COST OF COUNTY OPERATIONS, INCLUDING CAPPING PUBLIC PENSION COSTS AND STREAMLINING A TOP HEAVY BUREAUCRACY, IN ORDER TO ENHANCE DELIVERY OF NECESSARY AND QUALITY OF LIFE SERVICES.
6. RESTORE ACCOUNTABILITY BY REPEALING ANY NON-CHARTER RESTRICTION ON THE PEOPLE'S RIGHT TO PETITION THEIR GOVERNMENT FOR CHANGE OR TO RECALL A POLITICIAN; AND TO REQUIRE ANY PROPOSED FUTURE RESTRICTION TO BE VOTED UPON BY THE PEOPLE OF MIAMI-DADE COUNTY AND BE ENSHRINED IN THE COUNTY CHARTER,
7. ENCOURAGE FUTURE REFORM BY ALLOWING THE CHARTER REVIEW COMMITTEE TO PLACE DIRECTLY ON THE BALLOT ADDITIONAL RECOMMENDATIONS FOR REFORM.
8. AVOID CONFLICTS OF INTERESTS IN COUNTY LOBBYING ACTIVITIES BY REQUIRING PUBLIC DISCLOSURE RELATED TO LOBBYING ACTIVITIES AND PROHIBITING ANY PERSON OR ENTITY WHO LOBBIES ON THE COUNTY'S BEHALF FROM LOBBYING COUNTY GOVERNMENT ON BEHALF OF OTHERS DURING SUCH COUNTY REPRESENTATION.

ALICE PENA
14390 SW 199 AVENUE
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Pantin, Les (Office of the Mayor)

From: Beisenbp@aol.com
Sent: Tuesday, May 15, 2012 6:35 PM
To: Charter - Miami-Dade
Subject: Input

I went to the South Dade public meeting about the charter changes. Unfortunately, the Latin Builders Association talked for so long, I had to leave. The prior meeting with the public was much less formal and we all just had a conversation. I liked that format better. I had wanted to ask two questions so I will share them as statements here.

I hope that you are considering two things. One is the previous report that was done in 2007 which is a good jumping off place. The other issue is the concept of county-wide commissioners. I think we should have 5 who are county-wide and 6 who are from individual districts. Personally, I think 13 is too many commissioners so I would reduce the number at the same time the county-wide positions were created.

Good luck and please put multiple, simple items on the ballot so that people understand what they are voting for, and address as many issues as is reasonable and not just 1 or 2. We need to get the charter changed so we can move on into the future.

Barbara Parker
Palmetto Bay