



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES CHARTER REVIEW TASK FORCE

Board of County Commissioners
Stephen P. Clark Center
Conference Rooms 18-3 and 4
111 N.W First Street
Miami, Florida 33128

June 6, 2012
As Advertised

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Board of County Commissioners

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**CLERK'S SUMMARY AND OFFICIAL MINUTES
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The Miami-Dade Charter Review Task Force (the Task Force) convened on June 6, 2012, at the Stephen P. Clark Center, 111 N.W. First Street, Rooms 18-3 and 18-4, Miami, Florida, at 9:00 a.m. There being present Chairman Rene Garcia, Vice Chairwoman Evelyn Langlieb Greer, Mayor Juan Carlos Bermudez, Councilman Luis Gonzalez, Mr. Carlos Manrique, Mr. Terry Murphy, Mr. Hans Ottinot, Mr. Lawrence Percival, Reverend Dr. Walter Richardson, and Mayor Donald Slesnick; (Mr. Armando Bucelo, Councilwoman Isis Garcia-Martinez, Professor H. T. Smith, and Representative Carlos Trujillo were late); (Ms. Yolanda Aguilar, Mr. Joe Arriola, Mr. Victor Diaz, Representative John Patrick Julien, Mr. Louis Martinez, and Ms. Pamela Perry were absent).

In addition to Task Force members, the following staff members were present: Assistant County Attorneys Cynthia Johnson-Stacks and Jess McCarty, Ms. Inson Kim, Ms. Lorna Mejia, Mr. Les Pantin, Mr. Jeve Clayton, and Deputy Clerk Flora Real.

Chairman Garcia called the meeting to order at approximately 9:26 a.m., welcomed Task Force members and all others present, and proceeded with presentations, pending the arrival of a quorum.

Chairman Garcia welcomed Task Force members and all others present. He noted he had received several proposals from Task Force members since the last meeting, including proposals from Mayor Carlos Gimenez, Terry Murphy, and Mr. Slesnick outlining their recommendations to fill a mayoral vacancy, for incorporation/annexation.

Dr. Richardson asked that the Task Force break for lunch at 12:00 p.m. for an hour.

CRTF ISSUES OF STUDY

- **Salaries/Outside Employment**
- **Commission Salary Proposal**

Chairman Rene Garcia noted Task Force members asked the County Attorneys to craft appropriate language for each of the recommendations.

Mr. Lawrence Percival noted 14 members were present, which constituted a quorum, and he was hopeful that the Task Force would be able to vote on some of the issues before the noon recess.

Assistant County Attorney Cynthia Johnson-Stacks explained that based on this Task Force's proposal on commissioners' salaries, the \$6,000 annual salary for commissioners would remain in place until November 2016; and would increase to approximately \$54,000, equivalent to the median income range in Miami-Dade County (MDC) after November 2016. She noted although

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the figure would be reflected in the drafted language for the ballot question, it would read as follows: "...the salary as of 2016 would change from \$6,000 to the median income of MDC."

In response to Chairman Garcia's inquiry, Mr. Murphy clarified that was not his proposal.

Councilwoman Isis Garcia-Martinez said she would not feel comfortable with placing a question on the ballot that did not include the exact amount for commissioners' salaries.

Vice Chairwoman Evelyn Greer noted the median income range for salaries in MDC was at least \$46,000 based on the data obtained from Google.com.

Following further discussion on the median income range, Assistant County Attorney Johnson-Stacks advised that the ballot question would refer to an estimated amount based on the manner in which these types of questions were typically drafted; that as proposed, the salary would change over time consistent with the median income range.

Representative Carlos Trujillo said he supported the proposed language for salaries based on the median income range, noting the salaries would be inaccurate because they would be adjusted over the years consistent with the County's budget. In addition, the voters did not vote in favor of a salary increase for commissioners in the past because it was placed on the ballot as a single question rather than a combined question, Mr. Trujillo noted.

Assistant County Attorney Johnson-Stacks clarified that the proposed Charter language was before the Task Force today, not the drafted language for the ballot question. She explained that the law required that the proposed language include the average median income range, which meant that the actual numbers for the existing and the proposed salaries would be reflected in the language.

Following a discussion regarding the rationale for the proposal to implement the salary increase in year 2016, Mr. Murphy explained the intent was for the salary increases to be applicable to future elected commissioners and not incumbent commissioners, noting he believed the voters would be more likely to support it.

In response to Vice Chairwoman Greer's concerns regarding whether this proposal would impact additional executive benefits paid to the commissioners, Mr. Murphy noted the Human Resources Director explained that any additional compensation must be approved as part of the annual budget process and would require a public hearing. He further explained that the commissioner had the option to take the expense account as part of a salary or as a reimbursement of expenditures throughout the year.

Following further discussion regarding executive benefits, Mr. Smith suggested that Task Force members make recommendations collectively and in the best interest of the governance of this

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community. He noted Task Force members unanimously agreed that the proposed salary amount was too low, but it was up to the voters to uphold or reject that proposal. Mr. Smith also noted he would support this proposal, even though he disagreed with implementing it in 2016, which the voters would likely approve.

Mr. Bucelo said he disagreed with Mr. Smith, noting he believed that what mattered most was the way the proposed ballot question was presented to the voters, noting ballot questions must be simple and easy to understand.

It was moved by Reverend Richardson that the Task Force approve the proposed language amending the Home Rule Charter to provide that the \$6,000 annual salary of each County Commissioner remain in effect until November 2016; after which time, each County Commissioner shall receive a salary equivalent to the median income range within the County. This motion was seconded by Mr. Smith, and upon being put to a vote, passed by a vote of 13-1; (Mr. Slesnick voted "No"); (Ms. Aguilar, Mr. Arriola, Mr. Diaz, Representative Julien, Mr. Martinez, and Ms. Perry were absent).

Mr. Slesnick explained that he voted "No" on the foregoing motion because he disagreed with the proposal to implement the salary increase in 2016, but after listening to the rationale, he would change his vote to "Yes" consistent with the consensus of the group.

Subsequently, Mr. Slesnick' requested that the record reflect his vote as a "Yes" vote. Consequently, the foregoing motion passed by a unanimous (14-0) vote of those members present.

Upon conclusion of the foregoing presentation, Chairman Garcia proceeded to consider the Outside Employment Proposal.

o Outside Employment Proposal

Assistant County Attorney Cynthia Johnson-Stacks advised that this items involved a proposed amendment to Section 1.05 of the Charter pertaining to forfeiture of office for commissioners; and as proposed, would add language requiring that any commissioner employed by or consulting for the County; or who had an ownership interest in any firm doing business with the County or any affiliate of the County, must forfeit his/her office immediately.

In response to Reverend Richardson's inquiry regarding who would make that determination, Assistant County Attorney Johnson-Stacks noted another proposed amendment was before the Task Force pertaining to lawsuits file by citizens and the delegation of additional authority to the Commission on Ethics and other authorities to look at these issues. She advised the proposed amendment required that such proposals be submitted by the citizens.

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Discussion ensued regarding what the proposed amendment would accomplish.

Mayor Bermudez noted the term, "doing business with" was defined in the proposed amendment and penalties were not prescribed, which would not ensure open transparent government in MDC. He recommended that language be incorporated to define "immediate family" as spouse, domestic partner, parents, stepparents, stepchildren, spouses of children, and stepchildren of the person involved to accurately hold them accountable; and that outside employment be a violation subject to penalties.

Following discussion regarding whether the proposal under consideration should be expanded to define immediate family members, Mayor Bermudez proposed his recommendation as an amendment.

Mr. Bucelo noted the language in the first paragraph of Section 1.05(A) which states, "...or who fails to attend meetings without good cause," was too ambiguous. With regard to the phrase, "...shall immediately," Mr. Bucelo questioned whether a process was in place to allow a commissioner to automatically forfeit office, noting guidance language should be included following the word "immediately." He asked Ms. Johnson-Stacks to expand the "reside" and "immediately" to provide clarification and include trigger language.

Councilman Gonzalez said he agreed with Mayor Bermudez' comments and other comments made by Task Force members. He noted the language in the Charter was insufficient and inconsistent with the positions previously expressed by Task Force members and the residents of this community. He noted this process would provide an opportunity to expand the language in the Charter, and recommended that the this proposal be tabled to provide additional time for Task Force members to review it and proffer amendments.

Mr. Bucelo reiterated his proposal to amend the language contained in the first paragraph of Section 1.05(A), to clarify the word "immediately."

Vice Chairwoman Greer noted the Task Force members reached a consensus on the goal, but they needed to seek additional direction from the County Attorneys on clarifying that goal. She suggested Task Force members begin by discussing the process and each entity's role or charge in the process.

In response to Mr. Percival's question, Assistant County Attorney Johnson-Stacks advised the Office of the Inspector General and the Commission on Ethics could be codified. She said she believed that if that recommendation was made by a body designated by this Task Force, it would need the certainty of a court analysis for the very reasons mentioned earlier, which was to ascertain government actions and ensure that the person voting was in office. She advised that this Task Force could select a body to make a determination, but it would probably be in the best interest of County operations if the final determination was made by the body of jurisdiction.

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In response to Mr. Percival's question regarding whether the Inspector General or Commission on Ethics would be the best body to make that determination considering the purpose of this Task Force, Assistant County Attorney Johnson-Stacks clarified that decision must be made by the Task Force.

Additionally, Assistant County Attorney Johnson-Stacks noted the existing language in the Charter failed to include a definition for "doing business with" and "relatives" of the public official, but the County had an extensive Conflict of Interest Code (COI) which addressed in great detail, the issues of concern expressed by this Task Force. She suggested that the existing language contained in the Charter be maintained and that additional language be incorporated to allow the County Commission to define "doing business" and other concerns raised by Task Force members. She pointed out that the COI benefited from many legal advisory opinions and interpretations in the Code over the years that would address these types of concerns.

Mr. Bucelo noted this could resolve the concerns if feasible, noting the language could read: "...as per the Code or ordinance law" followed by a definition for "residency" and "immediately." He indicated that it was probably unnecessary to incorporate it here if the County Attorney agreed with the recommendation.

Mayor Bermudez said the language contained with the Code should be clear on what constitutes a COI and outside employment, and noted the appropriate body to enforce these provisions would be the Inspector General because the Commission on Ethics currently did not have any enforcement power.

Vice Chairwoman Greer noted she agreed with Mayor Bermudez.

Mr. Murphy noted he had some concerns with the language, "forfeiture of office" based on potential relationships or affiliations among relatives and firms doing business the County, specifically, relatives of public officials doing business with firms doing business with the County; and the prohibition on County Commissioners voting on contracts, etc., when their relatives were employed by those firms.

Following a discussion regarding COI and forfeiture of office, Mayor Bermudez asked that the Assistant County Attorneys be provided with a clear outline of their proposed recommendations today rather than instructions, which would enable them to draft appropriate language in response to the discussion among Task Force members.

Vice Chairwoman Greer recommended that this provision begin with the following language: "any County Commissioner may not be employed..." She also recommended that a complaint process be incorporated to ensure due process, whereby any complaint filed would be followed up by an investigation by the Inspector General, and the respective commissioner would be given

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an opportunity to respond. She provided further clarification regarding her proposed recommendation, and recommended that Task Force members solicit input from the Assistant County Attorneys and the Mayor.

In response to Dr. Richardson's question, Assistant County Attorney Johnson-Stacks explained that the County's COI ordinance was applicable to County Commissioners and occasionally, County Commissioners were employed by entities funded by the County. She said, under the existing Code, commissioners were allowed to declare a COI and refrain from voting.

Following Dr. Richardson's request for further clarification, Assistant County Attorney Johnson-Stacks noted the intent of this Task Force was to prohibit commissioners from voting under certain situations in the future.

Following further discussion, Assistant County Attorney Johnson-Stacks clarified that the Commission on Ethics had exclusive jurisdiction to interpret the Conflict of Interest Code.

Mayor Bermudez emphasized the importance to codify these issues.

Mr. Smith noted Task Force members should feel assured that the public would support more transparency and accountability in terms of ethics, and members of this body needed to anticipate and discuss the unintended consequences thoroughly and thoughtfully. He noted he supported this proposal and believed Task Force members should consider whether the final recommendations should provide the Commission on Ethics or Inspector General the authority to oust public officials without due process. He recommended that this Task Force consider having the final determination decided in a court of law.

Mr. Smith said he supported the proposal to define "family members," and recommended that Task Force members anticipate and discuss the potential unintended consequences of this proposal. He noted the definition for family members should address the concern previously raised by Mr. Murphy regarding the forfeiture of office.

Mayor Bermudez concurred with Mr. Smith regarding the definition of family members and the importance for ensuring due process.

Vice Chairwoman Greer summarized the foregoing discussion, noting this Task Force had agreed to ask the Assistant County Attorneys to craft new amendments that were clearer and more precise and provided that, "any County Commissioner may not be employed or doing business; and that of a complaint was made implicating a commissioner, the violation would be investigated by the Inspector General; the respective commissioner would be given an opportunity to respond; the Inspector General would render a conclusion; and the commissioner would have an opportunity to appeal that decision if adverse." She noted she did not believe the public at large, should be able to appeal a non-adverse ruling.

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Vice Chairwoman Greer also asked that a clear definition of “residency” be included.

Mayor Bermudez questioned whether the language should say commission member and immediate family or commission member only.

Vice Chairwoman Greer said she believed the agreement was to include language for immediate family, by anticipating potential unintended consequences; and to include a provision for “non-managerial family members” such as those not in a position to impact policy.

Councilman Gonzalez recommended that the Task Force members consider the position of consultants because these individuals had no impact on management or policy; they were largely involved in the political environment, particularly in Tallahassee.

In response to Mr. Manrique’s request for clarification, Vice Chairwoman Greer noted the statement should be corrected to say “any County Commissioner shall not be employed ...”

Upon conclusion of the foregoing presentation, the Task Force proceeded to consider the issue of the Mayoral Vacancy.

- **Mayoral Vacancy**
 - **Memo from Mayor Carlos A. Gimenez**
 - **County Attorney’s Opinion**
 - **Mayoral Vacancy Proposal by Terry Murphy**

The Task Force members considered proposals submitted by Mayor Carlos Gimenez, and Mr. Terry Murphy simultaneously with the County Attorney’s opinion.

Mr. Murphy presented his proposal for Mayoral vacancy. He explained that the Chairperson of the Board of County Commissioners (BCC) followed by the Vice Chairperson would naturally be successors to assume those responsibilities of the Office of the Mayor in the event of a temporary vacancy pending the outcome of an election. If the BCC Chairperson and Vice Chairperson were unavailable, the successor would be the Clerk of Circuit Courts; and the following three positions would be reflected in the Charter for succession purposes.

Subsequently, information was distributed to all Task Force members to clarify two issues in the Code. Mr. Murphy noted the Code contains a provision relating to state of emergency and power succession, which stipulated that the BCC Chairperson accepts the power to declare a state of emergency in the event the Mayor was unavailable. In addition, the language in the Code states that the County Commission had the authority to designate a budget officer to prepare the budget in the event of a vacancy during the budget process. He explained that, pursuant to State

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Statutes, the Clerk of Courts assumed those powers under state law if the County Commission had not designated a budget officer in the event the Mayor was incapacitated.

Mr. Murphy's proposal recommended the succession plan for a Mayoral vacancy be the Chairperson of the County Commission, followed by the Vice Chairperson of the BCC and the Clerk of Courts; whereas, Mayor Gimenez recommended that the successors be a member(s) of the County Administration based on the Mayor's recommendation.

Mr. Murphy said he disagreed with the Mayor's proposal because a vacancy in the Office of the Mayor should be filled by an elected official, particularly considering the high level of intergovernmental coordination of efforts involved.

Following further comments by Mr. Murphy, Vice Chairwoman Geer noted a quorum was no longer present and thus a motion could not be considered. She opened the floor for discussion.

Discussion ensued regarding the responsibilities of the Clerk of Courts pursuant to the State Constitution and the concerns previously expressed by the Clerk.

Mr. Percival reminded the Task Force members about the comments previously made by the Mayor and the Clerk of Courts, noting Ms. Inson Kim disseminated information via email regarding the precedent established by the former Mayor, who designated different individuals and granted them the authority to act in the event he was incapacitated.

In response to Mr. Percival's question, Mr. Murphy clarified that the commissioner filling the Mayoral vacancy would serve as an acting mayor; and his proposal included a provision to address the candidacy for the Office of Mayor, which would prohibit a commissioner serving as an interim Mayor from running for office.

Mr. Percival noted based on previous testimony, it was recommended that Task Force members not embrace Mr. Murphy's proposed succession plan. Consequently, he recommended that Task Force members collectively support the Mayor's proposed succession plan.

Vice Chairwoman Greer expressed her support for the Mayor's proposal.

Mr. Slesnick noted replacing an elected official with an administrator was a different issue. He stated that the Mayor submitted an alternative proposal in response to his request. He noted as previously stated by Mr. Ruvin, the BCC Chairperson and Vice Chairperson were elected for a purpose, while the Mayor pointed out that commissioners were elected for a totally different reason than running the County. He stated that, if those comments were taken into consideration, the County Commission could choose to consider different criteria to elect future Chairpersons of the County Commission. He also noted the Office of the Mayor had become highly

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politicized, and the ability to run successful political campaigns had surpassed technical and administrative competencies as the primary criteria for selecting candidates for that office.

Vice Chairwoman Greer clarified that the Mayor's proposal was different from Mr. Murphy's, and suggested that both proposals be discussed simultaneously.

Following further clarification regarding Mr. Murphy's intent, Mr. Smith pointed out that the timeframe for governance was limited. He noted the primary issues that must be considered by Task Force members was whether or not the individual filling the temporary vacancy should be allowed to run for office, the duration of the temporary assignment, and the criteria for identifying a successor.

Mr. Smith asked Mr. Slesnick to explain the succession plan in his proposal.

Mr. Slesnick noted he agreed with Mr. Smith. He explained the succession plans for the United States Government and State of Florida, which he noted outlined an automatic succession plan for elected officials. He said he supported Mr. Murphy's proposal because it provided for an automatic succession plan by individuals elected by the voters of Miami-Dade County (MDC); however, he would vote consistent with the majority of the Task Force members.

Mayor Bermudez questioned the additional language proposed by Mr. Murphy which states that, "pursuant to the provisions of this section..." and suggested the language should read: "...shall not qualify as candidate for Mayor," rather than "may..."

Mayor Bermudez noted he agreed with Mr. Slesnick that the position of Office of the Mayor should be filled by an elected official.

Upon conclusion of the foregoing discussion, the Task Force members proceeded to consider Mr. Murphy's proposal.

It was moved by Mr. Murphy that the Task Force approve his proposed language as amended, to establish Section 2.03 under Article 2 of the Charter to provide for the implementation of a succession plan in the event of a temporary vacancy in the Office of the Mayor, and providing for the powers and responsibilities of the Mayor be temporarily transferred to the Chair of the Board of County Commissioners (BCC), followed by the Vice Chair of the BCC and the Clerk of Courts; and to require that the person assuming the powers and responsibilities of the Office of Mayor pursuant to this Section, simultaneously with such determination, shall not be able to qualify as a candidate for the Office of Mayor in the respective election. This motion was seconded by Mr. Smith, and upon being put to a vote, passed by a vote of 12-0; (Ms. Aguilar, Mr. Arriola, Mr. Diaz, Representative Julien, Mr. Martinez, Ms. Perry, Representative Trujillo, and Chairman Garcia were absent).

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Upon conclusion of the foregoing discussion, Task Force members proceeded to consider the issue of Mayoral Veto/Collective Bargaining Impasse Disputes.

- **Incorporation/Annexation**
 - **Regional Government Proposal by Lawrence Percival**

During consideration of the issue on the Governance of Jackson Memorial Hospital, Mr. Lawrence Percival commented that Mr. Morales' senior partner was involved in the 2007 Charter Review Task Force; and that throughout a period of years, Mr. Morales was also involved in discussions involving municipal incorporations, the East Kendall Municipal Advisory Council, and the politics surrounding incorporation.

Mr. Percival commented on his vision to abolish the Unincorporated Municipal Service Area (UMSA), transform MDC into a regional government, and allow citizens to have a voice in determining whether or not to incorporate or annex, to the extent that the UMSA may be abolished. He noted his proposal would allow the County to effectively become a regional government and get out of municipal businesses.

Mr. Morales noted he sponsored a resolution in 1998, which was adopted and repealed two years later. This resolution would have eliminated municipal governments within ten years after the effective date of the resolution. He said his views on this issue had not changed because a large government lacked the ability to focus on small local issues due to other more pressing ones; and he believed that a regional government would provide an opportunity for communities to exercise self-governance and create a level of civic engagement at the local level. Mr. Morales said he could provide many other good reasons as to why the County needed to abandon municipal governments.

Mr. Percival said he would like for Task Force members to support his vision on this issue.

- **Governance of Jackson Memorial Hospital**
 - **County Attorney Memo**
 - **Materials Provided by SEIU Local 1991**

Chairman Garcia introduced Mr. Marco Jose Lapciuc, Chairperson of the PHT Financial Recovery Board.

Mr. Marco Lapciuc appeared before the Charter Review Task Force (the Task Force) and provided an overview on the problems at the Jackson Health System (JHS). He noted all Task Force members were aware of the importance of Jackson to this community. He also noted the hospital had improved its operations, was anticipating a surplus for the third quarter, and this was

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a unique opportunity for Task Force members to assist in the stabilization of JHS and the recovery efforts.

Mr. Lapciuc stated governance was most critical for JHS to remain competitive and attractive in order to retain competent doctors and other healthcare professionals. More importantly, it would provide professionals wishing to contract with JHS with a sense of stability and permanence that would not be subject to political influence.

Mr. Lapciuc asked that the following recommendations be considered with regard to Jackson Health Systems:

- That efforts be made to ensure that the hospital governance was competent;
- that the hospital be given a permanent board structure insulated from political influence;
- that the board structure be small and comprised of competent individuals in the healthcare field and free of conflict of interest;
- that the hospital's board be the entity selecting individuals contracting with the hospital while providing the County Commission the authority to investigate and conduct background checks on individuals selected;
- that the hospital's permanent board have complete and absolute operational autonomy to make decisions to fulfill the mission and be able to make decisions involving life and death matters;
- that the benefits of sovereign immunity, such as federal funding and Intergovernmental Governmental Transfer (IGT) revenue not be lost in the search for the best possible governance;
- that efforts be made to avoid losing other local and state funding;
- that the hospital governance be subject to Government in-the-Sunshine and that all discussions and decisions be made publicly pursuant to the Sunshine Law;
- that minor changes be made to the Sunshine Law to allow Jackson to remain competitive and be able to act strategically;
- that a five-year strategic plan be prepared, even though the changes imposed by the Healthcare Reform bill would make it difficult;
- that the hospital continue to be part of Miami-Dade County (MDC) and that the County Administration continue to provide oversight over the hospital's budget to protect its benefits and assets;
- that the hospital compete for funded patients in order to remain competitive and sustainable, particularly in today's turbulent economic environment;
- that MDC continue efforts to maintain and increase hospital admissions; and
- that the profits remain the primary focus of the hospital with an emphasis on how to help those individuals least fortunate in society with no other means of affording medical treatment.

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Mr. Lapciuc explained the benefits of a permanent board, noting the hospital wished to continue partnerships with the University of Miami (UM). He advised that the contract between the JHS and UM continued to be under negotiations, and JHS needed to attract doctors who would enhance revenue profits at the hospital because their patients would follow them.

Upon conclusion of the presentation, Chairman Garcia opened the floor for questions.

Vice Chairwoman Greer requested that Mr. Marco Lapciuc present a specific proposal outlining his recommendations.

Pursuant to Vice Chairwoman Greer's inquiry, Mr. Lapciuc provided specifics to his previous recommendations as follows:

- That the permanent board be comprised of 7 to 9 members with 2 members in waiting such as community advisors;
- that the preferred number for the permanent board was 7;
- that the permanent structure be implemented setting a very definitive record for the citizens of MDC based on a system of checks and balances, in conjunction with the Board of County Commissioners;
- that the permanent board be given complete operational autonomy; and
- that the permanent board's decisions be insulated from political influence.

Mr. Murphy commented that the operational autonomy concept was imbedded in Chapter 25A in that it gave the Trust the power to sue, be sued, enter into contracts, and conduct a wide range of other operational activities that would not be subject to review or ratifications by the governing body of the County. He stated that the hospital was operated independently in many ways, and noted anyone could make comments on the Trust's decisions; but in his opinion, no direct line of authority existed today under Chapter 25A. He thought the Financial Recovery Board (FRB) was operated under the same autonomy provided by 25A.

Mr. Lapciuc clarified that Chapter 25A could be amended at any given time by a simple majority vote of the Board of County Commissioners; therefore, he did not agree with Mr. Murphy's statements.

In response to Mr. Murphy's comments relating to the hospital's authority to enter into contracts since 1973, Mr. Lapciuc advised it was of critical importance that the mechanism be imbedded in a permanent sense since it was subject to the relationship between the Trust and the County Commission and to prevent Chapter 25A from being modified for political purposes. He also stated that the County Commission had the authority to reject the Trust's budget, and the County Commission had the discretion to veto that budget. He advised he would like to ensure that the Trust's budget continue to be approved by the Board of County Commissioners so that the hospital continue to be part of the County's balance sheet.

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Mr. Lawrence Percival stated the ultimate goal was how to implement a permanent governance structure. He asked Mr. Lapciuc to respond to the recommendations in Ms. Martha Baker's letter.

Mr. Lapciuc noted he agreed with much of Ms. Baker's letter and the County Attorney's comments. He expressed concern that tax revenues would be jeopardized by changing the status of Jackson Memorial Hospital in a way that would require a statewide referendum. He explained that sovereign immunity and federal revenues should not be placed at risk. Mr. Lapciuc stated that the hospital did not wish to deviate from its mission and work outside of the sunshine. He noted the Board of County Commissioners should continue to have oversight over the hospital to ensure it complied with its mission. He advised that the checks and balances needed to remain in place. Mr. Lapciuc recommended a model similar to the current FRB be implemented permanently in order to begin seeking business.

In response to Mr. Percival's question regarding the possibility of reconciling his recommendations with those of the Task Force regarding changing the hospital's status to not-for-profit, Mr. Lapciuc said he believed this Task Force would be unable to take a clear stance within the timeframe allowed to prepare its recommendations to place a referendum on the ballot, particularly considering this could jeopardize \$480 million of tax revenues. He said he could not, in good conscience, recommend the 501(c)3 model within the next two weeks considering the lack of knowledge on the impact of that model; therefore, he was unsure whether this would be an appropriate course of action. Mr. Lapciuc said although the 501(c)3 model had worked well in Tampa and many other cities, the many variables and unknowns prevented him from recommending it.

Mr. Lapciuc reiterated his position on the structure of the permanent board. He noted the existing board had the discretion to determine the competence of individuals nominated for the governance, while the County Commission maintained the authority to ratify those nominations.

In response to Mayor Bermudez' question regarding how other hospitals addressed the indigent patients, Mr. Lapciuc noted all hospitals in MDC provided charity healthcare and were mandated by federal regulations to stabilize patients coming into their emergency rooms. He clarified the tolerance level for the indigent and the extent of charity provided were issues out of the hospital's control. In addition, Mr. Bermudez noted providing charity was not the mission of other hospitals, and they did not provide the same charity services that Jackson provided after the patient was stabilized; and that indigent and charity care patients inevitably ended up at Jackson.

Mayor Bermudez noted he agreed with three recommendations made by Mr. Lapciuc, and that the hospital needed a permanent board insulated, as much as possible, from political influence. It also needed a definitive structure with flexibility, and governance with an independent operational structure. He invited Mr. Lapciuc to provide language on those proposals, if

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available, for the Task Force to consider. He stated that, in order to have successful government, one of the components was affordable healthcare; and Jackson was the only institution providing that. Therefore, he felt the voters would be open to at least consider those three recommendations.

Mr. Lapciuc advised that a written proposal would be put forth in consultation with the Chair of the Financial Recovery Board. He noted the hospital was operated pursuant to Government in-the-Sunshine, and that the Chief Executive Officer of the hospital and other colleagues would also be consulted before any language was proposed by the Task Force.

Mayor Bermudez stated that if the hospital did not wish to put forth proposed language, the County Attorney would be asked to prepare proposed language on those three issues he recommended.

Mr. Lapciuc clarified that any written proposals required the approval of the hospital Administration.

Mr. Slesnick commented on the newspaper article featuring Mr. Lapciuc, which he noted was published in *The Miami Herald* today (6/20). He questioned the rationale for not changing the name of the FRB.

Mr. Lapciuc stated the FRB was created by the Board of County Commissioners during the economic downturn, with the intent to ensure a sense of emergency action. The FRB was not created as a permanent board, and it was time to change the name and the status of the Board, Mr. Lapciuc maintained.

Chairman Garcia introduced Mr. Frank Sacco, Memorial Healthcare System of Broward County. He noted Mr. Sacco managed a remarkable healthcare system in Broward County; and that he invited him to explain how that system operates and to provide recommendations.

Mr. Frank Sacco advised that the Memorial Healthcare System was a d/b/a (doing business as) for the South Broward Hospital District. He provided an overview on how the hospitals operate, noting it was an independent taxing authority whereby the members of the Board were appointed by the governor. Mr. Sacco said he had been the CEO for 25 years.

Mr. Sacco provided a historical background on the finances and progress of the hospitals. He pointed out the hospitals' Board retained an outside consultant to work with management and the Board to determine the hospitals' future needs for the first time. The taxing support for the hospitals was reduced to 0.75 mills, representing a reduction of \$28 million on \$1.5 billion in net revenues; and the drop in property values made the impact of the reduced millage equivalent to a 0.6 or a 0.5 millage rate, Mr. Sacco stated. He noted all hospitals within the Memorial system were self-sufficient, and the tax dollars were dedicated to operating five indigent, uninsured healthcare clinics providing primary and specialty healthcare services for the residents of South

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Broward. He noted the Board realized that costs needed to be reduced and subsequently implemented a plan to reduce costs by \$75 to \$80 million, and the impact of this plan resulted in 175 frozen positions, 120 reclassified positions, and 50 layoffs.

Mr. Sacco advised that the Board also reviewed whether or not to privatize, and determined that the hospitals should be maintained as state, public, governmental entities to preserve transparency and its mission, and to continue to benefit from the governmental status, which outweighed the benefits of changing to a not-for-profit entity. He noted Intergovernmental Transfers (IGT), which provided approximately \$800 million, were critical to the Board's decision not to privatize, and provided an overview on the use of the IGTs and the benefits of those funds.

Following a brief discussion regarding the importance of the IGT funds, Mr. Sacco noted the Board had concerns regarding healthcare reform, and sovereign immunity was a major focus of the Board's decision-making process.

Mr. Sacco said the Board of governance of the Memorial Healthcare Systems was given a generative thinking exercise of 6 options which included no action to selling the hospitals; and with the new state law, the Board would have to repeat the generative thinking exercise. The Board considered 4 options, including converting to a 501(c)3 not-for-profit institution. The Board also decided to continue to operate the hospitals as public facilities with some of the assets/cash transferred into a not-for-profit to allow that entity to become more competitive in certain areas because of State Constitutional provisions for co-mingling private and public funds. He advised that the Board would have to revisit those issues due to the changes in State law relating to healthcare.

Mr. Sacco advised that the governance was another issue. He recommended a 7-member board may be the best practice; however, a 7 to 9-member board was workable. He stated board involvement and support was critical for the effective operation of the hospital. Mr. Sacco said if Jackson was to remain a public hospital and an access/safety net for the uninsured and undocumented residents, it must be competitive and less dependent on tax dollars.

Chairman Garcia advised that Mr. Lapciuc recommended the tax revenues be protected as well as sovereign immunity, IGT funds, and that the hospitals' be operated pursuant to the Sunshine Law.

In response to Chairman Garcia's question regarding how best to accomplish the goals of this Task Force considering the time constraints, Mr. Sacco recommended Task Force members begin reviewing the Miami-Dade County Public Health Trust and its affiliation with persons like Joe Robbie and Hal Chapman, who basically acted independently. He recommended a new Charter be established to enable the County Commission to ratify itself as a perpetuating board of Jackson Memorial that would only issue debt on its behalf. He also recommended that the

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operation of the hospital be insulated from interference by the County Commission and its politics.

Vice Chairwoman Greer asked Mr. Sacco to describe how Memorial Hospital's Board members were appointed and who made the appointments; how initial appointments were renewed; and how much control higher authorities had over the process?

Mr. Sacco explained that the Broward County Board of County Commissioners had no authority over the hospital's Board as the appointments were made by the Florida State Governor; only the Governor had the authority to remove a Board member for malfeasance, he added.

In response to Chairman Garcia's question on how to create a self-perpetuating board, Mr. Sacco explained that 7 to 9 reputable community leaders should be appointed to the nominating committee to develop a nominating process and nominate candidates for the County Commission members' ratification. He advised that it was preferable for the County Commission members not to make appointments from a list of candidates.

Following the presentation of a hypothetical governance board, Mr. Sacco advised that no selection criteria existed to appoint Memorial Hospital's Board members; and the appointments were made at the discretion of the Governor. He stated the Governor sent them the names of the appointees, and they did not have a self-perpetuating Board.

Discussion ensued regarding the concept of a self-perpetuating board and how the Governor made the appointments.

In response to Mr. Percival's inquiry as to whether Jackson Memorial's governance model was broken whereas Memorial Hospital's governance model was successful, Mr. Sacco advised that a history of mismanagement and a fractured relationship with the University of Miami (UM) impeded Jackson Memorial's success. He noted the hospital's current management team understood its environment better than previous management teams, and stated those were all critical elements.

Chairman Garcia reiterated that it was recommended that JHS create a self-perpetuating board, retain its ability to receive tax funding, IGT funds, and maintain sovereign immunity.

Pursuant to Mr. Ottinot's inquiry, Mr. Sacco clarified that the Board members were appointed to 4-year staggered terms with 2 members appointed each year for the first 3 years of the Governor's term and 1 member appointed the 4th year. He noted Board members served until replaced even if their term had expired.

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Following a discussion regarding the tenure of the Board members, Mr. Sacco explained that most of Memorial Hospital's Board members served up to eight years, and they had implemented a very stringent Conflict of Interest policy.

Vice Chairwoman Greer asked that Mr. Sacco provide the Task Force with a copy of Memorial Hospital's Conflict of Interest policy.

Responding to Mr. Percival's question, Mr. Sacco explained that a successful CEO educated the Board members as much as possible, provided them with all relevant information, and established an orientation process for new appointees. He noted Board members should be treated as trustees of hospital system and not as public officials.

Pursuant to Mr. Percival's inquiry, Mr. Sacco clarified that the Board held a monthly meeting as well as workshops on major issues to allow sufficient time to brief Board members and provide them with detailed information before voting of the issues. He noted the primary success factors would be the structure of the Board and its members' commitment to work on issues in collaboration with the Leadership of the hospital and its the medical staff.

In response to Chairman Garcia's question as to whether the Memorial Hospital System's governance board would have been as successful had it been structured like JHS, Mr. Sacco noted he was never interested in working for Jackson Memorial Hospital due to its governance structure and other elements.

Chairman Garcia asked Mr. Jimmy Morales to make his presentation.

Mr. Jimmy Morales, 6815 Corsica Street, Coral Gables, Miami, noted he was before the Task Force on behalf of himself. He noted from his previous experience as County Commissioner, this Task Force had a very short timeframe to develop a governance structure for a hospital that had experienced serious governance problems for several years. He said he did not believe the governance of JHS should be included in the Home Rule Charter as it would be too difficult to make changes to it later, and noted. Mr. Morales pointed out that Broward County had the ability to change its Home Rule Charter through the legislature, acting through a referendum.

Responding to Mayor Bermudez' question regarding the creation of an independent board, Mr. Morales stated that he favored a high level of independence whether JHS was public or not-for-profit. He said he agreed that transparency, Government in-the-Sunshine, and federal and state funding should not be jeopardized. Mr. Morales also noted he agreed with proposals to establish an independent board, strong Conflict of Interest policies, and appoint responsible and reputable Board members were more important than creating a State-of-the Art structure.

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Pursuant to Mayor Bermudez' question regarding ensuring that Board members had no Conflict of Interest issues, Mr. Morales stated that he did not object to prohibiting Board members from conducting business with the County directly or indirectly.

Mr. Morales recommended that the County Commissioners' salaries be increased as the position was full-time in many instances, and the formula used by other counties should be adopted by Miami-Dade County.

Chairman Garcia noted even though the Task Force had insufficient time to discuss the issue of governance, all members agreed that the JHS governing board needed to be independent, subject to Government-in-the-Sunshine laws, and eligible for IGT funds.

Mr. Morales complimented all Task Force members for their vigilance regarding healthcare issues, which was one of the most critical issues facing the country.

Upon conclusion of Mr. Morales' presentation on the governance of JHS, Mr. Percival asked Mr. Morales to provide his vision to abolish Unincorporated Municipal Service Areas and create regional governments.

(See report for agenda item relating to Incorporation/Annexation/Regional Government Proposal by Lawrence Percival.)

Upon conclusion of the discussion on regional governments, the Task Force resumed its discussion on the Governance of JMH.

Mr. Manrique clarified that the Chairman of the Board of County Commissioners asked this Task Force include the discussion on the governance of JMH in its agenda. He indicated that Task Force members were only concerned with the issues of sovereign immunity, tax authority, and governance, not with the privatization of JMH. Pursuant to the County Attorney's opinion, the hospital would lose its ability to collect taxes and its sovereign immunity status if privatized; therefore, this Task Force would refrain from addressing that issue and focus on improving the governance, Mr. Manrique explained. He noted Task Force members had presented some excellent recommendations today.

Mr. Morales said he applauded the Task Force's efforts to improve the governance of JHS, but as a former elected official, he understood how complicated this issue was and how the process worked. He recommended that Task Force members exercise caution when proposing that changes to JHS be incorporated in the Charter, which would be permanent and difficult to change.

Ms. Martha Baker, RN, President of SEIU Healthcare Florida Local 1991, apologized to the Task Force members who may have been alarmed by the comments in her letter. She clarified

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that she supported Mr. Lapciuc's recommendations for changes to the structure of JHS rather than to the governance; and explained that members of the Hospital Governance Task Force considered changing the hospital from a public entity to a 501(c)3, not-for-profit organization; however, they realized that the hospital would no longer be subject to Government in-the-Sunshine or sovereign immunity. Ms. Baker noted she also supported the proposals for a smaller, seven-member, permanent board; to change name of the FRB; and to establish requisite healthcare expertise qualifications for Board members and include individuals with medical and other healthcare expertise on the Board. She pointed out that the study conducted by the consulting firm found that Board members needed to have healthcare expertise and that the operational efficiencies were more important than the governance structure.

Ms. Baker noted operational efficiencies could be achieved within the current governance structure while keeping the hospital as a public entity. She recommended that the County Commission maintain some oversight without interfering with operations, and noted she agreed with the recommendation to grant JHS 100 percent operational independence. Ms. Baker explained that she was opposed to the proposed Charter amendment on the governance structure because it was a complicated issue that would require extensive discussions as well as healthcare expertise and transparency. She recommended that Mr. Magoya be allowed to manage the hospital operations, noting the competence of the CEO and Board members was important.

In response to Mr. Smith's inquiry, Ms. Baker noted she concurred with the other expert opinions to exclude this issue from Charter reform, and noted she looked forward to formalizing and improving upon the recent changes made to the FRB by the County Commission.

Councilman Gonzalez spoke in favor of reviewing the structure of the hospital's current Board, establishing criteria to ratified appointments to the Board, and appointing individuals to the board with requisite healthcare expertise.

Mr. Slesnick concurred with the recommendations made, noting they were all beyond the scope of this Task Force given the complexity of the issues and strict deadlines. He stated that it would be more appropriate to review those issues after the recommendations of this Task Force were placed on the ballot.

In response to Mayor Bermudez' question, Ms. Baker advised that the FRB was created by amending the Public Health Trust (PHT) and not through Charter reform. She advised that similar types of changes could be made without amending the Charter, and noted she wanted to participate in efforts to assist in making non-politicized decisions that were in the best interest of the County's public healthcare system.

Mayor Bermudez noted he disagreed with Mr. Slesnick's comments because the Task Force could easily consider a reasonable proposal to change the name and the structure of the board

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while maintaining its independence. However, he noted reviewing the operational efficiencies was more complex.

Chairman Garcia clarified that Mr. Slesnick was referring to the Task Force's strict deadline to review all the issues for the November 2012 ballot.

Vice Chairwoman Greer noted Ms. Baker's input was extremely helpful, and she agreed with Mayor Bermudez' comments. She provided an overview on the rationale for the FRB's creation, noting it was an effective governance structure that provided management stability and should be perpetuated with checks and balances. She suggested that a board similar to the FRB be created by Charter provision; and she also suggested that language be included outlining its composition, how it would be perpetuated, and the checks and balances.

Upon conclusion of the foregoing presentation, Chairman Garcia considered the issue of Salaries/Outside Employment.

- **Petition Process**

- **Petition Reforms Proposal by Mr. Terry Murphy**

Mr. Terry Murphy noted, with regards to Article 8 of the Home Rule Charter, the public was disappointed with the current petition process, particularly with the notarizing and circulator requirements. He stated his proposal would eliminate the requirement for a notary signature on petition forms; authorize a self-executing petition process whereby a voter could download or pick up a hard copy of a petition, thus eliminating a circulator requirement; allow a petition to be approved by the Clerk in multiple languages; provide for a uniform 10 percent registered voter requirement for the petition process; set the recall threshold at a level equal to the number of votes cast to elect the official if it was greater than 10 percent of registered voters; provide for a stated cause in the recall petition; and allow for a rebuttal statement on the ballot by the official subjected to the recall.

Mr. Murphy noted the only signature required on a petition should be the voter's signature. He suggested the rebuttal statement be confirmed by the Clerk and included in the 75 word ballot question.

Vice Chairwoman Greer requested clarification regarding Mr. Murphy's suggestion that a "stated cause" be placed on the petition.

Mr. Murphy clarified that the "stated cause" would provide the public with information on the reason an elected official was recalled from office. He noted the State Statutes governing the recall process listed various reasons an elected official could be recalled and allowed for a rebuttal statement to be included on the ballot question.

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Mr. Bermudez indicated that he could not support a 25 word rebuttal statement included on the ballot question and expressed concern that including such a statement would complicate ballot initiatives. He asked to be provided with an example of a ballot question that included a 25 word rebuttal.

Mr. Murphy explained that the State of Florida's recall petition process required a petitioner to provide a statement of cause and initially required signatures from 10 percent of the registered voters. The petitioner's statement of cause was then adjudicated through a panel, and if approved, signatures from 25 percent of the registered voters were required. He noted, once the required number of signatures was obtained, the official who was the subject of the recall was allowed the opportunity to make a rebuttal statement.

Mr. Percival expressed concern that changing the registered voter threshold from 4 to 10 percent would place an enormous burden on the citizens and stated he could not support that proposal. However, he expressed his support for placing a statement of cause on a petition.

Mr. Murphy explained that the 4 percent threshold was put in place when County Commissioners were elected at large and was not modified upon the inception of single-member districts; therefore, twice the amount of time was now being given to a lower threshold of registered voters.

Mr. Percival respectfully disagreed with Mr. Murphy and suggested the threshold be kept at 4 percent; that a statement of cause be placed on the petition; and concurred with Mr. Murphy's proposal to eliminate the notarizing and circulator requirements. He stressed that this was a citizen process, not a government for the governing.

Mr. Ottinot concurred with Mr. Percival and also expressed support for the County Commission maintaining control over the incorporation process.

Mr. Gonzalez asked that Task Force members be mindful of the population growth over the past few years.

Mr. Slesnick supported Mr. Murphy's efforts in trying to strengthen the recall process.

Councilwoman Garcia-Martinez stressed the need for a simplified process and spoke in opposition to placing a rebuttal statement on the ballot.

Mr. Murphy said providing a reason for a recall should be a fundamental requirement and he would be agreeable to placing it solely on the petition. He reiterated his support of increasing the threshold to 10 percent for recalls, incorporations, and referenda.

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Councilwoman Garcia-Martinez expressed concern that many registered voters in her community would not have the ability to access petitions electronically since most of her constituents were elderly and lacked computer skills. She spoke against raising the registered voter threshold to 10 percent. With regards to Article 8, Section 8.01(5)(b), the Councilwoman noted she did not support the proposed increase from 8 to 15 percent; and that she concurred with Mr. Murphy's proposal to eliminate the notarizing and circulator requirements.

Vice Chairwoman Greer expressed support for various suggestions made such as providing electronic downloads, removing the notarizing and circulator requirements, and maintaining the threshold at 4 percent.

It was moved by Vice Chairwoman Greer that the Task Force members recommend to the County Commission that the registered voter requirement in Article 8 of the Home Rule Charter be kept at 4 percent, that the notarizing and circulator requirements be removed, and that voters be allowed to electronically download the petitions. This motion died due to lack of a second.

Mr. Murphy noted he opposed the foregoing motion. He expressed concern over his colleague's suggestions and withdrew his proposed amendments to Article 8. He spoke against keeping the registered voter requirement at 4 percent, noting removal of the notarizing and circulator requirements from the Charter would allow petitions to be more freely circulated, copied, and distributed among computer literate individuals.

Mayor Bermudez noted Mr. Murphy's comments were valid; however, he concurred with the consensus to keep the threshold at 4 percent.

Chairman Garcia noted the difficulty he faced when trying to obtain 1,400 signatures to have his name placed on a state election ballot in state districts that were much larger than County Commission districts.

Mr. Smith noted he could not support raising the voter requirement threshold to 10 percent.

It was moved by Mr. Percival that the Task Force recommend to the County Commission that the 4 percent registered voter requirement be maintained; that the 120-day requirement to obtain valid voter signatures be maintained; that the need to have a notary sign the petition forms be eliminated; that the circulator requirement be eliminated; that a self-executing petition process be allowed; and that the Clerk be allowed to approve petitions in multiple languages. This motion was seconded by Councilwoman Garcia-Martinez.

Mr. Smith proposed an amendment to provide for a stated cause on a recall petition.

Mr. Percival accepted the foregoing amendment and clarified his motion on Article 8 of the Home Rule Charter was to maintain a 4 percent registered voter requirement; maintain the 120-

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day requirement to obtain valid voter signatures; eliminate the need to have a notary sign the petition forms; eliminate the circulator requirement; authorize a petition process that was self-executing; allow a petition to be approved by the Clerk in multiple languages; and provide for a stated cause in a recall petition. This motion was seconded by Mr. Smith.

Assistant County Attorney Cynthia Johnson-Stacks clarified that the motion before the CRTF was to amend Article 8 of the Home Rule Charter to remove the notary requirement on initiative, recall, and referendum petitions; remove the circulator requirement; and provide for a stated cause on the petition.

The foregoing motion, as clarified by Assistant County Attorney Johnson-Stacks, upon being put to a vote, passed by a vote of 8-3; (Mr. Murphy, Mr. Manrique and Mr. Slesnick voted "No"); (Ms. Aguilar, Mr. Arriola, Mr. Bucelo, Mr. Diaz, Representative Julien, Mr. Martinez, Mr. Ottinot, Ms. Perry, and Representative Trujillo were absent).

Upon conclusion of the foregoing presentation, the Task Force members considered the issue of the Office of the Sheriff.

- **Incorporation/Annexation**
 - **Municipal Boundary Change Petition Process Proposal by Terry Murphy –**
(This item was not considered)
 - **Incorporation Petition Process Proposal by Terry Murphy**

Mr. Murphy explained that his proposal included County Commission involvement on a limited basis immediately following the Clerk's approval of a petition. He proposed that the County Commission be allowed to exercise one of the three following options: approve the petition to go forward for signature gathering; return the petition back to the organizers for modification if its purpose was to create an enclave; or act as mediators with the ability to defer signature gathering for up to a year if the boundaries of a petition conflicted with a municipality's previously approved annexation or another previously filed incorporation request.

Vice Chairwoman Greer expressed concern with Mr. Murphy's proposal as it related to the County Commissioners acting as mediators.

Mr. Murphy noted the County Commissioners would only be deferring the signature gathering process for the incorporation or annexation request until the competing, or conflicting application was resolved.

Mr. Smith suggested the deferral time be no more than one year.

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A discussion ensued regarding the petition suspension process and conflicting petition applications.

Mr. Murphy presented a motion to amend Section 6.05 and create 6.05(a) Incorporation by the Board and 6.05(b) Incorporation by Initiatory Petition. The initiatory provision incorporation process would be modeled after the initiatory petition process for ordinances and Charter Amendments. This modification would provide that the Board of County Commissioners may suspend the petition process if the petition would lead to the creation of an enclave and may defer a petition if a conflicting petition has been filed earlier. This motion was seconded by Mr. Smith, and upon being put to a vote, failed due to a 5-5 tie vote; (Mayor Bermudez, Councilwoman Garcia-Martinez, Councilman Gonzalez, Mr. Manrique, and Vice Chairwoman Greer voted "No" and Reverend Richardson abstained from voting); (Ms. Aguilar, Mr. Arriola, Mr. Bucelo, Mr. Diaz, Representative Julien, Mr. Martinez, Mr. Ottinot, Ms. Perry, and Representative Trujillo were absent).

Incorporation Petition Process Proposal by Don Slesnick

Mr. Slesnick commented on the need for an expedited, facilitated incorporation process. He noted all residents of Miami-Dade County were affected by the decisions made in this County which is why he wanted the County Commission to maintain vigilance over the incorporation process to ensure it was done properly.

Mr. Slesnick explained his proposal to Section 6.05 would involve the creation of Section 6.05(a) Incorporation by the Board, and Section 6.05(b) Incorporation by Initiatory Petition. He noted the initiatory provision incorporation process would be modeled after initiatory petition for ordinances and Charter Amendments. This modification would expressly recognize that the Clerk of the Circuit Court may disapprove the petition for cause; that the County Commission had the authority to review the appropriateness of the petition for incorporation as described herein, following the advice of an Advisory Council with fair representation of all interests; that the Council may suggest alternate boundaries, but the decision on alternate boundaries would be left to the Incorporation Committee; that a strict ninety (90) day timeframe be established for County and Council review of the petition, which could be enforced by court action if the timeframe was not met; that a requirement be incorporated providing for a budget analysis to resident electors in the proposed incorporation area and providing that any proposed municipality whose boundaries include any area outside the urban development boundary, as described in the County's Comprehensive Development Master Plan, must abide by the permitted uses as set forth in such plan.

Vice Chairwoman Greer noted she did not support Mr. Slesnick's proposal, noting she was concerned that it would be too expensive and complex. She maintained that the simplest way to address incorporation would be to allow the people to vote.

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Mr. Gonzalez concurred with Vice Chairwoman Greer, and stressed the need to simplify the process.

Councilwoman Garcia-Martinez emphasized the importance for residents to be educated on the fiscal impacts of incorporation. She also noted the process should be simplified.

A discussion ensued regarding the current process during which it was noted the Charter required a review by the Planning Advisory Board (PAB) members who would subsequently submit a recommendation to the County Commission for approval by a simple majority vote.

Mr. Murphy suggested the Task Force consider including a proposal that a 2/3 vote be required for the County Commission to override any PAB recommendation.

Prior to further consideration of this item, Chairman Garcia recognized Mayor Gimenez, whom he noted was available to provide input on the Transfer of Powers and Functions Proposal submitted by Mr. Murphy, which was discussed earlier.

Mr. Bermudez noted he could not support Mr. Slesnick's proposal because he fully concurred with his colleagues regarding the need for a simpler process.

Mr. Percival spoke about the incorporation processes in the Falls and East Kendall areas, which he noted became extremely politicized and some commissioners were caught in the middle. He stressed the importance of creating a non-political, fair, and equitable incorporation process, noting he was concerned that Mr. Slesnick's proposal would create more public distrust.

Based on the concerns expressed by Task Force members, Mr. Slesnick offered to amend his proposal to remove Section 6.05(B)(2)(b).

Mr. Murphy noted he was concerned that some of the language contained in the Mr. Slesnick's proposal was too broad. He asked Mr. Slesnick if he would be amenable to striking the words "... or upon a showing of good cause," from Section 6.05(B)(1).

Mr. Slesnick agreed to strike the language as proposed by Mr. Murphy.

In response to concerns expressed by Mr. Murphy regarding the language contained in Section 6.05(B)(2)(c), Mr. Slesnick noted it was consistent with the language in the State Statutes.

Vice Chairwoman Greer pointed out that the process was not the problem but rather the politics.

It was moved by Mr. Slesnick that his proposal be approved as amended. This motion was seconded by Mr. Smith.

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Assistant County Attorney Jess McCarty clarified that the proposed amendment, would strike paragraph 2(b) from Section 6.05(B); strike the language contained within paragraphs 2(c) and 2(d) in Section 6.05 and combine the two paragraphs to read as follows: "The Board of County Commissioners may approve the proposed incorporation petition, as presented in the petition or as revised by the Incorporation Committee, or reject the incorporation petition as presented or as revised by the Incorporation Committee, upon its determination that a proposed incorporation is not appropriate, if the proposed municipality will not have contiguous boundaries; will leave an unincorporated enclave area within its boundaries; or is not amenable to separate municipal government, as provided by Florida statute and law.'

Hearing no other questions or comments, Task Force members proceeded to vote on Mr. Slesnick's proposal as amended. This motion, upon being put to a vote, failed by a vote of 4-7; (Mayor Bermudez, Councilwoman Garcia-Martinez, Councilman Gonzalez, Mr. Manrique, Reverend Richardson, Vice Chairwoman Greer, and Chairman Garcia voted "No"; Ms. Aguilar, Mr. Arriola, Mr. Bucelo, Mr. Diaz, Representative Julien, Mr. Martinez, Mr. Ottinot, Ms. Perry, and Representative Trujillo were absent).

Ms. Katherine (inaudible), 2430 NE 135 Street, North Miami, FL, appeared before the Task Force and commented on a survey conducted by *The Miami Herald* which found that 63 percent of voters within Miami-Dade County were opposed to incorporation. She noted she grew up in the Kendall area and witnesses the incorporation/annexation issues Kendall residents faced. She noted she supported the 25 percent signature requirement for petitions and stressed the need to provide better protections for residents in the County's unincorporated areas.

Chairman Garcia reiterated that a public hearing was scheduled for June 20, 2012 at 5:00 p.m. in the Commission Chambers.

ADD ON: Article 8 Section 8.01(7) Proposal by Mayor Juan Carlos Bermudez

Mr. Bermudez presented a motion to repeal Article 8, Section 8.01(7) of the Charter which reads: "An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for a period of one year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance."

Mr. Murphy voiced his concern with removing this provision in its entirety and suggested the time period be extended from 3 to 5 years.

Assistant County Attorney Jess McCarty advised that a date be inserted in lieu of repealing Article 8, Section 8.01(7), which could have an opposite effect and allow for immediate action to be taken.

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Mr. Bermudez noted Mr. Murphy's proposal to increase the timeframe from 3 to 5 years was acceptable.

Mr. Murphy asked that the time period be increased to 3 years.

It was moved by Mr. Bermudez that the Task Force amend Article 8, Section 8.01(7) to insert "a period of three years." This motion was seconded by Mr. Murphy, and upon being put to a vote, passed by a vote of 11-0; (Ms. Yolanda Aguilar, Mr. Joe Arriola, Mr. Armando Bucelo, Mr. Victor Diaz, Representative John Patrick Julien, Mr. Luis Martinez, Mr. Hans Ottinot, Ms. Pamela Perry, and Representative Carlos Trujillo were absent).

- **Office of the Inspector General** – This item was not considered
- **Mayoral Veto/Collective Bargaining Impasse Disputes**
 - **Veto of Collective Bargaining Impasse Proposal by Don Slesnick**
 - **GSAF Letter**
 - **PBA Letter**

The Task Force members considered the Mayoral Veto/Collective Bargaining Impasse Disputes items simultaneously.

Mayor Slesnick explained that the process for negotiating and approving Collective Bargaining Agreements (CBA), noting Chapter 447 of the Florida Statutes provided that these items be heard by the County Commission to act as a "referee" between the executive officer and the labor unions and that the final decision be made by the County Commission. He also noted the Mayor had recently used his veto power to veto the County Commission's decisions on CBAs.

Mr. Slesnick suggested that the Charter be amended and that the citizens of Miami-Dade County be given an opportunity to include a Charter Amendment to exempt this issue from the Mayor's veto powers.

Mr. Terry Murphy commented that the Strong Mayor provision included in the Charter in 2006 was drafted by advocates for the Strong Mayor, and was accomplished by petition. He stated that, he believed, the issue regarding vetoing a decision on impasse had been unintentionally excluded from the Charter. Therefore, Mayor's Slesnick's proposal represented a valid, good structural recommendation which conformed to the collective bargaining process in the State of Florida. He recommended that this Task Force consider it.

In response to Mayor Bermudez's question, Mr. Slesnick responded that the other areas the Mayor had no veto powers in the Charter were "the Mayor may not veto the selection of the Chairperson or Vice Chairperson of the County Commission, the enactment of commission

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committee roles, the formation of commission committees, and the appointment of members to commission committees.”

Discussion ensued regarding the provisions of Chapter 447 and its limitations.

Mr. Percival commented that the requirement of 2/3 majority vote to override the Mayor was a fair check and balance process as it was a process requiring both sides to cooperate to provide balance to the process.

Mr. Slesnick noted he was not arguing with the wisdom of the Mayor's or the County Commission's position. He stated his argument addressed what the system was intended to do and how it was intended to work.

In response to Mr. Ottinot's question regarding collective bargaining negotiations, Mr. Slesnick explained that the parties had to negotiate and once an impasse was reached, then, if both parties agreed, the impasse would be presented before a state appointed a special magistrate. He noted the role of the special magistrate was advisory only and to make recommendations, which could be ignored. He stated that the final step was to present the impasse to the County Commission to have the chief executive and the labor union representative(s) argue their positions, and the final vote was intended to be in the hands of the elected body. Mr. Slesnick noted the Mayor's veto threw out the balance.

Vice Chairwoman Greer commented that collective bargaining agreements were at the heart of the Mayor's functions as a chief executive; and she did not believe it was an oversight when the impasse issue was left out. Therefore, she would not support this proposal.

Mr. Smith expressed his disagreement with the comments made by Vice Chairwoman Greer. He stated that the executive branch had the authority to unilaterally negotiate, which was the power the Strong Mayor should have. He commented on the authority provided by the state legislature and the process, noting he believed it was an oversight.

Upon conclusion of the foregoing discussion, the Vice Chairwoman called for a motion.

It was moved by Mr. Slesnick that the Task Force approve the proposed amendment to the Charter amending Section 2.02, subsection 'E', to include the language "...or any item resolving a collective bargaining agreement impasse.." This motion was seconded by Mr. Murphy, and upon being put to a vote, the motion passed by a roll call vote of 7-5; (Councilwoman Garcia-Martinez, Councilman Gonzalez, Mr. Ottinot, Mr. Percival, Vice Chairwoman Greer voted "No"; Ms. Aguilar, Mr. Arriola, Mr. Diaz, Representative Julien, Mr. Martinez, Ms. Perry, Representative Trujillo, and Chairman Garcia were absent).

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Upon conclusion of the foregoing presentation, the Task Force adjourned its morning session at 12:30 p.m. until 1:30 p.m.

- **Office of the Sheriff**

- **Elected Sheriff Proposal by Don Slesnick**

Mr. Slesnick expressed his support for re-establishing the Office of the Sheriff which was a position currently appointed by the Mayor. He pointed out that every County within the State of Florida, with the exception of Miami-Dade County, had an elected Sheriff. He also noted this proposal was supported by the Dade County PBA who also recommended the establishment of a public safety special taxing district.

For discussion purposes, it was moved by Mr. Slesnick that the Task Force members transmit to the County Commission their proposed Charter amendment to Article 3: Elections that would provide for an elected Sheriff, establish the Sheriff's term of office, provide for nonpartisan elections and the process to qualify for election, establish the Office of the Sheriff as a County department, provide for recall of the elected Sheriff, and transfer powers and duties from the Mayor to an elected Sheriff. This motion was seconded by Mr. Percival.

Mayor Bermudez spoke about issues that were important to the community such as transportation, education, health care, and public safety. He expressed his opposition to the foregoing motion and voiced concern that an elected Sheriff would complicate matters and could be problematic.

Mr. Gonzalez noted he concurred with Mayor Bermudez stating the responsibility should remain with the County Mayor.

Mr. Richardson voiced his opposition to Mr. Slesnick's proposal.

Mr. Murphy explained that the notion of an elected Sheriff could have a positive impact since it provided assurance that law enforcement was independent of a Strong Mayor.

Mr. Richardson responded that the motion did not contain a provision stipulating the elected individual must be a professional law enforcement officer.

Mr. Manrique noted he could not support the foregoing motion due to the possible influx of incorporations in Miami-Dade County; particularly since those areas would create their own police departments, thus decreasing the County's police department.

A discussion ensued regarding concerns over an elected Sheriff at which point Mr. Slesnick pointed out he respected everyone's opinion. He noted, for the record, that 66 counties within

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the State of Florida had elected Sheriffs who provided excellent service to their respective counties. He expressed concern with Task Force members wanting citizens to have a voice on some issues, but not this issue, and asked that his motion be put to a vote.

Chairman Garcia clarified that Mr. Slesnick's motion was properly before the Task Force.

Mr. Slesnick's motion to transmit to the County Commission a proposed Charter amendment to Article 3 to provide for an elected Sheriff, establish the Sheriff's term of office, provide for nonpartisan elections and the process to qualify for election, establish the Office of the Sheriff as a County department, provide for recall of the elected Sheriff, and transfer powers and duties from the Mayor to an elected Sheriff, upon being put to a vote, failed to carry by a majority of Task Force members present (Chairman Garcia, Vice Chairwoman Greer, Mayor Bermudez, Councilman Gonzalez, Mr. Manrique, Reverend Richardson, and Councilwoman Garcia-Martinez voted "No"; Ms. Aguilar, Mr. Arriola, Mr. Bucelo, Mr. Diaz, Representative Julien, Mr. Martinez, Mr. Ottinot, Ms. Perry, and Representative Trujillo were absent).

Mr. Percival and Mr. Murphy noted, for the record, they voted "Yes."

Upon conclusion of the foregoing presentation, the Task Force members proceeded to consider the issue of Annexation/Franchise Utility Fee Proposal presented by the Vice Chairwoman Greer.

o Transfer of Powers and Functions Proposal by Terry Murphy

Mr. Murphy explained the intent of his proposal related to Article 9, Section 9.01C was to clarify that the appointed Miami-Dade PD Director would assume the Sheriff responsibilities with the exception of the management and administration of jail facilities.

Mr. Murphy presented a motion to amend Section 9.01C to transfer the powers and functions of the Office of Sheriff from the Mayor to the Director of the Miami-Dade Police Department or its successor law enforcement agency, effective on the second Tuesday next succeeding the date of the general election in November; and that the powers and functions transferred to the Director of the Miami-Dade Police Department or its successor law enforcement agency would not include Corrections and the operation of County jails, detention facilities, and the custody of prisoners. This motion was seconded by Mr. Percival.

A discussion ensued regarding the current powers of the office of the Sheriff where it was noted Sheriff's functions were outlined in the State of Florida Constitution. In Miami-Dade County the elected Mayor held the Sheriff's powers and had the ability to delegate those powers to an appointee which could result in a non certified law enforcement individual making law enforcement decisions.

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Mr. Smith explained the Mayor of this County, acting as the Sheriff, could have serious ramifications and suggested the wording "the Mayor may delegate" should be amended to "the Mayor shall delegate." He strongly opposed the County Mayor also acting in the capacity of the County Sheriff.

Assistant County Attorney Johnson-Stacks clarified the duties and functions of the County Sheriff as mandated by Florida Statute consisted of: Executing all process; executing writs, processes, and warrants; attending all terms of the circuit court and county court held in its county; executing all orders of the board of county commissioners of its county; being conservator of the peace in its county, suppressing tumults, riots, and unlawful assemblies in its county with force and strong hand when necessary; apprehending, without warrant, any person disturbing the peace, and carrying that person before the proper judicial officer, that further proceedings may be had against him or her according to law; having authority to raise the power of the county and command any person to assist it, when necessary, in the execution of the duties of its office; being ex officio, timber agents for its county; and performing such other duties as may be imposed upon it by law. She stated these functions were currently carried out by the Miami-Dade PD Director as delegated by the Mayor.

Mr. Murphy commented on the proposed language amendment proffered by Mr. Smith and noted his proposal, as drafted by Assistant County Attorney Jess McCarty, transferred the Sheriff powers and functions from the Mayor to the Director of the Miami-Dade PD.

Assistant County Attorney Johnson-Stacks advised the amendment proffered by Mr. Smith, changing the word "may" to "shall" would not accomplish what he intended inasmuch as the Mayor who delegated those powers, remained in ultimate control.

Vice Chairwoman Greer expressed concern that this proposed amendment would create a Charter office that the Mayor had no control over, therefore the Mayor would no longer have the authority to organize law enforcement responsibilities.

Assistant County Attorney Jess McCarty clarified that Mr. Murphy's proposal placed all statutory functions and responsibilities of the Sheriff with the Director of the Miami-Dade PD or the successor law enforcement agency.

A discussion ensued regarding the transference of the Sheriff's responsibilities in which it was noted the Mayor maintained authority over the powers/functions of the Sheriff, despite delegating those powers to another entity.

Mr. Murphy noted the previous Charter Review Task Force in 2006 discussed this issue and attempted to rectify the matter. He noted, based on his review of discussions held at that time, his proposed amendment addressed this issue in a straightforward manner by transferring the duties and functions of the Sheriff from the Mayor to the Director of the police department.

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Mr. Slesnick spoke in support of Mr. Murphy's proposal. He opined it removed the Mayor from being involved in any legal issues pertaining to law enforcement. He noted the Mayor was currently involved in police personnel issues since he had statutory authority over the department as the Sheriff.

Mr. Smith asked that Mayor Gimenez give the Task Force input on issue.

Following discussion on the foregoing motion, this issue was tabled, pending an opinion from Mayor Gimenez.

Upon inquiry by Mr. Slesnick as to whether or not a technical amendment should be made in Section 8.02 where it referenced the "Sheriff or Constable" if that wording no longer applied, Assistant County Attorney Johnson-Stacks advised it would be addressed if necessary.

Mayor Gimenez noted he supported the previous Charter Review Task Force recommendation which provided the following: that the Mayor appoint the Director of the Police Department and the appointment would be for a 4-year period, concurrent with the Mayor's term of office; the County Commission would have the right to reject the Mayor's appointment; the Mayor could fire the Director with majority vote approval by the County Commission; the County Commission could fire the Police Director by a super majority vote; upon the Director's appointment, the Mayor was prohibited from giving day-to-day operational directions to the Director, outside of budgetary matters.

Mr. Percival requested Mayor Gimenez clarify his position on transferring the Sheriff's powers from the Mayor to the Director of the Police Department.

Mayor Gimenez expressed no objection to the transfer of powers and supported some separation between the Sheriff and the Mayor. He noted, however, that budgetary matters related to the Police Department should remain under the Mayor's control.

Vice Chairwoman Greer explained that the office of the Sheriff in Miami-Dade County was abolished in 1966 and the powers and functions of that office were transferred to the Mayor. She noted Mr. Murphy's proposal created a Charter provision that required the Mayor to delegate those powers to the Director of the Police Department, as a Charter officer.

Mayor Gimenez noted he was fully aware of all of the Sheriff's powers and functions and asked for further clarification to determine if some should remain with the Mayor.

Upon inquiry by Mr. Richardson regarding whether or not the Mayor had to delegate the powers of the Sheriff, Mayor Gimenez expressed the opinion that those powers and functions should be delegated and reiterated his preference for separation between the Sheriff and the Mayor. He

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explained that, in the City of Miami, the Fire Chief and Police Chief were entitled to a hearing before the City Commission to prevent them from being fired at the whim of the City Manager without valid cause.

Upon inquiry by Mr. Manrique, Mayor Gimenez clarified that the County Commission currently had the right to disapprove any mayoral appointment by a two-thirds vote and the only additional recommendations he suggested was that the Mayor could fire the Director with a simple majority approval of the County Commission and the County Commission could fire the Director by a super majority vote.

There being no further discussion, Mr. Gonzalez presented a motion to amend Section 9.01C to transfer the powers and functions of the Office of Sheriff from the Mayor to the Director of the Miami-Dade Police Department or its successor law enforcement agency, effective on the second Tuesday next succeeding the date of the general election in November; and that the powers and functions transferred to the Director of the Miami-Dade Police Department or its successor law enforcement agency would not include Corrections and the operation of County jails, detention facilities, and the custody of prisoners. This motion was seconded by Mr. Bermudez, and upon being put to a vote, passed by a vote of 10-1; (**Mr. ?????** voted "No"; Ms. Yolanda Aguilar, Mr. Joe Arriola, Mr. Armando Bucelo, Mr. Victor Diaz, Representative John Patrick Julien, Mr. Luis Martinez, Mr. Hans Ottinot, Ms. Pamela Perry, and Representative Carlos Trujillo were absent).

At this time, the Task Force members resumed their discussion on the Incorporation Petition Process Proposal by Mr. Slesnick.

OTHER BUSINESS

- **Items Approved by the CRTF on May 30th**
 - **Incorporation Proposal by Vice-Chair Evelyn Greer**
 - **Annexation/Franchise Utility Fee Proposal by Vice-Chair Greer**

Vice Chairwoman Greer explained her proposed amendment to Article 6, Section 6.07, relating to management of Franchise Fees and Utility Tax Revenues. She explained the intent was to allow the County to retain a portion of the taxes and fees collected to pay existing bonds. She noted the proposed language was reviewed and accepted by Bond Counsel.

Mr. Manrique supported Vice Chairwoman Greer's proposal and put forth an amendment to include a provision that required Florida Power & Light (FPL) to negotiate with the municipalities once the Franchise Fee and Utility Tax contract between the County and FPL expired.

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Vice Chairwoman Greer accepted Mr. Manrique's amendment.

It was moved by Ms. Greer that her proposed amendment to Section 6.07 of the Charter approved at the May 30, 2012, Task Force meeting be further amended to clarify that when the contract between the County and Florida Power and Light (FPL) expired the municipality into which an area was annexed would have sole authority to negotiate a new franchise fee and utility tax agreement with FPL. This motion was seconded by Mr. Manrique, and upon being put to a vote, passed by a vote of 11-0; (Ms. Aguilar, Mr. Arriola, Mr. Bucelo, Mr. Diaz, Representative Julien, Mr. Martinez, Mr. Ottinot, Ms. Perry, and Representative Trujillo were absent).

o Citizens' Bill of Rights Proposal by Terry Murphy

Ms. Deborah Lam, 13441 SW 100 Court, Miami, FL, appeared before the Task Force and expressed concern with the lack of information as to how those affected by impending incorporation would be kept informed. She also asked that the petition signature requirement be kept at 25 percent and stressed the importance of elected officials providing oversight on the process to ensure all residents had a chance to be heard. She also suggested the Task Force consider the following: that resident's of an area being incorporated or annexed be provided with a financial assessment and allotted sufficient time to review the assessment; that public meetings be held early in the process in order to provide a clear account of what was being voted on; that the requirement allowing the County Commission to approve an incorporation in areas with an electorate of less than 250,000 be removed; that the County Commission be given the authority to call a vote if City officials refused to do so; and that annexations and incorporations be permitted every ten years, during a specific time, subsequent to census data publication and redistricting. She also commented on incorporation issues facing residents in the Falls area.

Chairman Garcia advised Ms. Lam that a public hearing would held on June 20, 2012 at 5:00 pm. in the Commission Chambers.

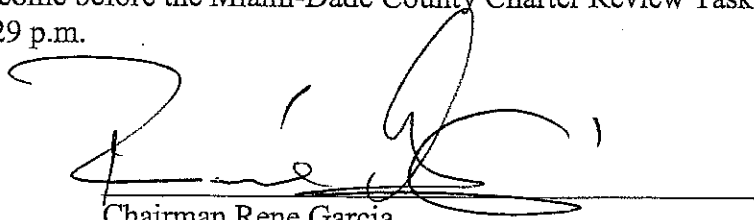
Ms. Lam also commented on *The Miami Herald* survey on incorporation which reflected 63 percent of County residents opposed it. She implored the Task Force to defer to the will of the people and stressed the importance of residents being kept informed.

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- **Office of Intergovernmental Affairs Proposal by Terry Murphy**
- **Feedback received via the website and email - This item was not considered**
- **Approval of Minutes - This item was not considered**
 - May 17, 2012 – Charter Review Task Force
 - May 23, 2012 – Charter Review Task Force

ADJOURNMENT

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting adjourned at 5:29 p.m.

A large, stylized handwritten signature in black ink, appearing to read 'Rene Garcia', is written over a horizontal line.

Chairman Rene Garcia
Miami-Dade County Charter Review Task Force



**Board of County Commissioners
Charter Review Task Force
June 6, 2012**

Prepared by: Jovel Shaw

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	6/06/2012		Vacancy in Mayor's Office and Procedure to Fill Mayoral Vacancy; Temporary Absence or Incapacity of Mayor by Mayor Gimenez
2	6/06/2012		A letter from Deborah Lamb pertaining to incorporation/annexation issues
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Vacancy in Mayor's Office and Procedure to Fill Mayoral Vacancy; Temporary Absence or Incapacity of Mayor

Concept (Gimenez):

Amend Section 1.07 to remove references to a Mayoral vacancy and create a new Section 2.03 and 2.04 to address the interim period after a vacancy and before the County Commission appoints a Mayor or calls an election fill a Mayoral vacancy, as well as periods of absence or incapacity. These sections would require the Mayor to designate a qualified administrative officer following election to office that would carry out emergency management functions; hire and discipline (including fire) department directors; recommend bid waivers to the Board of County Commissioners and exercise other legally delegable functions during periods of absence, incapacity or during an interim vacancy period.

Text of Change:

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

**Section 1.07. VACANCIES >>IN THE OFFICE OF
COUNTY COMMISSIONER<<.**

Any vacancy ~~[[in the office of Mayor or the members of]]~~ >>on<< 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. A person elected shall serve for the remainder of the unexpired term of office. If a

¹ Words 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.

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.

* * *

ARTICLE-2

MAYOR

* * *

>>SECTION 2.03. TEMPORARY ABSENCE OR INCAPACITY OF MAYOR.

Within thirty (30) days of the Mayor assuming office, the Mayor shall designate a qualified administrative officer of the County to assume the following duties and authority of the Mayor during periods of temporary absence or incapacity of the Mayor:

1. Exercise emergency management powers, including powers authorized by state law.
2. Appoint all administrative department directors.
3. Suspend, reprimand, remove or discharge any administrative department director, with or without cause.
4. Issue written recommendations required for any waiver of competitive bidding.
5. Exercise such other legally delegable administrative actions of the Mayor as may have been or are delegated in writing to the administrator chosen by the Mayor.

Such designation shall become effective unless disapproved by a two-thirds vote of those Commissioners then in office at the Board's next regularly scheduled meeting.

The Mayor may rescind such designation, in which case the Mayor shall designate another qualified administrative officer subject to disapproval by the Board as set forth in this section.

SECTION 2.04. VACANCY IN THE OFFICE OF MAYOR.

Any vacancy in the office of Mayor shall be filled by majority vote 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 vacancy must at the time of appointment meet the residence requirements for the office, and shall serve only until the next countywide election. A person elected shall serve for the remainder of the unexpired term of office. Until such time as a Mayor is appointed or elected pursuant to this provision, the vacancy shall be considered a temporary absence or incapacity pursuant to section 2.03.<<

Thank you for letting me speak.

Deborah Lamb
13441 SW 100 Ct
Miami, Fl. 33176

I've read through the comments and proposals on the incorporation/annexation issues and I'm concerned because all I've read is how the process needs to be made easier with little mention of how the affected people will be properly informed of the process and that the critical information needed to decide the issue will be provided in a timely manner and will be accurate.

First, the petition requirement should be kept at the 25% level. Incorporation and annexation is a serious decision that affects residents' taxes and expenses. Lowering the requirement only means more people will not know the process has even been started. Maybe this committee should consider requiring a survey/questionnaire be sent from the County to each resident BEFORE any other efforts are made. I can tell you from personal experience how time consuming and physically draining a petition effort is and think a survey would be the easiest way to determine if a petition effort is even worthwhile.

The petition process should NOT be fashioned after the initiatory petition process because it would bypass the necessary County Commission oversight. Certain standards should be met BEFORE a vote is allowed. We need the BCC to oversee this process and be ready to stop or defer a vote until these standards are met. Including the Commission in the process ensures all sides a chance to be heard.

Any incorporation or annexation effort must provide the residents with an accurate financial assessment of the area to be incorporated or annexed. And the financials should be provided early in the process so the residents can have time to check the figures for accuracy and resolve any differences. Several public meetings should be required to accomplish this. Whether the new area is financially feasible or not, the residents should be given a clear and honest accounting of what they will be voting on. Those people who want to form a city can't expect an affirmative vote if people don't know what it will cost them.

No incorporation or annexation should be allowed without a vote of informed electors. This should include areas that consist of less than 250 electors. The BCC nor anyone should not be allowed to force people to incorporate or annex while denying them the normal process and their voting rights.

A real south Florida community consists of diverse populations, both ethnically and economically. Any incorporation or annexation should attempt to reflect that.

Annexation should require two separate votes. One for the new residents to be absorbed and one for the current city residents to see if they want to enlarge their city's boundaries. If either group does not want annexation, it should be vacated. Again, financials should be provided and people need to be well informed prior to any vote.

No one should be forced to incorporate or annex, whether it is 2012 or by 2016.

If people petition to vote to unincorporate their area, then a vote should be allowed. The County should be responsible for seeing it is enforced, whether the city's officials want to allow it or not. Miami Gardens is a prime example.

Once an incorporation or annexation has been defeated at the polls or the surveys indicate it is not wanted, the issue should not be allowed to be revisited for a period of 10 years, ideally after the Census and redistricting has been done. This will stop the repeated attempts of small groups of people from revisiting an issue that has just been settled. It will also give an area plenty of time to study the issue, get the financials correct, and make sure the general populace is informed. It is patently unfair for a small group of people to tie up the majority of area resident's lives with issues that they have already rejected.