



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Charter Review Task Force

Stephen P. Clark Government Center
Commission Chambers
111 N.W. First Street
Miami, Florida 33128

August 14, 2017
As Advertised

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MIAMI-DADE CHARTER REVIEW TASK FORCE
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES
AUGUST 14, 2017

The Miami-Dade Charter Review Task Force (the Task Force) convened its third meeting on August 14, 2017, at the Miami-Dade County Stephen P. Clark Government Center, Commission Chambers, Second Floor, 111 N.W. 1st Street, Miami, FL 33128, at 6:09 p.m. Upon roll call, the following Task Force members were present: Chair Robert Cuevas, Vice Chair Maria Lievano-Cruz, Mr. Carlos Diaz-Padron, Mr. Alfredo J. Gonzalez, Mr. Marlon Hill, Mr. William H. Kerdyk Jr., Mr. Mike Valdes-Fauli, and Mr. Eric Zichella. Mr. Neisen Kasdin arrived late. Ms. Alice Burch, Mr. George M. Burgess, Mr. Jeff P. H. Cazeau, Mr. Maurice Ferre, and Mr. Luis E. Gonzalez were absent. The Commission District 10 seat remained vacant.

In addition to Task Force members, the following staff members were present: Assistant County Attorneys Oren Rosenthal and Mike Valdes; Ms. Nicole Tallman, Director of Policy and Legislation and Ms. Patricia Flor, Senior Policy Analyst, Office of the Mayor; Mr. Christopher A. Agrippa, Director and Mr. Alan Eisenberg, Deputy Clerk, Office of the Clerk of the Board.

Mr. Christopher Agrippa announced that notice was received from Ms. Alice Burch, Mr. George Burgess, Mr. Maurice Ferre, and Mr. Luis Gonzalez that they would be absent from today's (8/14) meeting.

In response to Mr. Mike Valdes-Fauli's request that Administration informed the public how to livestream the meeting, Ms. Nicole Tallman announced that it could be found at [Facebook.com/miamidadebcc](https://www.facebook.com/miamidadebcc).

WELCOME

Chair Robert Cuevas welcomed Task Force members and guests to the meeting and led them in the Pledge of Allegiance.

REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD

Chair Robert Cuevas opened the reasonable opportunity for the public to be heard.

Ms. Susan Windmiller, 2103 Coral Way, Suite 200, Miami, President, League of Women Voters of Miami-Dade County (League) appeared before the Task Force. She commented that the League unanimously voted to support changing the County's form of government from the strong mayor to a council or county manager. Ms. Windmiller mentioned that a professional

manager was the appropriate person to lead County government; that it prevented politicizing of County operations; and that it kept staff appointments professional.

Ms. Kathy Charles O'Sullivan, 15348 SW 165 Street, Miami, expressed support for the return to a manager/council form of County government. She also commented on the Mayor submitting a budget earlier to promote County Commission deliberation and public participation.

Mr. John Rivera, 10680 NW 25 Street, Miami, President, Dade County Police Benevolent Association appeared before the Task Force. He asked the Task Force to consider a strong manager form of government, noting labor and management got along better under this approach. Mr. Rivera stated that the citizens suffered the most under the current form of government without a cohesive attempt to have collective bargaining, collective thinking and collective negotiations. He said there was more discussion and debate when the manager was forced to deal with the commissioners equally.

Ms. Maribel Balbin, 8346 Dundee Terrace, Miami, National Board Member, League of Women Voters (League) expressed her support for the council/manager form of government. She pointed out that there were no qualifications needed to become County Mayor; however, a professional was needed to run county government.

Ms. Cindy Lerner, 5901 Moss Ranch Road, Pinecrest, indicated that the County Commission must review and vote on the Mayor's proposed budget; however, the County Charter did not provide the Commission with any meaningful way to analyze the integrity of that budget. She said that the Commission needed its own staff analysts to provide them with appropriate resources, similar to the method used by the State of Florida.

There being no other persons wishing to address the Task Force, the reasonable opportunity to be heard was closed.

ACTION ITEMS

- **SHOULD AN ELECTED COUNTY MAYOR OR A MANAGER SELECTED BY THE COUNTY COMMISSION HEAD AND MANAGE THE COUNTY?**

Mr. Mike Valdez-Fauli and Mr. Marlon Hill asked for the Task Force to be provided an overview of the Mayor's responsibilities; the powers of the Mayor in a Manager form of government; the history of previous approaches; and the possible impacts of a change.

Assistant County Attorney Oren Rosenthal presented an overview of County government's structure throughout the years:

- There was no Mayor when the County Charter was first enacted on May, 21, 1957 and the Manager was appointed by the Board of County Commissioners (BCC).
- A 1963 Charter Amendment created a Mayor who was an elected at large BCC member who served as the BCC presiding officer and the Mayor appointed committee structures and heads.
- The Mayor was removed as a BCC member in 1993 and became the head County government, given veto power over the BCC actions which could be overridden by a 2/3 BCC vote, given the ability to appoint a Manager subject to BCC majority approval, had the presiding officer powers, appointed committees and chairs, and served two, four year terms.
- The Charter was again amended in 2002 removing the Mayor as the BCC presiding officer, giving the BCC its own presiding officer and creating its own committee structure.
- The Strong Mayor Amendment in 2007 again changed the structure of the Mayor's duties by making the Mayor, according to the Citizens for Reform v. Citizens for Open Government court decision, the elected County Manager to administer County government, appoint the County Manager which could be overridden by a 2/3 BCC vote, to discharge the County Manager and to appoint, discipline and fire administrative department heads.
- A 2008 amendment transferred budgetary report processes and report prerogatives from the Manager to the Mayor.
- The Office of the County Manager was eliminated in 2010.

Assistant County Attorney Rosenthal indicated that the County went from a no Mayor form of government to a Mayor that was the BCC Chair, to a Mayor that had veto power but was no longer part of the legislative branch, to a Mayor who had control over the government administration, to a Mayor without a County Manager. He said that the Mayor served as an elected County Manager who implements BCC policy.

Assistant County Attorney Rosenthal pointed out that Articles 1, 2, 4, 5, and 9 of the County Charter were impacted.

Chair Robert Cuevas pointed out that the idea behind a Strong Mayor was to have someone responsible for all of County government. He noted as a result of the Court's decision, the County ended up with a hybrid situation with the Mayor being elected by the voters who had the powers previously held by the County Manager. Chair Cuevas said the Mayor was subject to the

policy directives of the County Commission and responsible to implement those policies. He stated the issue was over division of responsibility and accountability, noting County management was separated from the governing body.

In response to Vice Chair Maria Lievano-Cruz' question about the reason for the 1993 revision, Assistant County Attorney Rosenthal mentioned that it was a County Commission driven change.

Chair Cuevas noted this occurred around the time the County began District elections. He also noted the Charter provided that the Manager was selected by the County Commission on the basis of executive and administrative qualifications; however, the individual serving this role was now elected by the people.

Assistant County Attorney Rosenthal added that this happened after the Meek decision on the structure and format of the County Commission. He further added the Mayor moved from being an at-large countywide elected member of the County Commission to an independent administrative office.

- **IF A MANAGER SELECTED BY THE COUNTY COMMISSION SHOULD HEAD AND MANAGE THE COUNTY, HOW SHOULD THE CHARTER PROVIDE FOR THE SELECTION OF THE MANAGER, WHAT POWERS SHOULD THE MANAGER HAVE, AND WHAT POWERS SHOULD BE RETAINED BY THE COUNTY MAYOR?**

Mr. Mike Valdes-Fauli mentioned the need for a manager system of government with something more than just a figurehead. He cautioned that even though it was believed the County Manager system was not politicized, the position could become patronized. Mr. Valdes-Fauli noted some middle ground was needed.

Mr. William Kerdyk Jr. commented that name change from Dade County to Miami-Dade County and the election of a Strong Mayor were two defining issues impacting the County's image. He mentioned that the Mayor needed to be visible and accountable to residents, noting a unified voice to come forward to make statements was necessary in a large diverse city and this would be lost if we moved to a County Manager form of government. Mr. Kerdyk spoke in support of a Strong Mayor that would be held accountable.

Mr. Eric Zichella indicated that he was opposed to changing from a Strong Mayor form of government; however, there needed to be appropriate checks within the County Charter to ensure an appropriate balance of power. He said he agreed with Ms. Cindy Lerner that the County Commission needed a budget staff to help formulate the budget, noting there was a lack of balance of power because the budget was formed and administered through the Mayor's office. Mr. Zichella mentioned this resulted in the County Commission not having real power to hold

anyone accountable. He stated that there were possible changes to the County Charter that could bring appropriate checks and balances and that there should be a Strong Mayor that was accountable to the people and elected by the people.

Mr. Marlon Hill said that who was the Mayor and how this person would use the powers of the office were important issues. He noted he wanted to ensure the Mayor's office was not abusing the power of that office, was not disregarding the County Commission, and was accountable to County residents. Mr. Hill discussed the need to hear more from the public and experts about the reason a change was needed before pursuing a Charter Amendment.

Chair Robert Cuevas said the decision needed to be based on whether the Task Force was happy with the current form of government.

Mr. Carlos Diaz-Padron pointed out that happiness could be related to whether someone did not like the current Mayor or did not like the current system.

In response to Mr. Diaz-Padron's question about constraints to the Mayor's powers, Chair Cuevas commented that the Mayor needed to administer the County in accordance with the policies set by the County Commission.

Assistant County Attorney Oren Rosenthal commented that under the County's Home Rule Amendment (HRA), the Board of County Commissioners (BCC) must be the County's governing body; therefore, the BCC must make all of the County's policy decisions. He said the Third District Court of Appeals clearly said that it was a violation of the HRA to take policy functions and policy decisions away from the BCC and giving them to the Mayor.

Mr. Valdez-Fauli commented on the process of getting Task Force Members' input on the areas of study items and then to revisit those items later, if necessary.

Mr. Alfredo Gonzalez indicated that the hybrid form of government was not functional and ultimately led to the current structure. He suggested keeping the Strong Mayor or rolling back to a Manager form of government, noting the middle ground did not work out. Mr. Gonzalez said he believed a manager worked better in a smaller government structure. He pointed out that Miami-Dade was the Country's sixth largest county with the fifth largest county budget. Mr. Gonzalez said that a separation of legislative and administrative branches were appropriate in larger forms of government, noting we were larger than many states. He noted support for remaining a Strong Mayor form of government and concurred with Mr. Carlos Diaz-Padron on the need to focus on the position as it is as good as the person who is in that position.

Mr. Diaz-Padron added that the current Mayor had an administrative background; however, it was possible to get an elected Mayor without this background.

Vice Chair Maria Lievano-Cruz indicated that she was looking at government structure and best practices. She indicated that a professional county government was usually run under a Council/Manager system in order to fight corruption. Vice Chair Lievano-Cruz said someone could be popular but this did not make them qualified to run government operations. She pointed out that County government could be at a standstill at election time with important decisions not being made that might not appear popular. Vice Chair Lievano-Cruz said that elected County Commissioners needed to be accountable to the people; however, they did not have a strong voice with one elected individual running the government. She indicated that departments in a large county required professional leadership, noting currently this was not a problem but it could be in the future.

Vice Chair Lievano-Cruz stated the Task Force's job was to determine the best form of government for now and into the future. She asked Administration to provide the Task Force with a chart outlining the Mayor's responsibilities and the BCC's responsibilities. Vice Chair Lievano-Cruz commented that she believed County government was not balanced with too much power concentrated in a single position.

Mr. Gonzalez also concurred with Ms. Cindy Lerner, noting the County Commission needed the power and staff to approve a budget which they could be held accountable for.

Vice Chair Lievano-Cruz commented that the Commission Auditor was created to address the budget issue. She suggested the possibility of the County Commission appointing the Budget office.

Mr. Hill concurred with the need to learn more about what we now had before deciding on changes.

Mr. Valdes-Fauli said that he was not afraid of an elected official having too much power, noting abuse of that power could be dealt with through a recall. He mentioned the possibility of having an administrator who had the institutional knowledge and competence as an independent voice in the County Mayor's office without losing the voters' voice in the powerful Mayor's position.

Chair Cuevas said it was an issue of responsibility and accountability. He noted the current system was fundamentally divided, noting an example when the Mayor felt the County Commission made an inappropriate comment and proceeded to leave the budget hearing with his budget staff. Chair Cuevas stated that the Commission could not approve the County budget because of the Mayor's decision, noting County government could come to a standstill.

Mr. Diaz-Padron commented that the County Commission could also refrain from supporting the Mayor by leaving a Commission meeting and not having a quorum to vote on an item. Chair Cuevas commented that information was power and whoever controlled the budget had the power. He said it was the County Commission's responsibility to run County government and to

give policy direction to the administrator to prepare a budget that addressed the County's needs. Chair Cuevas commented that the County Commission did not have input into budget priorities and had no independent way of verifying the Mayor's actions. He said the issue was a question of responsibility and everyone being under the same policy directors, noting difficulties associated with different heads of government making different policy determinations.

Mr. Neisen Kasdin mentioned that a Manager form of government was appropriate in a smaller community where the main need was to make sure things were running. He said that Miami-Dade County was a large, complex community which needed a Strong Mayor who would preside over the administration and be ultimately responsible to set direction and execute the work product. Mr. Kasden mentioned that Jacksonville County, FL had 19 commissioners and that it would be complete chaos without a Strong Mayor.

Mr. Zichella indicated that the issues described still existed in a Strong Manager form of government, noting the only difference was having an individual who was not elected. He said the County Commission could fire the Strong Manager; however, having a large number of individuals on the Commission provided plenty of opportunity for that person to retain their job. Mr. Zichella pointed out that controlling the budget gave the power and ability to hold someone accountable, noting there was no power without the ability to eliminate positions, departments or change budget policy. He said the Commission only voted on the budget and did not make any substantial budget changes, noting this limited their ability to set policy. Mr. Zichella stated that there was no one other than the Mayor giving the County Commission any competent budget advice. He said the legislative body (County Commission) should formulate the budget and the administrative body (Mayor) should carry out the budget.

Mr. Zichella pointed out that: 1) it was not appropriate for the Task Force to suggest policy to the County Commission that should be presented to the voters unless the Task Force was clear on what should be done; and 2) if the Task Force came to a consensus that there was not a clear direction, then the Task Force should maintain the current structure and focus efforts on keeping a Strong Mayor while adding checks and balances to the Charter that would allow for the appropriate balance of power.

Mr. Valdes-Fauli commented on the need for competence and institutional knowledge. He questioned whether there could be a position, other than the County Manager, who was not accountable to the Mayor, having oversight over County department operations.

Mr. Diaz-Padron noted the current Mayor hired professionals to run operations.

Chair Cuevas reported that all Administrative Services was under the Mayor's control. He clarified that the options to head County government appeared to be either to continue allowing the public to elect a Mayor or to change to a Manager form of government.

Mr. Kasdin commented that he did not see any need for a change. He said the Strong Mayor form of government was relatively new, noting the County was growing into this role and we should see how this developed over time before making changes.

Assistant County Attorney Rosenthal indicated that the Resolution creating the Task Force directed the Task Force to develop recommendations; to take those recommendations across the County for public input; and then to reconsider all recommendations. He said that any recommendation made at this time would not be final until later deliberation.

Vice Chair Lievano-Cruz said she was not ready to make a recommendation and more information was needed. She questioned the County Commission's role in determining department directors, the number of departments, and their qualifications.

Assistant County Attorney Rosenthal reported that the County Commission could currently disapprove a department director appointment by a 2/3 super majority vote at the next regularly scheduled Commission meeting. He said that prior to 2007, department directors were appointed by either the Manager or the Mayor and a majority Commission approval was needed. Assistant County Attorney Rosenthal stated that the Commission could previously terminate the Manager with a 2/3 vote and the Mayor now had the sole disciplinary authority over department directors. He indicated that the Strong Mayor was the County's administrative head and could create departments and determine structure; however, the Commission had funding authority over the budget process. Assistant County Attorney Rosenthal noted the Commission could establish policy and directives for the Mayor to follow. He said the Strong Mayor only had ultimate authority on administrative decisions, noting this was made clear in the Third District Court of Appeals opinion.

In response to Vice Chair Lievano-Cruz' question whether the County Commission could implement qualifications and a process for the removal of a department director, Assistant County Attorney Rosenthal reported that it would require a Charter change since it was now the Mayor's responsibility to discipline and remove a department director.

Assistant County Attorney Rosenthal addressed Vice Chair Lievano-Cruz' inquiry about whether department directors or other personnel could respond to direction from the County Commission, by noting pursuant to Section 5.09 of the Charter, the Commission may not provide express directions to a department director or direct a specific person to be hired or fired. He said that this was the Mayor's responsibility; however, the Commission may make inquiries and request information as to the performance of their duties. Assistant County Attorney Rosenthal said the Board made policy decisions and directives.

Vice Chair Lievano-Cruz expressed concern over the balance of power and the loss of institutional knowledge, noting this required more information. She said there should be a

professional manager who was selected by the Mayor and a majority vote of the County Commission, and this position should have qualifications.

Mr. Zichella said that the Mayor appointed key staff to assist him/her administer government, noting the County Commission could eliminate that person's position in the budget as an alternative to firing them. He commented on the need to focus on ways to provide the County Commission with an additional ability to administer and control the budget to maintain the balance of power. Mr. Zichella stated it was important for the Task Force to make a decision or recommendation on the form of government since everything the Task Force did would flow from that issue.

It was moved by Mr. Eric Zichella to keep the Charter language relating to the Strong Mayor in its current form and to make other revisions as necessary later. This motion was seconded by Mr. Alfredo Gonzalez.

Mr. Diaz-Padron stated that the County Commission lost the ability to request help from a department director after the Strong Mayor was created.

Assistant County Attorney Rosenthal clarified that the County Commission previously needed to direct those inquiries through the County Manager. He added that the County Commission could always present issues to a department director but could not direct them to take specific action.

Mr. Valdes-Fauli asked and Mr. Zichella accepted an amendment to his motion that added the future discussion of minor changes to the current system, if necessary.

Mr. Gonzalez said he supported the amendment, noting decisions needed to be made and this was not a final decision since more information could be obtained from the public hearings.

Vice Chair Lievano-Cruz clarified that she still wanted to receive information on the Mayor's, the County Commission's and the Commission Auditor's responsibilities and powers, which she requested earlier.

Hearing no further questions or comments, the Task Force voted to keep the Charter language relating to the Strong Mayor in its current form; to make other revisions as necessary later; and to allow future discussion of minor changes to the current system. The motion passed by a vote of 6-3. (Mr. Alfredo Gonzalez, Mr. Marlon Hill, Mr. Neisen Kasdin, Mr. William Kerdyk Jr., Mr. Mike Valdes-Fauli, Mr. Eric Zichella voted "Yes"; Chair Robert Cuevas, Vice Chair Maria Lievano-Cruz and Mr. Carlos Diaz-Padron voted "No").

○ **HOW CAN THE BUDGET AND PROCUREMENT PROCESSES BE IMPROVED AND HOW SHOULD THE FINANCE DEPARTMENT BE ORGANIZED UNDER EITHER AN ELECTED COUNTY MAYOR OR APPOINTED MANAGER?**

Vice Chair Maria Lievano-Cruz suggested that the Budget Office be placed under the County Commission.

Mr. Eric Zichella said that the County Commission needed additional power to create a budget; however, the Mayor also needed an Office of Management and Budget within the Administration in order to implement government. He suggested either placing the Department of Finance under the County Commission or expanding the Office of Commission Auditor to include a Budget office, noting the importance of the County Commission to create their own budget. Mr. Zichella commented on moving up the timeline for the Mayor to submit the draft budget, giving the Commission sufficient time to use the Mayor's budget information when creating their version.

Vice Chair Lievano-Cruz mentioned that the County Commission could already allocate funding for the Commission Auditor to provide a budget analysis, but this was not happening. She suggested the County's Budget Director should be appointed by the County Commission and the Mayor work through that Department to create the budget. Vice Chair Lievano-Cruz said that the County Commission was now relying on the Mayor and under this proposal it would work the opposite way, keeping control within the governing body. She asked staff whether any other governmental entities operated in this manner.

Mr. Alfredo Gonzalez concurred with the request from Vice Chair Lievano-Cruz for Administration to obtain additional information as to whether any other governmental entities had budget offices controlled by the governing body. He commented that the County Commission could not get budget information, noting the need to strengthen the Commission's budget staff while at the same time the Mayor still needed to have a budget operation. Mr. Gonzalez said a single budget should not be relied on and it was necessary to have a system of checks and balances similar to the State legislature.

Mr. Neisen Kasden commented that this presented a recipe for gridlock, noting concern it would just create more meetings and controversy. He concurred with Mr. Alfredo Gonzalez and suggested that the County Commission should have a staffed budget committee who would review the budget. Mr. Kasden said that mastering the budget was the best method for the legislative body to influence policy, noting each Commissioner should have a budget expert on their staff.

Mr. Marlon Hill questioned whether this suggestion for the County Commission to have budget staff needed to be accomplished through a Charter Amendment.

Mr. Zichella said the County Commission had the authority to do this now but had not, noting it would be a requirement if included in the Charter.

Discussion ensued over the County Commission establishing a budget committee; the role of the Task Force to make Charter recommendations; as well as the Commission accepting and forwarding Task Force recommendations to the voters.

Chair Robert Cuevas concurred with Mr. Kasden, noting the importance of having access to information through the appropriate personnel with institutional knowledge. He said the County Commission needed access to the budget information; however, was not sure how to get that information other than having direct access to the person who created the budget.

Mr. Zichella stated that it appeared the Task Force wanted to work on the balance of power to bring some power back to the County Commission and questioned whether this could be accomplished by having more budget control.

Chair Cuevas clarified the importance of the County Commission having a budget expert.

Mr. Zichella commented that it was not appropriate for the County Commission as a policy making body to have to rely on people who were not accountable to the Commission for information that was key to doing their job.

Mr. Hill pointed out that the check and balance improvements being discussed needed to accommodate future leadership. He concurred with Mr. Eric Zichella that leaders needed some control over the budget in order to set policy. Mr. Hill commented that there needed to be some sharing of the power as to how the institutional knowledge leader be afforded accountability to the policy makers, noting the County had 14 policymakers who would be held accountable.

It was moved by Mr. Eric Zichella that Section 5.03 B of the County Charter be amended to move up the June 1st and July 15th timelines to prepare and present the budget to the County Commission.

Chair Cuevas advised the Task Force that that there was a State Statutory procedure for the County budget timelines, noting the dates to set millage rates needed to be considered.

Assistant County Attorney Oren Rosenthal added that there were also issues related to the Property Appraiser associated with these dates. He noted this was an administrative issue and not a legal issue. Assistant County Attorney Rosenthal suggested receiving input from Mr. Edward Marquez, Deputy Mayor / Finance Director about the practicality of changing these dates. He said the amount of income was unknown until the tax roll was determined.

Mr. Zichella stated that there was a fundamental issue with the budget, noting the budget was based on a millage rate which governed the County's financial ability. He questioned whether the County Commission should evaluate the Mayor's proposed budget earlier and have the ability to establish its own priorities before setting the millage rate. Mr. Zichella said there were other methods to evaluate and estimate anticipated revenue.

Mr. Gonzalez commented that the structure used by the County was consistent with each of the local cities and municipalities. He said the County needed to have an idea of how much money it was working with to determine the budget.

Mr. Kasdin indicated that there was a 3-5 percent margin when developing budget projections. He said the exact numbers were not known until the property tax estimates were finalized but workshops could be held ahead of this time to develop priorities.

Mr. Zichella commented that he served on the City of Miami Budget Committee and that their Budget Director could provide monthly estimates on the following year's budget revenue based on trends and property taxes.

Vice Chair Lievano-Cruz mentioned revenue forecasts were also provided by the County.

Deputy Mayor Edward Marquez pointed out that as the County's Finance Director he was hired and fired by both the Mayor and the Clerk of the Courts. He said that the County Commission had discussed the process of analyzing departmental budgets; that Commission offices were invited to Finance Committee meetings; and that the Commission Auditor was welcome to participate in budget preparation activities. He mentioned that the budget was not entirely under Administration's control, noting the Zika virus as an unanticipated expense and lower Transit fare revenues impacting income. Deputy Mayor Marquez said that the Commission Auditor might be the answer to obtaining an independent look at the budget.

Deputy Mayor Marquez indicated that only \$195 million out of the \$3 billion operating budget was discretionary funding and this went to support Central Services. He said that the County's budget was very transparent and that the Budget Department could provide the Task Force with information about their operation. Deputy Mayor Marquez mentioned that the biggest concern he received from the County Commission was whether the Budget Department was doing what they should be doing, noting the Commission Auditor could perhaps help in this regard. He said the Commission should discuss what they wanted the Finance Department to incorporate for the Mayor's consideration in the proposed budget.

In response to Vice Chair Lievano-Cruz' question whether the Commission Auditor had readily available access to information that was understandable, Deputy Mayor Marquez reported that the budget formation tools were accessible.

Assistant County Attorney Rosenthal responded to Vice Chair Lievano-Cruz' question about the relationship between the Commission Auditor (CA) and the Budget Office by stating that the CA was an independent budgetary body under the County Charter. He said that the CA could function with whatever discretion provided by the County Commission and that they were allowed to create whatever inquiry they wanted from the Budget office. Assistant County Attorney Rosenthal pointed out that the Task Force could recommend the ordinance related to the CA be amended to provide whatever additional structural protections desired to ensure the CA was given the appropriate tools to analyze the budget, pursuant to Section 9.10 of the Charter.

In response to Mr. Zichella's inquiries about the budget process, Deputy Mayor Marquez reported that the information would not be as useful if the budget was submitted earlier. He indicated that it would be helpful for the Budget Director to address these concerns and comment on the process that goes into developing the budget. Deputy Mayor Marquez advised Mr. Zichella that the Commission Auditor (CA) could attend budget meetings and make comments in response to his question about the CA submitting a budget.

Mr. Gonzalez expressed concern about locking into a millage rate and a proposed budget without knowing the true amount of income.

Mr. Zichella said that the Commission Auditor had access to the same information as the Office of Management and Budget, noting the County Commission should have their own staff prepare a budget and evaluate which priorities from each budget were appropriate for the County.

In response to Mr. Hill's request for clarification about Mr. Kasdin's statement about the County Commission having staffing to proactively review the budget, Mr. Kasdin noted that the Commission had the power to organize its committees and staff. He said his recommendation was to fund a budget committee and/or to have individual staff members dedicated to this issue. Mr. Kasdin indicated that he did not believe this needed to become a Charter issue.

Vice Chair Lievano-Cruz requested information on the hiring of the Commission Auditor as well as Office staffing, operations and any issues they considered important to the budget process.

Chair Cuevas suggested having the Commission Auditor and Budget Director appear at the next Task Force meeting.

Deputy Mayor Marquez provided an overview of the Commission Auditor's selection process.

Assistant County Attorney Michael Valdes reported that the procedures for the hiring of the Commission Auditor were set forth in an ordinance, noting this information would be provided to Task Force members.

It was moved by Mr. Eric Zichella that Section 9.10 of the County Charter be amended to provide that “the Commission Auditor shall submit a draft budget to the County Commission by July 15th of each year”.

Mr. Zichella indicated that the Commission Auditor’s Office would begin to institutionalize expertise in the budget by doing this because they would be required to submit an annual budget.

In response to Mr. Gonzalez’ inquiry whether the County Commission currently had the authority to require the Commission Auditor to submit a proposed budget, Assistant County Attorney Valdes reported that this was a responsibility the Commission could give them under Section 9.10 of the County Charter.

Mr. Zichella questioned the reason the Department of Finance was required to submit a proposed budget by July 15th but it was not appropriate to specify the same requirement for another office.

Assistant County Attorney Valdes responded that the requirement could be further specified in the Charter. He mentioned that the County Commission currently had the discretion to make this a requirement but it was not a specific requirement.

Vice Chair Lievano-Cruz said she was opposed to this requirement until hearing from the Commission Auditor (CA), noting she would like to have more information about the associated costs.

Mr. Zichella responded that he was aware of County Commissioners who wanted the Commission Auditor to prepare a budget or to advise them on the budget; however, the CA was not capable of doing this. He commented on a requirement that the CA be given the resources to give the Commission what they needed. Mr. Zichella reiterated that if Administration was required in the County Charter to provide a budget, why was it not appropriate for the County Commission to have their own budget within the same timeframe.

The motion that Section 9.10 of the County Charter be amended to provide that “the Commission Auditor shall submit a draft budget to the County Commission by July 15th of each year”, died due to the lack of a second. It was pointed out that this item could come back later, if necessary.

It was moved by Vice Chair Maria Lievano-Cruz to invite the Commission Auditor and the Budget Director to the next Task Force meeting. This motion was seconded by Mr. Carlos Diaz-Padron, and upon being put to a vote, passed by a vote of 8-0. (Chair Robert Cuevas, Vice Chair Maria Lievano-Cruz, Mr. Alfredo Gonzalez, Mr. Marlon Hill, Mr. Neisen Kasdin, Mr. William Kerdyk Jr., Mr. Carlos Diaz-Padron, and Mr. Eric Zichella voted “Yes”).

- **IF AN ELECTED COUNTY MAYOR SHOULD HEAD AND MANAGE THE COUNTY, SHOULD THE CHARTER PROVIDE QUALIFICATIONS FOR SOMEONE SEEKING ELECTION AS THE MAYOR?**

It was moved by Mr. Alfredo Gonzalez that there be no changes made to the existing County Charter requirements regarding qualifications for an elected County Mayor. This motion was seconded by Mr. William Kerdyk, and upon being put to a vote, passed by a vote of 8-0. (Chair Robert Cuevas, Vice Chair Maria Lievano-Cruz, Mr. Alfredo Gonzalez, Mr. Marlon Hill, Mr. Neisen Kasdin, Mr. William Kerdyk Jr., Mr. Carlos Diaz-Padron, and Mr. Eric Zichella voted "Yes").

- **HOW CAN THE BUDGET AND PROCUREMENT PROCESSES BE IMPROVED AND HOW SHOULD THE FINANCE DEPARTMENT BE ORGANIZED UNDER EITHER AN ELECTED COUNTY MAYOR OR APPOINTED MANAGER?**

Vice Chair Maria Lievano Cruz stated that there was no information provided to the Task Force about the County's procurement process.

It was moved by Vice Chair Maria Lievano-Cruz that the discussion on the County's procurement processes be carried over to the next Task Force meeting. This motion was seconded by Mr. Neisen Kasdin.

Mr. Kasdin mentioned some changes to the procurement processes might be needed and suggested bringing in experts to help with the discussion.

Discussion ensued between Task Force members about the County's procurement processes and the scope of future discussion.

Mr. William Kerdyk Jr., suggested that the ability of the Mayor to both appoint selection committee members as well as make the procurement decision be added to the discussion items.

Mr. Eric Zichella expressed confusion over the need for Charter changes when the County Commission could make procurement changes by ordinance at any time.

Mr. Kasdin said that some procurement items should perhaps not even be presented to the County Commission.

Mr. Zichella stated that the County Commission was the policy making body and was the ultimate decision making authority unless they decided they did not want that authority.

Assistant County Attorney Oren Rosenthal indicated that the County Commission must be the governing body, pursuant to the Home Rule Amendment and that procurement was a function of the governing body. He said the Commission needed to have some say in that process; however, it did not need to be to the current level. Assistant County Attorney Rosenthal noted there were methods to delegate some procurement issues either by ordinance or Charter specifications to the Administration. He said the Commission ultimately needed to control the procurement process and the Charter could not be amended to give the Mayor or a third party the authority to award County contracts. Assistant County Attorney Rosenthal indicated that it would be acceptable for the Board to ratify contracts rather than to award contracts.

Chair Cuevas added that there was a provision in the County Charter that the transaction shall be evidenced by written contracts submitted and approved by the County Commission. He indicated that he believed the Commission needed to remain involved in the process, suggesting that this could be a potential amendment.

Vice Chair Lievano-Cruz asked that the Procurement Manager be available at the next Task Force meeting. She also asked Administration to provide the Task Force with an overview of the procurement process; including selection committees, the cone of silence, and expedited ordinances.

Chair Cuevas stated that the budget and procurement discussion would be carried over to the August 28, 2017 Task Force meeting. He further stated that a discussion on Commissioners elections be carried over to the September 11, 2018 Task Force meeting.

Mr. Marlon Hill commented on the need to receive staff guidance and resources on Task Force meeting agenda items.

Chair Cuevas noted supplements were provided for issues being discussed today by Administration.

REPORT ON BUDGET

Deputy Mayor Edward Marquez reported that the Mayor could not appropriate funds and this request would need to be considered by the County Commission. He said that it would be helpful to have an understanding of the resources the Task Force was requesting. Deputy Mayor Marquez indicated that staff would be available to provide the Task Force with background information. He added that he and his staff were available to meet with Task Force members.

Chair Robert Cuevas indicated that Mayor Gimenez would like more information on the scope of services and the amount of money needed. He said that consultants currently under County contract might be able to provide assistance as well.


Mr. Marlon Hill reiterated that resources were needed for the Task Force's communications effort, noting he would provide more specific information to staff to forward to Chair Cuevas.

**APPROVAL OF THE CLERK'S SUMMARY OF MINUTES FOR THE JULY 17, 2017
CHARTER REVIEW TASK FORCE MEETING**

It was moved by Mr. Alfredo Gonzalez that the Task Force meeting minutes from July 17, 2017 be approved. This motion was seconded by Mr. Marlon Hill, and upon being put to a vote, the motion to approve the meeting minutes passed by a unanimous vote of members present.

ADJOURNMENT

There being no further business, the Charter Review Task Force meeting was adjourned at 8:44 p.m.



Robert Cuevas, Chair