



# **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 28, 2017  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Christopher Agrippa, Director  
Clerk of the Board Division

Flora Real, Commission Reporter  
(305) 375-1294



**MIAMI-DADE CHARTER REVIEW TASK FORCE  
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES  
AUGUST 28, 2017**

The Miami-Dade Charter Review Task Force (the Task Force) convened its fourth meeting on August 28, 2017, at the Miami-Dade County Stephen P. Clark Government Center, Commission Chambers, Second Floor, 111 N.W. First Street, Miami, FL 33128, at 6:18 p.m. Upon roll call, the following Task Force members were present: Chairman Robert Cuevas, Mr. Jeff P. H. Cazeau, Mr. Carlos Diaz-Padron, Mr. Alfredo J. Gonzalez, Mr. Luis E. Gonzalez, Mr. Marlon Hill, Mr. William H. Kerdyk Jr., and Mr. Eric Zichella (Vice Chair Maria Lievano-Cruz and Mr. Maurice Ferre were late). Ms. Alice Burch, Mr. George Burgess, Mr. Neisen Kasdin, and Mr. Mike Valdes-Fauli were absent. The Commission District 10 seat remained vacant.

In addition to Task Force members, the following staff members were also present: Assistant County Attorneys Oren Rosenthal and Monica Rizo; 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 Ms. Flora Real, Deputy Clerk, Office of the Clerk of the Board.

Mr. Christopher Agrippa announced that notice was received from Ms. Alice Burch, Mr. George Burgess, and Mr. Mike Valdes-Fauli that they would be absent from today's (08/28) meeting.

Following roll call, Chairman Cuevas called the meeting to order and led the Pledge of Allegiance.

**REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD**

Chairman Robert Cuevas opened the reasonable opportunity for the public to be heard, and the following persons appeared before the Task Force to express their opinions:

1. Ms. Maggie Fernandez, 3620 SW 21 Street, Miami, Florida, spoke on the County's budget and suggested that no additional department be created
2. Ms. Maribel Balbin, 8346 Dundee Terrace, Miami Lakes, Florida, asked that the Task Force members consider reviewing the issues of strong mayor and Article VIII
3. Ms. Jeanne Baker, 1717 North Bayshore Drive, Miami, Florida, representing the ACLU of Miami and the Independent Review Panel (IRP), asked that the Task Force members consider reviewing reinstituting the IRP and including a provision in the Charter that would guarantee the ongoing and continuing funding and existence of civilian oversight

Commissioner Ferre stated the issue of strong mayor was a very complicated and important issue. He voiced his support for having the concentration of administrative powers in an elected official rather than a manager. He noted there was the question of experience of an elected official in the administration of a complicated entity such as Miami-Dade County. He pointed out similar systems existed in Washington D C, the City of Philadelphia, and the City of Newark. He also pointed out this form of government established by those cities was a well-known form of government whereby the elected mayor appointed an administrator, which had to be

confirmed by the legislative body. He explained that the appointed administrator could be removed by the legislative body; and the administrator must work, report, and follow the instructions of the mayor. He stated the mayor was active, made important decisions, and headed the administration. He also explained the appointed manager had to meet a certain professional criteria to be appointed. He requested that that staff research that form of government and distribute the information and that the Task Force have a discussion in the future on that issue.

Chairman Cuevas requested that County staff research the form of government for Washington DC, the City of Philadelphia, and the City of Newark.

Commissioner Ferre spoke on his past experience as Mayor of the City of Miami and Commissioner of Miami-Dade County, and he commented on the importance of the IRP. He expressed his opinion on the importance of including the IRP in the Charter.

Chairman Robert Cuevas commented on procedural issues and the order of deliberations.

**FIRST ISSUE FOR CONSIDERATION:**  
**WHETHER THE CHARTER SHOULD BE AMENDED AS IT RELATED TO THE BUDGET PROCESS?**

**Presentation – County Attorney’s Office**

Assistant County Attorney Monica Rizo provided an overview of the current Charter provisions and requirements of Florida Statutes relating to the budget process, and she explained the provisions of Section 2.02 of the Miami-Dade County Home Rule Charter. She noted that the Office of Management and Budget was an administrative office under the management of the County Mayor, and the mayor had the authority to appoint the budget director, which appointment was subject to disapproval by two-thirds vote majority of those commissioners then in office. She noted that only the Mayor may remove the budget director. (See Exhibits)

Assistant County Attorney Rizo explained that the County Charter, Florida Statutes, and County ordinances imposed numerous requirements on the County regarding the budget. She explained the provisions of the Florida Statutes relating to the budget and the budgetary process. She noted State law required that the Mayor prepare a proposed budget including estimates for receipt of monies other than taxes, the balances of the prior year budget to be carried forward, receipt for monies other than ad valorem taxes, as well as all estimated expenditures, reserves, and balances at the end of the year pursuant to Florida Statutes 129.03. She also explained the deadlines and process for setting the mileage rates and public hearings pursuant to Florida Statutes 200.065. She continued to explain the requirements and budgetary process pursuant to Florida Statutes, noting Florida Statutes required the County to maintain a balanced budget and prohibited the

County from exceeding its budget. She noted the Florida Statutes and the Florida Constitution provided that the Board could not levy an ad valorem mill in excess of ten (10) mills if a referendum was not held to authorize such proposed millage; and Florida Statutes 200.071 stated that excess millage rate could only be in place for no more than two (2) years even if a referendum was held. (See Exhibits)

Assistant County Attorney Rizo explained the requirements of the Citizen's Bill of Rights, noting it also imposed certain requirements on the County Mayor and the County regarding the budget. She stated Section 11 of the Citizen's Bill of Rights required the County Mayor must prepare a budget showing the cost of each program for each budget year; and prior to the first public hearing in the proposed budget, the County Mayor was required to make public a budget summary setting forth the proposed cost of each individual program and reflecting all major proposed increases and decreases in funds and personnel for each program. (See Exhibits)

Assistant County Attorney Rizo explained that Section 12 of the Citizen's Bill of Rights also required the County Mayor to make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. She noted such report shall also reflect the same cumulative information for whatever portion of the fiscal year that had elapsed. (See Exhibits)

Assistant County Attorney Rizo stated there were limitations in terms of how the Charter could be amended. She explained the outcome of court case litigations regarding Charter amendments and changes to millage rates, noting the Board also had limitations as to what could or could not adopt pursuant to the Charter. (See Exhibits)

Assistant County Attorney Rizo advised the Charter required the County to have a Department of Finance and set forth the method of appointment for the Finance Director. She noted Section 5.038 of the Charter provided that the Finance Director shall be appointed by the Mayor and Clerk of Circuit and County Courts and that the Finance Director shall have charge of the financial affairs of the County. She stated other specific Florida Statutes imposed additional requirements on the Finance Director that were also applicable to other elected or appointed government officials such as financial disclosures pursuant to Chapter 112.345. (See Exhibits)

Mr. Marlon Hill asked Assistant County Attorney Rizo to provide information of timelines and references in flowchart form to better visualize the summarizes and the entire process and to be able to educate the public.

Assistant County Attorney Rizo noted that she would prepare that information in the form requested if the Office of Management and Budget did not already have the information prepared in that format.

Mr. Hill asked that, in the future, complex information be summarized in a visual format that could be shared with the public.

Chairman Cuevas commented that he had previously discussed with Ms. Nicole Tallman how information could be disseminated to the public. He stated that some of the issues discussed with County staff was how to upload sooner to the Task Force's web page the meeting agenda and other information that would be provided to facilitate the meeting and how to allow feedback from the public.

Chairman Cuevas expressed his concern for posting on the web page summaries of complex issues. He noted that posting flowcharts and the same informational materials available to Task Force members would be acceptable due to the difficulty and complexity of some of the issues that would be under consideration and Charter provisions. He stated that his goal was to have the agenda posted to the web page by the Thursday before the Monday meeting in order to provide everyone and the public access to the same information. He pointed out that a lot of substantive and complex information had been presented at the last and today's Task Force meeting, but he agreed that information needed to be made available sooner.

Discussion ensued between Mr. Hill and Chairman Cuevas on the possibility of making available to the public more summarized and better explained information.

Mr. Eric Zichella proposed an amendment to amend Section 9.10 of the Charter relating to the Office of the County Commission Auditor and to eliminate the requirement that the Director of that office be a Certified Public Account.

Commissioner Ferre suggested that the Chair of the Task Force should establish a procedure on how an amendment proposer should present before the Task Force members proposed amendments and require that proposers of proposed amendments be present to discuss, explain, debate, and vote on his/hers proposed Charter amendment.

Mr. Zichella noted he agreed with Mr. Ferre's suggestion, and he would be willing to postpone consideration of his proposed amendment.

It was moved by Mr. Ferre that Chairman Cuevas present at the Task Force's next meeting a procedure on how Task Force members should introduce their proposed amendments and how Task Force members should discuss and consider proposed amendments. There was no second to the motion.

Chairman Cuevas noted he had envisioned having County staff and departments make presentations on the issues of interest, hold discussions on those issues, allow Task Force members to make requests for additional information or explanations, and proceed from that point.

Mr. Ferre advised he would present his motion in writing.

**Presentation – Budget Process – Office of Management and Budget**

Ms. Jennifer Glazer-Moon, Budget Director, Miami-Dade Office of Management and Budget, presented a PowerPoint Presentation on the County's budgetary process and provided a detailed explanation of the budget process. (See Exhibits)

**Presentation – Commission Auditor's Participation in the Budget Process**

Mr. Neil Singh, Interim Commission Auditor, Miami-Dade Office of the Commission Auditor, presented an overview on the Commission Auditor's participation in the budget process. He explained the responsibilities and duties of the Commission Auditor and presented a table of organization including the total number of positions and costs. (See Exhibits)

Mr. Singh introduced himself as the department's Audit Manager and Acting Commission Auditor. He advised that the Office of the Commission Auditor met with the Government Operations Committee (GOC), formerly named the Finance Committee, at the beginning of each fiscal year to present and discuss his department's proposed draft work plan for the fiscal year. He stated that, upon reaching a consensus with the members of the GOC, the department would present the work plan before the committee for approval; and upon achieving committee approval, the work plan was presented before the full Board for approval.

Mr. Singh advised the Office of the Commission Auditor had nineteen (19) full-time positions; and it was structured in three sections: research, audit, and budget. He noted his office also had an administrative function. He noted the research section focused on legislative research and analysis for most agenda items presented before committees or the Board; and typically, the research aspect of the legislative item included the history, background, applicable legislation, fiscal impact, and funding sources for the legislation. He also noted that the research section was also tasked with the responsibility of background checks, and the research section utilized the directives database maintained by the Clerk of the Board to track departmental directives to submit quarterly reports to the Board. He noted that the audit section performed audits, reviews, and other special projects as detailed in the work plan; and the budget section conducted performance matrix reviews based on an ordinance enacted in June 2015 directing the budgeting section to review the performance measures for each department and unit within the County and provide reports outlining the services provided to the community, the resources allocated for the delivery of such services, and the achievement of performance measures in respect with the delivery of such services. He stated that the budget section was also involved in revenue estimates in conjunction with the Office of Management and Budget. He explained that there were other reports that his office prepared such as capital reports for capital projects and unfunded capital projects outlining information such as increases and decreases in funding and

completion dates. He said that his office also prepared reports outlining position adjustments in the budget and annual reports that addressed the impact of proposed millage rates.

Mr. Singh explained the current staffing challenges within the Office of Commission Auditor, noting his office only had three (3) budget analysts. He stated that two (2) of the budget analysts were transferred to the legislative section at the direction of the Board of County Commissioners Chair's Office in January 2017; and in June 2017, the Budget Manager had also resigned his position. He noted those positions had remained unfilled, but they were currently in the recruiting process to have those positions filled.

Mr. Ferre announced his inability to stay at the meeting past the first hour of the Task Force's meeting, and he exited the meeting.

Mr. Singh advised he had resigned his position in June 2017; and he was waiting for the Board to release him from his duties and responsibilities, which should be done at the next Board meeting.

Discussion ensued among Mr. Singh, Mr. Carlos Diaz-Padron, and Mr. Alfredo Gonzalez regarding the number of vacancies in the Office of the Commission Auditor and the manpower challenges being currently faced by his office.

Assistant County Attorney Oren Rosenthal announced the Task Force had lost its quorum and no action could be taken by motion or agreement among the members of the Task Force; therefore, discussion leading to actual action should be avoided due to a lack of quorum. He noted the Task Force members could only engage in informational questions at this time.

In response to Mr. Marlon Hill's question regarding how to achieve efficiencies and make a more participatory process for the County Commission and people of Miami-Dade County, Mr. Singh suggested the focus should be on achieving consensus in the direction to follow and how to focus resources.

In response to Mr. Hill's question relating to timelines, Mr. Singh advised that the timeline could possibly be changed because certain amount of time was needed before accurate budget forecasts could be made. He recommended that the department needed to function as an independent structure as the Office of the Inspector General (OIG) or the Office of Audit and Management Services in order to achieve that level of independence to be able to prepare the type of reporting the Board needed. He reiterated that the focus should be in the areas of timelines and level of independence.

**DISCUSSION AND VOTE:** (This item was carried over to the next Task Force meeting due to a lack of quorum.)

- On whether the Charter should be amended as relates to the budget process, and if so, what those amendments should be.

**SECOND ISSUE FOR CONSIDERATION:**  
**WHETHER THE CHARTER SHOULD BE AMENDED AS RELATES TO THE**  
**ORGANIZATION AND FUNCTION OF THE FINANCE DEPARTMENT?**

**Presentation – Finance Department**

Mr. Edward Marquez, Deputy Mayor and Finance Director, advised the budget process was an intense process; and he commended the work of the Office of Management and Budget, noting Ms. Jennifer Moon was supported by excellent staff like Ms. Barbara Galvez and Mr. Hugo Salazar.

Mr. Marquez presented a PowerPoint Presentation and an overview of the Finance Department. He advised that the Office of the Director formulated and directed the overall financial policy of the County; and he summarized the governing rules, duties, responsibilities, mission statement, and services provided by the Finance Department. He also presented a table of organization of the department and summarized the duties and responsibilities for the Controller's Office, Cash Management Office, Bond Administration Office, Tax Collector Office, and the Business Solutions Support area.

In response to Mr. Luis Gonzalez's question relating to the percentage of the operating revenues that were used for long-term debt, Mr. Marquez advised it was a difficult question to answer since each department was different and sixty percent (60%) of the County's portfolio consisted of proprietary funds. He stated that he could provide the Task Force members with a complete breakdown by department and the schedules summarizing that information if they wished.

In response to Mr. Hill's question relating to governance structure and how to improve the Finance Department, Mr. Marquez advised that it was difficult to recruit a Certified Public Account (CPA) due to the high demand for that certification. He stated the Charter did not include a requirement to have a CPA, and he recommended that requirement not be included in the Charter inasmuch as it would be much easier to find governmental CPA accounts than to recruit CPAs with investment/banking experience. He recommended that option should remain open to allow future Mayors and Clerks to determine the best fit at the time of hiring a Finance Director but salary had always been an issue. He stated that, in terms of dynamics, he wished that he could say the department had a good computer system in place; but implementing a good computer system was difficult due to the complexities relating to learning curves, licensing, and other issues. He advised he was proud of the Finance Department and its employees, their functions, and work product because they were very motivated. He noted the Tax Collector's Office provided excellent service, and the Finance Department had avoided major controversies.

In response to Mr. Hill's question relating to the timeline of the budget process and how the financial management of the Finance Department could be improved, Mr. Marquez advised that,



due to the manner in which the department was structured to deliver financial information to the public and to each creditor, the County was required to prepare separate financial statements for each creditor and have separate auditors. Consequently, the Finance Department could not be improved by restructuring.

Mr. Marquez explained that the number of audit reports that needed to be generated would be greatly reduced once the County was able to utilize the same general ledger or implement a common accounting system across County government to have all functions of the County incorporated. He noted the County had endeavored to follow that direction going forward as technology improved and they were able to review ERP systems. He stated those improvements were an evolutionary process.

Mr. Marquez advised that the issue of security was a big concern, and the County had stepped up its Business Solution Group to work more closely with the Internal Technology Information Department to protect the County's financial information. He stated that the County was moving forward into electronic payments and credit card processing, and two (2) compliance employees had been hired to ensure departments handling credit cards and cash were able to keep up within the industry's standards since that industry was changes regulations.

Mr. Marquez advised that the Finance Department kept tabs of what could be done with the same number of employees and continued to provide training effectively. He stated that the department was working as effectively as possible taking into consideration budgetary impacts.

**DISCUSSION AND VOTE:** (This item was carried over to the next Task Force meeting due to a lack of quorum.)

On whether the Charter should be amended as relates to the organization and function of the Finance Department, and if so, what those amendments should be.

Chairman Cuevas advised the issue of procurement would be included in the next agenda, and he would like to optimistically begin to hear presentations on County Commission issues such as at large districts, County Commission compensation, and recalls.

Mr. Jeff Cazeau asked that Chairman Cuevas establish a timeframe for presentations due to the number of presentations he intended to include in the agenda of the next Task Force meeting.

Chairman Cuevas advised he would probably just have on the next agenda the "Discussion and Vote" item, which was carried over from today's (08/28) meeting, and the procurement presentation.

Vice Chair Maria Lievano-Cruz advised she had asked at the last Task Force meeting to be provided with a chart showing a breakdown of the responsibilities of the Office of the County Mayor and the County Commission.

Assistant County Attorney Rosenthal advised the attachments included in today's agenda contained the issues in the Charter and Florida Statutes relating to the responsibilities of the County Mayor and County Commission, which responded to the request made.

Vice Chair Lievano-Cruz clarified she had asked County staff to prepare for her a chart that would show visually and concisely the information she had requested.

Vice Chair Lievano-Cruz expressed her concerns for lack of participation from Task Force members and the public.

Ms. Nicole Tallman advised she had provided six (6) different supplements, and she believed she had provided all of the information and materials she had requested. She noted that she could provide the Vice Chair with the charts, if that was her wish; and she believed that she had addressed every single request made to this point.

Ms. Tallman advised that she could monitor engagement in the social medias like Facebook and Tweeter.

Vice Chair Lievano-Cruz clarified that she just wished to have information presented in a chart format in order to have the information concisely summarized.

Discussion ensued between Chairman Cuevas, Vice Chair Lievano-Cruz, Mr. Luis Gonzalez, and Mr. Diaz-Padron regarding lack of participation and what could be done to encourage more participation.

Mr. Hill advised that he promised at the last Task Force meeting that he would deliver a comprehensive communications plan and recommendations. He stated that he met with staff and submitted a memorandum to all Task Force members outlining his research and recommendations. He advised that he welcomed feedback to the research and recommendations he had submitted.

Mr. Hill said that, regardless of the meeting time, there needed to have a public plan to communicate the Task Force's work to generate interest. He noted that he sensed there was insufficient political will for that to happen but that might may change in the future. He stated feedback on the Task Force's work was necessary; and the Task Force members needed to provide that leadership.

Chairman Cuevas advised that Task Force members would have to make policies decisions at some point and determine whether there was a need to change or amend the Charter on the various issues and areas of interest that would be studied after discussing those issues. He noted that, if the Task Force members wished to poll the public regarding what issues should be reviewed prior to holding discussions, it could be done in that manner. He also noted that, under the republican form of government, Task Force members had to make decisions; and then, the

public could provide feedback. He advised the Task Force had not yet determined what issues should be presented before the public for feedback.

Mr. Hill stated he would be happy to proffer a number of policy changes and amendments to the Charter.

Chairman Cuevas advised the Task Force had only held four (4) meetings, and collective and substantive discussions had to be done on the presentations of issues of interest prior making decisions because recommendations had to be determined based on decisions made collectively.

Mr. Alfredo Gonzalez agreed with the Chair's comments, but he also expressed his concern for lack of attendance and achieving a quorum.

Chairman Cuevas advised he would include in the next agenda a discussion item to review the Task Force's meeting time to determine if the meeting time needed to be changed to encourage attendance, and he would work with County staff to have the information presented as visual charts.

Chairman Cuevas noted the next Task Force meeting would be scheduled for September 11, 2017.

#### **MINUTES**

- Approval of the Clerk's Summary of Minutes for the August 14, 2017, Charter Review Task Force Meeting (This item was not considered due to a lack of quorum and carried over to the next Task Force meeting.)

#### **ADJOURNMENT**

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting adjourned at 8:16 p.m.



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Robert Cuevas, Chairman  
Miami-Dade Charter Review Task Force