



# **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

October 16, 2017  
As Advertised

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Board of County Commissioners

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**MIAMI-DADE CHARTER REVIEW TASK FORCE  
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES  
OCTOBER 16, 2017**

The Miami-Dade Charter Review Task Force (the Task Force) convened its sixth meeting on October 16, 2017, at the Miami-Dade County Stephen P. Clark Government Center, Commission Chambers, Second Floor, 111 N.W. First Street, Miami, FL 33128, at 6:20 p.m. Upon roll call, the following Task Force members were present: Chairman Robert Cuevas, Vice Chairwoman Maria Lievano-Cruz, Mr. Jeff P. H. Cazeau, Ms. Alice Burch, Mr. Carlos Diaz-Padron, Mr. Alfredo J. Gonzalez, Mr. Marlon Hill, and Mr. Eric Zichella (Mr. George Burgess, Mr. Maurice Ferre, Mr. Luis E. Gonzalez, Mr. Neisen Kasdin, Mr. William H. Kerdyk Jr., 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.

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. Susan Windmiller, 2103 Coral Way, Miami, Florida, presented proposed amendments to the Charter relating to the current form of government for the Task Force's consideration, noting the League of Women Voters recommended a council/manager form of government which called for an executive Mayor with an appointed manager
2. Ms. Maribel Balbin, 8346 Dundee Terrace, Miami Lakes, Florida, spoke on the issue of initiative petition asking that the legal sufficiency be verified prior to the collection of signatures, expressed support for deleting the Certified Public Account (CPA) certification requirement for the Commission Auditor position, and allowing the Task Force's Charter amendment recommendations to be placed on the ballot without Board approval
3. Mr. Wilfredo Fleites, 8401 SW 97 Road, Miami, Florida, spoke on Article 1, Section 1.05(C) relating to forfeiture of office of county elected and appointed officials and

employees and asked that the Charter be changed to allow County employees to run for office

4. Mr. Nelson Rodriguez, 6601 Main Street, Miami Lakes, Firefighter for the City of Coral Gables, spoke on Article 1, Section 1.05(C) relating to forfeiture of office of county elected and appointed officials and employees and asked that the Charter be changed to allow employees to run for office
5. Commissioner Juan Blanes, City of West Miami, 5801 SW 11 Street, West Miami, Florida, former firefighter for the City of Miami, spoke on Article 1, Section 1.05(C) relating to forfeiture of office of county elected and appointed officials and employees and asked that the Charter be changed to allow first responders, especially firefighters, to run for office outside of the municipal area of employment
6. Ms. Margarita Fernandez, 3620 SW 21 Street, Miami, Florida, spoke on the issue of absenteeism as it related to the members of this Task Force, advocated for a Charter amendment for an increase in the salary of commissioners, and asked the petition initiative process be made easier and all County employees be allowed to run for office, and expressed support for deleting the Certified Public Account (CPA) certification requirement for the Commission Auditor position

Pursuant to Mr. Diaz-Padron's question, Mr. Fleites responded the employees of the City of Coral Gables were not allowed to run for office within the employee's area of employment.

Pursuant to Mr. Diaz-Padron's question, Mr. Fleites responded Miami-Dade County was the only county with that restriction based on his research.

Upon hearing no other member of the public wishing to speak, Chairman Cuevas concluded the reasonable opportunity for the public to be heard and proceeded to consider the first issue for consideration.

**FIRST ISSUE FOR CONSIDERATION: PROCUREMENT**

***Report from the County Attorney's Office on the County Commission's previous delegation of contracting authority, and the extent to which the constitutional requirement that the County Commission be the governing body of the County constrains the amending of the Charter to eliminate the Commission's ability to select the entity with whom the County contracts.***

Pursuant to the Chair's previous request to review a prior opinion rendered relating to taking away the procurement authority from the County Commission, Assistant County Attorney Oren

Rosenthal advised he had revisited all of those issues again; and he had agreed with his previous opinion. He explained that the Miami-Dade County Home Rule Charter provided, in most instances, the County with more power than other counties in dealing with *in congress* provisions of Florida law and permissions under Florida law and the Constitution. He explained that, under the Miami-Dade County Charter, the governing body cannot be changed from the County Commission. Consequently the Board had to have all of the powers of the governing body. He further explained that it did not mean that by either ordinance or resolution, subsequent to that, the Board cannot further delegate those powers down under their supervision; and he suggested that the Task Force could consider, within the procurement context, require that the Board delegate or have provisions to change the voting requirements for procurement items. He noted that the procurement power cannot be taken away and be given to another entity other than the Board of County Commissioners by Charter because courts had held that the power of procurement were the function of a governing body. Therefore, the Task Force could consider having many of the decisions leading to that decision delegated to another party, but the final authority for the award of contracts had to vest within the Board of County Commissioners.

**DISCUSSION AND VOTE:**

***On whether the Charter should be amended as it related to the procurement process, and if so, what those amendments should be?***

- **Task Force Member Ferre's proffered amendment (see attached)**

Chairman Cuevas asked for a motion to consider Mr. Ferre's proffered amendment relating on to procurement management and creating an independent department of procurement.

It was moved by Mr. Alfredo Gonzalez that Mr. Ferre's proposed amendment be tabled unless the Task Force members determined that it should be voted on without giving him the opportunity to present it. This motion by seconded by Ms. Burch, and the floor was opened for discussion.

Mr. Diaz-Padron asked Ms. Nicole Tallman to provide the Task Force members with a copy of the report prepared by the Procurement Reform Task Force created by the Board of County Commissioners to make procurement recommendations to them.

Assistant County Attorney Rosenthal explained the difference between tabling an item and deferring it.

It was moved by Chairman Cuevas that Mr. Ferre's proffered amendment be rejected. This motion was seconded by Mr. Diaz-Padron, and the floor was opened for discussion.

Mr. Zichella advised that he agreed with them both on the substance of the item, but he did not wish to preclude a discussion on this issue.

Assistant County Attorney Rosenthal responded affirmatively to Mr. Zichella's question regarding whether an item could be brought back for discussion after having been tabled.

It was moved by Mr. Gonzalez that the Task Force members defer Mr. Ferre's proffered amendment relating to procurement management until the next Task Force meeting. This motion was seconded by Ms. Burch; and upon being put to a vote, the motion was passed by a vote of 8-0. (Messrs. Burgess, Ferre, Gonzalez, Kasdin, Kerdyk Jr., and Valdes-Fauli were absent.)

Assistant County Attorney Rosenthal noted this was the second deferral for this proposed amendment, and the third deferral would result in the item being tabled.

#### **SECOND ISSUE FOR CONSIDERATION:**

*Whether the current Charter provisions relating to the following aspects of the County Commission should be amended:*

- a. **Commissioner compensation**
- b. **Structure and organization of the County Commission**
  - i. **number of commissioners**
  - ii. **method of election by district, at-large, or some combination**
  - iii. **alternate ways of fostering countywide perspective**
- c. **Term limits**

#### **PRESENTATION:**

Assistant County Attorney Oren Rosenthal advised that, under the Florida Constitution and Home Rule Amendment, was one area where Miami-Dade County Charter could take precedence and pre-empt State law to the contrary. He stated that, particularly the Constitution, provided that the Charter shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms, and compensation of the Commission, and method of election. He noted this essentially gave the Charter the ability to create the commission as this Charter, residents, and electors of Miami-Dade County saw fit. He stated that the only real restriction on this was not a State constitutional or law one but a federal restriction. He explained a court case called Meek versus Metropolitan Dade County, which challenged the then nine (9) at-large member composition of the County Commission, and he also explained the outcome of that court case and summary judgement.

Assistant County Attorney Rosenthal advised that, if this Task Force wished to change or proposed to change the composition of the County Commission, they would have to go back to that court, who imposed the injunction before the Task Force had the ability to amend the Charter in that manner due to the issues from Section 2 of the Voting Rights Act and other related constitutional issues. He stated that, he believed, the demographics of Miami-Dade County had changed; and it gave rise to a claim that the trial court's opinion in the Eleventh Judicial Circuit should be changed. He noted that, since the County was under an injunction and the current system was pursuant to court order, the Task Force needed to first request approval from the trial court for that change. He advised this Task Force could revisit any issues like compensation or term limits.

Pursuant to Vice Chairwoman Lievano-Cruz' question, Assistant County Attorney Rosenthal advised that a motion to amend the final judgment had to be made to be able to go before the trial court to ask that the case be reopened and present what the Board wished to do; but the Board would have to first adopt what it intended to do. He stated that the effectiveness of that adoption would be stayed until it was approved by the courts; and it would then be placed on the ballot.

Discussion ensued among the Task Force members and Assistant County Attorney Rosenthal regarding the process to have the trial court revisits the issue of the County Commission's composition, the legal process to have the current injunction amended, and to have approved a new government structure to be voted on by the electorate.

Mr. Cuevas relinquished the chair to Vice Chairwoman Lievano-Cruz.

Chairman Cuevas advised that his proposed Charter amendment for commissioners' salary was to increase salaries from \$6,000 to \$50,000; and he explained his proposal. He noted that the salary figure established at the beginning of Metro was double the median household income at that time, and the current median household income was approximately \$59,000.

Mr. Zichella noted County staff had provided the language of ballot questions that had been previously presented before the voters, and the most successful ballot question language included an explanation for the reason for increasing compensation. He stated this Task Force should consider what language to recommend to the County Commission for their consideration.

Mr. Zichella pointed out that, in the past, ballot questions stipulating a specific salary compensation figure had failed to pass, and he recommended that the compensation figure should be eliminated. He noted that his salary compensation proposal was to have

compensation limited up to fifty percent (50%) of the Mayor's salary in the same year and prohibited employment outside of the County, and he explained his proposal.

Pursuant to Mr. Zichella's question, Assistant County Attorney Rosenthal advised the County Mayor's salary was accomplished by budget by the Board of County Commissioners.

Pursuant to Mr. Zichella's question, Assistant County Attorney Rosenthal advised the salary compensation figure should be published because there was a line of cases that would argue it would be misleading not to do so.

Mr. Cazeau advised he believed the \$50,000 salary compensation was too low, but he agreed with the recommendation of limiting compensation up to fifty percent (50%) of the Mayor's salary. He also expressed objection to prohibiting employment outside of the County due to business ownership, and the public's issues relating to county commissioners' ethical problem were directly related to salary compensation. Therefore, the proposal to increase salary compensation was a good recommendation.

Ms. Burch commented on how the language of ballot questions should be drafted, noting that she believed the language on salary compensation should be similar to the language presented before the voters in 2004. She noted that the County should encourage more persons who were interested in running good government to run for office.

Pursuant to Mr. Gonzalez's inquiry, Assistant County Attorney Rosenthal advised that it had been the County Attorney's Office position for a number of years, consistent with the developments that had happened relating to ballot questions language, to have the salary compensation figure stipulated in the ballot question. He stated that, typically, the language of the ballot question should be drafted in a manner that would prevent an accusation of hiding the true purpose and true information from the public because the public needed to be placed on notice.

Mr. Gonzalez expressed his support for an increase in salary compensation, and he recommended it should be based on the Florida State formula.

Mr. Hill advised that, he believed, stipulating the compensation figure in the ballot question was not as important as explaining to the voters the reason for the change and its importance for good governance. He noted the language that should be considered was the language that should be used to explain to the voters the need for the change for better governance.

Mr. Diaz-Padron commented that the salary compensation issue had been placed on the ballot several times, and the proposal had failed every time. He explained that anyone in this County had the right to run for office, and the current Board was not comprised by

millionaires. He expressed his opposition to review the issue of salary compensation, and he recommended that the Task Force not recommend a Charter amendment on this issue.

Vice Chairwoman Lievano-Cruz expressed her support for recommending that the salary compensation be increased based on the Florida State formula, and she explained the reasons she believed that proposal had failed in the past. She advised that she did not wish to limit outside employment. She explained voters needed to be explained the necessity for this change, and community groups should be used for this purpose.

Assistant County Attorney Rosenthal noted that using the Florida State formula for salary compensation would yield a salary compensation of \$99,997 for Fiscal Year 2017-18.

Discussion ensued among the Task Force members and Assistant County Attorney Rosenthal regarding the size of the County's budget.

Pursuant to Mr. Zichella's question relating to the number of proposals that could be forwarded to the Board on this issue, Assistant County Attorney Rosenthal advised there was no limitation as to the number of proposals this Task Force could make to the Board even if contradictory; but only one proposal could be placed on the ballot for clarity sake.

Discussion ensued among the Task Force members and Assistant County Attorney Rosenthal regarding how to forward several recommendations on the same issue to the Board for their consideration.

Mr. Zichella advised that a key point to distinguish on the issue of employment was ownership versus other sources of revenues, and he commented on the issue of what constituted misleading.

Mr. Cuevas urged the Task Force members to vote favorably on his proposal, and he explained his position. He also explained that the recommendation to increase salary compensation needed to be campaigned.

Discussion ensued among the Task Force members regarding how to present before the voters the ballot question regarding whether the commissioners salary compensation should be increased.

Upon conclusion of the foregoing discussion, it was moved by Mr. Cuevas that the Task Force members forward to the Board his proposal relating to commissioners salary compensation. This motion was seconded by Mr. Zichella; and upon being put to a vote, the motion failed by a roll call tie vote of 4-4 (Messrs. Cazeau, Diaz-Padron, and Gonzalez and



Vice Chairwoman Lievano-Cruz voted no); (Ms. Burch, Messrs. Hill, Zichella and Mr. Cuevas voted yes); and (Messrs. Burgess, Ferre, Gonzalez, Kasdin, Kerdyk Jr., and Valdes-Fauli were absent.)

Chairman Cuevas resumed the chair.

It was moved by Vice Chairwoman Lievano-Cruz that the Task Force members propose to the County Commission to present to the voters a Charter ballot question to increase the commissioners' salary compensation to the State of Florida defined formula as followed by every county in the State of Florida. This motion was seconded by Mr. Cazeau, and the floor was opened for discussion.

Pursuant to Vice Chairwoman Lievano-Cruz' question, Assistant County Attorney Rosenthal advised it would be beyond the general scope of this Task Force to set forth ballot language.

Discussion ensued among the Task Force members regarding the guidelines of the 2004 ballot question language relating to outside employment.

Vice Chairwoman Lievano-Cruz reiterated her motion was to follow the State of Florida defined formula as followed by every county within the State of Florida including a clear explanation in the ballot question for the need of the salary increase similar to the language used in 2004.

Discussion ensued among the Task Force members regarding the language of the Vice Chairwoman's motion and how this recommendation could be accomplished.

Chairman Cuevas offered an amendment to the Vice Chairwoman's motion to instruct the County Attorney to prepare the appropriate Charter amendment language for the next Task Force meeting to vote on it.

Vice Chairwoman Lievano-Cruz accepted the amendment proffered by the Chair.

Discussion ensued among the Task Force members and Assistant County Attorney Rosenthal regarding how the final recommendations would be accomplished and the process to have the Task Force's final recommendations forwarded to the Board in a final report.

After the conclusion of the foregoing discussion, the Task Force members determined to only give general direction and not to accept the Chair's amendment.

Vice Chairwoman Lievano-Cruz advised that her motion would remain as she proposed it.

Assistant County Attorney Rosenthal stated that the motion would be to recommend to the Board of County Commissioners that the Charter be amended to change the salary from the current salary to the State formula.

Upon concluding the foregoing discussion, the motion was put to a roll call vote and passed by a vote of 6-2 (Messrs. Diaz-Padron and Hill voted no). (Messrs. Burgess, Ferre, Gonzalez, Kasdin, Kerdyk Jr., and Valdes-Fauli were absent.)

*Mr. Zichella advised he would like to have the language of the proposed Charter amendment drafted for the Task Force's review.*

Assistant County Attorney Rosenthal advised he would draft the proposed Charter amendment language for inclusion in the Task Force's next meeting agenda.

Chairman Cuevas advised he would like to present two other proposals relating to the structure and organization of the County Commission, and he explained the rationale for his proposals to change the Charter. He explained that his first proposal was to have commissioners elected for four-year terms from district elections and halfway through their terms a commissioner would have to stand for retention from a countywide election much like an appellate judge was required to do; and if not retained, a countywide election could be held whereby anyone could run for office to inject some type of countywide perspective. He advised his second proposal related to how the Board selected its Chair and Vice Chair, and his proposal was to inject the voters countywide into that process to elect the Chair and Vice Chair for a two-year term.

Mr. Diaz-Padron expressed his opposition to the proposal because countywide elections were the cause the electorate have filed suit in federal court.

Discussion ensued among the Task Force members regarding the issue of countywide elections.

Mr. Hill noted the County had not changed sufficiently demographically to require the abandonment of the injunction, and the entire injunction would have to be dismantled to accomplish accountability. He advised that he would to hear public input prior to attempting to make that change from single member districts.

Mr. Gonzalez advised that, he believed, district elections had diversified the composition of the County Commission and was representative of the community. He pointed out that this proposal would mostly likely be challenged in court. He also pointed out the cost to

campaign to run for office every two years; therefore, he opposed the Chair's proposal for countywide elections.

Following a discussion between Mr. Zichella and Chairman Cuevas regarding the retention election and its impact on term limits, Mr. Zichella advised that, he felt, unfair to place an elected official in a position where they would lack the resources to communicate to the electorate their platform; and he pointed out it would very expensive to run a campaign countywide. Therefore, he opposed the proposals.

Ms. Burch expressed her opposition to the proposal relating the requirement of holding a retention election due to the distraction from doing their work. She advised that she liked the School Board's rotational system to select their Chair and Vice Chair.

Mr. Cazeau concurred with Mr. Diaz-Padron's comments, noting he did not believe it would hold up in court. He also commented that numerous black judges were not reelected after being appointed to the bench, noting judges were commonly voted by name only. Mr. Cazeau said he did not want the County Commissioners to go through that same process and was opposed to the proposal. He also said he did not see any need to change the method of selecting a Commission Chairperson.

Mr. Zichella stated that placing every commissioner on the ballot would test which one had the greatest intensity of support within their districts, noting it would measure who was identified as chair and vice-chair. He said that he was not certain whether someone should be chair during their entire term in office; however, he believed it was a good idea.

Vice Chairwoman Lievano-Cruz indicated that there was a need for Countywide at-large representation at the Commission level, noting Commissioners needed to focus beyond their district and this impacted moving forward with countywide issues such as transportation.

In response to Vice Chairwoman Lievano-Cruz' comments on Duval County, Assistant County Oren Rosenthal reported that they had a consolidated municipal and county government.

Vice Chairwoman Lievano-Cruz added that Hillsborough, Manatee, Pinellas, Volusia and Leon Counties had a mix of at-large and single member districts. She said she was not opposed to pursuing such a change to the structure locally by adding two additional Countywide Commission seats in addition to the thirteen district seats. Vice Chairwoman Lievano-Cruz commented that the previous attempt was to create three larger commission districts and not at-large seats.

Assistant County Attorney Rosenthal reported there was a weak legislative mayor that was at-large countywide and the court had the same concern with the financial capacity of minority communities to run countywide.

Vice Chairwoman Lievano-Cruz said there needed to be countywide representation, noting she liked the Chair and Vice Chair recommendation.

Mr. Cazeau said that creating two at-large seats was giving the majority two more seats, noting this was not creating greater representation.

Ms. Burch stated that adding two at-large seats would create an unruly number of members on the Commission.

Vice Chairwoman Lievano-Cruz noted Duval County had nineteen (19) commissioners.

Mr. Diaz-Padron said adding additional seats would dilute the power of the Commission. He indicated that the County was enormous and having district commission seats allowed people to get closer to government which would not happen with two at-large seats, unless you were very influential.

Mr. Gonzalez indicated that there were benefits to at-large commission seats, noting fifteen seats would not be unruly and could bring a broader perspective to the commission. He said there was more of a diversity of people running for commission seats now than in 1992. Mr. Gonzalez stated the Commission needed a broader perspective.

Chairman Cuevas noted he supported having a broader countywide perspective; however, cautioned that adding district seats would present legal issues. He said that he supported countywide seats where all candidates needed to campaign across all communities, noting there were now black commissioners campaigning in black districts and Hispanic commissioners campaigning in Hispanic districts. Chairman Cuevas said running and considering a broader perspective would be more representative of the community as a whole.

Vice Chairwoman Lievano-Cruz commented that commissioners may not want to get involved in countywide issues, noting they should want to get involved. She said having two at-large seats would bring an additional countywide perspective.

It was moved by Chairman Cuevas that commissioners be elected for a four-year term. There was no second to this motion.

It was subsequently moved by Chairman Cuevas that the Commission Chair and Vice Chair be elected by countywide election for two-year terms. This motion was seconded by Mr. Eric Zichella. Upon being put to a vote, the vote failed by a 3-5 vote (Ms. Burch and Messrs. Cazeau, Diaz-Padron, Gonzalez and Hill voted "No"). (Messrs. Burgess, Ferre, Gonzalez, Kasdin, Kerdyk Jr., and Valdes-Fauli were absent.)

Mr. Zichella suggested that Section 3.03 of the County Charter be changed from all elections for Mayor and other members of the Board being non-partisan.

It was moved by Mr. Zichella that "all elections for Mayor, Clerk of the Courts, Property Appraiser and other members of the Board shall be non-partisan".

Assistant County Attorney Rosenthal pointed out that the Property Appraiser provisions in Article 5 already specified that the seat was non-partisan; however, the Clerk of the Courts was not.

Mr. Zichella subsequently amended his motion to read "all elections for Mayor, Clerk of the Courts and other members of the Board shall be non-partisan. This motion was seconded by Mr. Diaz-Padron, and upon being put to a vote, the motion passed unanimously by all members present.

It was moved by Vice Chairwoman Lievano-Cruz to add two at-large seats to the County Commission. This motion was seconded by Chairman Cuevas, and upon being put to a vote, the motion the motion failed by a 4-4 vote (Ms. Burch and Messrs. Cazeau, Diaz-Padron, and Hill voted "No"). (Messrs. Burgess, Ferre, Gonzalez, Kasdin, Kerdyk Jr., and Valdes-Fauli were absent.)

Chairman Cuevas discussed abolishing term limits for County Commissioners, noting he should be able to vote for someone he believed was a good commissioner regardless of having already served for eight years. He said it took quite some time for a new commissioner to get a sense of County government and maximize their effectiveness.

It was moved by Chairman Cuevas to abolish term limits for the County Commission. This motion was seconded by Vice Chairwoman Lievano Cruz.

Mr. Cazeau stated he accepted term limits but would support letting the voters decide on this question.

Ms. Burch said she was not in favor of term limits, noting commissioners should be allowed to remain in office if that was the will of the voters.

Mr. Gonzalez indicated that term limits were an artificial barrier, noting someone doing a good job should not have to leave office and be replaced every eight years. He supported placing the item on the ballot to allow the voters to decide about term limits.

Mr. Hill commented that he thought the voters already decided on term limits.

Mr. Diaz-Padron concurred with Mr. Hill that the voters recently decided to place term limits on the County Commissioners, noting he was opposed to the motion.

Vice Chairwoman Lievano-Cruz stated that incumbent commissioners had lost their seat following the implementation of term limits. She said that a commissioner should have the right to run again and the voters the right to elect them again if they were doing a good job. Ms. Lievano-Cruz said county government was complicated and it took more than eight years to figure it out.

Upon putting the motion to a vote, the motion to abolish term limits passed by a 6-2 vote (Messrs. Diaz-Padron and Marlon Hill voted "No"). (Messrs. Burgess, Ferre, Gonzalez, Kasdin, Kerdyk Jr., and Valdes-Fauli were absent.)

Following the vote, Mr. Zichella noted the Firefighters addressed concerns earlier in the meeting about their ability to run for office and questioned whether anyone wanted to discuss this concern.

In response to Vice Chairwoman Lievano-Cruz request for information about the rationale restricting any County employee against running for office, Assistant County Attorney Rosenthal indicated that there was a resign to run law, pursuant to State Statute.

Chairman Cuevas requested clarification that no County employee could qualify for elected office without going on leave, according to County Charter.

Assistant County Attorney Rosenthal said that County employees automatically took a leave of absence upon qualifying for office and forfeited their position if elected.

Mr. Gonzalez asked for clarification whether County employees could run for office in other municipalities outside County government while maintaining their employment status.

Assistant County Attorney Rosenthal noted he understood County employees could run for federal, State or municipal office; however, not for County office.

Mr. Zichella commented that someone should be allowed to run for office if it did not interfere with their duty as a County employee. He further commented that County employees should also be allowed to run for a seat on the County Commission if wanting to perform public service. Mr. Zichella said County employees should be protected against retribution when running for office.

Chairman Cuevas commented that he believed the policy preventing County employees from running for public office was a good public policy.

Mr. Diaz-Padron stated that a County employee could make a decision impacting his/her own pay if elected to office; however, otherwise questioned the conflict.

Chairman Cuevas said that he did not believe public employees working for the County should run for public office regardless of their position.

Mr. Zichella suggested that the individuals who proposed this provision provide him with suggested wording and he would present it to the Task Force for a vote.

*Vice Chairwoman Lievano-Cruz asked the County Administration to provide the Task Force with a report whether any other jurisdiction within the State with a similar restriction, and if possible the history of the rationale for that restriction.*

Mr. Diaz-Padron asked for the distinction of running for office in the municipality which you worked as opposed to another jurisdiction to be added to the previously requested report. He noted the debate would be whether to relax the standards and to what extent those standards should be relaxed.

### **THIRD ISSUE FOR CONSIDERATION:**

*Report from the County Attorney's Office as to the current provisions for handling elections during emergencies.*

Chairman Cuevas recommended deferring this item to the October 30, 2017, Task Force meeting.

### **FOURTH ISSUE FOR CONSIDERATION:**

*Scheduling of regional, public hearings of the Task Force in the months of November and December so that members of the public may appear and make recommendations to the Task Force regarding amendment or revision of the Charter.*

In response to Mr. Hill's question about promoting the proposed public hearings, Ms. Nicole Tallman reported that meetings would be advertised through press releases and online.

Mr. Zichella announced that a certain number of public meetings were required to discuss suggested proposals. He said that a final Task Force meeting would be needed for Task Force members to discuss the issues amongst themselves rather than this taking place at the public hearings

Mr. Gonzalez stated that he believed the intent of the public hearings was to obtain input from the community on the Task Force's suggested proposals as well as to hear from the public their concerns. He said that the Task Force would need to meet again to evaluate the public input and determine whether any further action was needed before finalizing the report.

Assistant County Attorney Rosenthal indicated that there would not be another public hearing after the final report was presented. He said that the Task Force's preliminary ideas would be presented to the public for input and then the Task Force would determine whether they wanted to change existing proposals or add other items before submitting the report to the Board of County Commissioners.

Chairman Cuevas suggested that the Urban Development Boundary and the Citizen Initiative Petition Process discussions be held at the October 30, 2017 Task Force meeting.

Mr. Zichella requested that the Task Force considered the Citizen Initiative Petition Process item at a subsequent meeting, noting he would be out-of-town and wanted to be present to share his personal experience when that item was discussed.

Chairman Cuevas commented that the item would not be considered by the Task Force until late December or early January, if deferred.

Mr. Diaz-Padron suggested reserving a specific amount of time at community meetings for Task Force member discussion.

Assistant County Attorney Rosenthal stated that the public meetings could be held without a quorum of Task Force members. He added that Task Force members could conduct work at those meetings; however, a quorum would be needed. Assistant County Attorney Rosenthal said that meetings should be publically noticed to receive public input as well as for other possible Task Force action.

Following discussion, it was determined that the Citizen Initiative Petition Process would be considered at the November 13, 2017, public meeting, if a quorum of Task Force members were present.

Discussion ensued among Task Force Members on the proposed public participation meeting dates.

It was moved by Mr. Diaz-Padron to adopt the proposed public hearing meeting dates as follows:

- November 13, 2017 - South Dade Cultural Arts Center
- November 28, 2017 - Doral City Hall
- December 4, 2017 - North Dade Regional Library
- December 11, 2017 - Stephen P. Clark Commission Chambers

Mr. Hill stressed the importance and Mr. Diaz-Padron confirmed the need to go beyond the usual notification process to advertise public hearings more extensively and promote more participation in those meetings.

Vice Chairwoman Lievano-Cruz questioned whether meetings should be held during daytime hours to promote additional participation.

Mr. Diaz-Padron mentioned that the previous Task Force held daytime meetings downtown and evening meetings were held in the community.



**MINUTES**

***Approval of the Clerk's Summary of Minutes for the September 25, 2017 Charter Review Task Force Meeting***

Due to the lack of quorum, the approval of meeting minutes was deferred to the October 30, 2017 Task Force meeting.

**ADJOURNMENT**

There being no further business to come before the Miami-Dade County Charter Review Task Force, the meeting was adjourned at 8:56 p.m.



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Robert Cuevas

Chairman, Miami-Dade Charter Review Task Force