



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 30, 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 30, 2017**

The Miami-Dade Charter Review Task Force (the Task Force) convened its seventh meeting on October 30, 2017, at the Miami-Dade County Stephen P. Clark Government Center, Commission Chambers, Second Floor, 111 N.W. 1st Street, Miami, FL 33128, at 6:16 p.m. Upon roll call, the following Task Force members were present: Chair Robert Cuevas, Vice Chair Maria Lievano-Cruz, Ms. Alice Burch, Mr. Carlos Diaz-Padron, Ms. Anna-Bo Emmanuel, Mr. Alfredo J. Gonzalez, Mr. William H. Kerdyk Jr., and Mr. Mike Valdes-Fauli. Mr. Jeff P. H. Cazeau, Mr. Maurice Ferre, Mr. Luis E. Gonzalez, Mr. Marlon Hill, Mr. Neisen Kasdin, and Mr. Eric Zichella were absent. The Commission District 10 seat remains vacant.

County Commissioner Daniella Levine Cava was also present.

In addition to Task Force members, the following staff members were present: Assistant County Attorneys Oren Rosenthal, Abbie Schwaderer-Raurell, 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 Mr. Maurice Ferre, Mr. Marlon Hill, and Mr. Eric Zichella provided notification that they would be absent. He also announced that Vice-Chair Maria Lievano-Cruz would be leaving at 8:00 p.m.

Chairman Robert Cuevas called the meeting to order and led 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. Maribel Balbin, 8346 Dundee Terrace, Miami Lakes, appeared before the Task Force representing the League of Women Voters. She commented on the fact that Task Force recommendations did not need to take place immediately; however, might be appropriate at various times over the next five years. Ms. Balbin indicated that a change to a hybrid mayor/manager system could occur in 2020 and that a Commission salary increase could occur in 2022. She suggested that district boundary changes could be addressed through a District Boundary Task Force every ten years beginning in 2020 after the next census report.

Mr. Wil Fleites, 8401 SW 97 Road, Miami, discussed Section 1.05.C of the County Charter relating to forfeiture of office of County elected and appointed officials and employees. He noted County employees running for office were now required to give up their employment pursuant to this 55 year old provision. Mr. Fleitas presented proposed draft language to the Task

Force, prepared with the assistance of the International Firefighters Union, and opined Version 3 was a viable option for consideration. He said he would compromise on the issue of County employees running for a county office; however, believed the option to run for federal, state, or municipal office should remain as an option, while maintaining employment.

Discussion ensued between Vice-Chair Maria Lievano-Cruz and staff over the intent behind the provision against County employees running for elected office and maintaining their employment. It was noted the appropriate records were from 1962 and were in the process of being obtained from the Clerk of the Board.

Assistant County Attorney Oren Rosenthal indicated the provision was the result of a previous Charter Review Task Force review effort that resulted in a ballot vote.

It was moved by Vice Chair Lievano-Cruz that the discussion on forfeiture of office of County elected and appointed officials and employees be considered at the November 13, 2017 Task Force meeting. This motion was seconded by Mr. Alfredo Gonzalez, and upon being put to a vote, passed by unanimous vote of all members present.

Chair Cuevas cautioned that a quorum of Task Force members would be needed to consider agenda items at this meeting, with the exception of hearing citizen presentations.

Ms. Susan Windmiller, 2103 Coral Way, Miami, President, League of Women Voters (League), commended Task Force members for their service. She asked that the schedule of upcoming community meetings be finalized and published so that the League could assist in promoting these events to the community.

Mr. Zachariah A. Cosner, 7180 SW 114 Terrace, Miami, representing the Friends of the Everglades, indicated that Parcel 294 in Urban Expansion Area (UEA) 2 and Parcel 292 in UEA 3 violated other portions of the Comprehensive Development Master Plan (CDMP). He noted these areas were not suitable for development under multiple elements of the land use and conservation elements of the CDMP. Mr. Cosner said UEA 2 was directly over the western well field and areas considered surf buffer zones while UEA 3 overlapped with low lying land. He indicated expansion of the Urban Development Boundary (UDB) into these UEA's was being considered in the 2018 Evaluation and Appraisal report. Mr. Cosner pointed out that this would be dangerous because a fifteen year supply of development land within the UDB was required according to Land Use Element 8F and that County staff continuously recommended curtailment of UEA's since 2010.

Mr. Craig Leen, Coral Gables City Attorney, 405 Biltmore Way, Coral Gables, noted he personally believed commissioner salaries should be higher than \$6,000 and should be based on the State formula. He pointed out that municipal and county relations needed to be discussed by the Task Force, noting a good model for the future would be one where the County sets the

objective and cities adopt the implementation method for their municipalities, using the affordable housing initiative as an example. Mr. Leen said, pursuant to Section 6.02 of the County Charter, cities could have a higher standard of zoning regulation and service and should do so in conjunction with the County. He suggested having a municipal representative on the County Commission that solely represented municipalities and establishing a task force in the County Charter to address these issues. In conclusion, Mr. Leen added that there should also be a Charter provision creating a Home Rule Task Force protecting the cities and County from State encroachment and preemption.

In response to Mr. Carlos Diaz-Padron's question about city representation, Mr. Leen commented the County currently had a single member district form of government with thirteen commissioners. He proposed adding two additional commissioners; one appointed commissioner representing the cities and one commissioner representing the unincorporated areas.

Ms. Maggie Fernandez, 3620 SW 21 Street, Miami, welcomed Ms. Anna-Bo Emmanuel to the Task Force. She said Task Force member attendance records were being monitored and pressure would be applied to ensure members were replaced if they were not taking this appointment seriously. Ms. Fernandez also opined the UDB should not be moved, noting that it should be made more difficult to move.

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

Chair Cuevas noted Ms. Emmanuel was appointed as a Task Force member by Commissioner Jordan and welcomed her.

Ms. Emmanuel mentioned that she was happy to be a part of the Task Force and looked forward to working with everyone.

1st ISSUE FOR CONSIDERATION: Procurement

DISCUSSION AND VOTE: On whether the Charter should be amended as relates to the *procurement* process, and if so, what those amendments should be?

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

There was no further discussion on the procurement process and no changes were made.

2nd ISSUE FOR CONSIDERATION; Whether the Charter should be amended as it relates to the County's Urban Development Boundary and, if so, what those amendments should be?

PRESENTATION:

Five to ten-minute presentation by the County Attorney's Office as to the current Charter provisions relating to the Urban Development Boundary (UDB).

Assistant County Attorney Abbie Schwaderer-Raurell noted Section 1.01.A.5 of the Charter provided that "any decision to include any additional land within the UDB of the County's Comprehensive Development Master Plan (CDMP) shall require a two-thirds vote of the Board of County Commissioners then in office." She commented on provisions in the County Code and the CDMP which imposed additional procedural requirements related to the UDB. Assistant County Attorney Schwaderer-Raurell mentioned that Florida Statutes prohibited initiative or referendum with respect to any local CDMP amendments, noting an applicant could not be forced to go through the referendum process to get an application approved.

Five to ten-minute presentation by Jerry Bell, Assistant Director for Planning in the Department of Regulatory and Economic Resources, relating to the Urban Development Boundary (UDB) (see attached).

Mr. Jerry Bell provided an overview of the UDB, noting it separated the area where new urban growth and development could occur from where it should not. He described the UDB Expansion Criteria (Policy LU-8F and Policy LU-8H), noting the UDB should contain developable land to sustain countywide residential demands for fifteen years. Mr. Bell stated an Evaluation and Appraisal Report (EAR), evaluating the countywide land supply, was prepared every seven years and the last report was completed in 2010. He mentioned this analysis had not demonstrated any real need to expand the UDB to accommodate additional demand over several review cycles.

Mr. Bell indicated that applications to move the UDB were accepted every two years; that a 2/3 vote of the County Commission was added to the County Charter in 2012; that applications could not create an area surrounded by more than 75% of land within the UDB; that only three UDB amendments were approved within the past ten years; that an application to amend the UDB may be filed by any person/entity, including the County Commission; and that the amendment process takes approximately nine months and includes up to four public hearings.

Mr. Bell stated that Urban Expansion Areas (UEAs) were evaluated when considering moving the UDB. He described the UEA Task Force created by Mayor Carlos Gimenez in May, 2017 to help inform the County's review and assessment of the CDMP through this process.

Vice Chair Lievano-Cruz mentioned she was interested in having staff study where there should be growth based on environmental and traffic issues in order to establish a permanent UDB that would be moved in stages and remove the County Commission from the politics associated with this decision process.

Assistant County Attorney Schwaderer-Raurell commented that a fixed UDB line could be included in the CDMP. She advised that additional procedural requirements or a requirement that the County had a UDB with certain characteristics could be incorporated in the Charter, if desired.

DISCUSSOIN AND VOTE: On whether any of the foregoing Charter provisions should be amended.

There was no further discussion on amendments to the Charter as related to the County's Urban Development Boundary and no changes were made.

3rd ISSUE FOR CONSIDERATION: Report from the County Attorney's Office as to the current provisions for handling elections during emergencies.

Assistant County Attorney Michael Valdes reported that this issue was considered by the 2007 Charter Review Task Force. He advised Task Force members that the Charter sets forth the election of County Commissioners, Mayor, and Property Appraiser; noting the first round was during the State Primary Election held in even numbered years and a runoff held during the Statewide General Election. Assistant County Attorney Valdes mentioned there were also elections for creation of new municipalities, to fill County Commission vacancies, Article 7, referendum, recall, bond issues and petitions, noting some had specific election dates and others needed to occur in conjunction with a State Primary or General Election.

Assistant County Attorney Valdes indicated that County elections were the only elections that the County could move due to a natural disaster. He said the Governor had emergency power to move or suspend elections based upon recommendations of local officials or the Secretary of State. Assistant County Attorney Valdez cautioned that there were often statements of emergency in Florida and the natural disaster state of emergency could last for long periods of time. He noted we were still in a state of emergency for Hurricane Irma and there was no guarantee of when an election could occur after such events. Assistant County Attorney Valdez reported twelve state of emergencies were declared in Florida in 2012.

Assistant County Attorney Valdez added that the County would be responsible for all costs associated with holding elections in the event that County elections were moved and State elections were not moved.

There was no further discussion on provisions for handling elections during emergencies and no changes were made.

4th ISSUE FOR CONSIDERATION: Report from staff on efforts to advertise public hearing meetings.

Ms. Nicole Tallman reported she did not begin providing public notice of the upcoming public hearing meetings until after a change to the South Dade Cultural Arts Center location was considered by the Task Force at tonight's (10/30) meeting. She said she would now begin sending Sunshine Meeting notices, posting on the County calendar, advertising in the Daily Business Review, notifying the Miami Today, and posting information on the Charter Review Task Force website. Ms. Tallman added that Ms. Susan Windmiller would promote the events through the League of Women Voters. She said that social media efforts included the County Commission and Mayors websites as well as Facebook and Twitter accounts. Ms. Tallman added that press releases would be distributed to local English, Spanish and Creole print, television and radio outlets. She mentioned local municipalities, Jackson Memorial Hospital, Miami-Dade Public Schools and other community and government agencies would also be informed. Ms. Tallman said the County Communications Department would increase their efforts to target additional residents and increase the frequency of postings.

Ms. Tallman asked Task Force members to promote the meetings to their distribution lists as well. She said that meetings were in the community and therefore would not be broadcast as were previous meetings. Ms. Tallman mentioned efforts to provide a WebEx connection for the public to participate over the web at the final meeting in the Commission Chambers.

Ms. Tallman opened the floor to any recommendations from Task Force members to help promote the events.

Mr. Mike Valdes-Fauli questioned whether a County email database existed to which Ms. Tallman reported she would work with the Communications Department to send notifications through this source.

In response to Ms. Alice Burch's inquiry about Facebook Live, Ms. Tallman mentioned that Facebook Live was another option in addition to WebEx. Ms. Burch commented about past success using Facebook Live.

Ms. Tallman said she would try to accommodate Facebook Live access at the community meetings; however, cautioned over the video quality without adequate lighting.

Mr. Alfredo Gonzalez requested a flier be created and provided to Task Force members for distribution.

Ms. Anna-Bo Emmanuel suggested working with the venues to help promote the events at those locations.

Mr. William Kerdyk Jr. added that surrounding municipalities, where the meetings were being held, should be notified.

County Commissioner Daniella Levine Cava acknowledged Task Force members for their service. She mentioned that each County Commissioner had their own distribution lists and encouraged them to help promote the upcoming meetings. Commissioner Levine Cava said she would provide refreshments at the November 13, 2017 meeting at the South Dade Regional Library and challenged her colleagues to do so at meetings in their communities. She suggested that specific topics of discussion be identified on promotional materials. In conclusion, Commissioner Levine Cava also suggested holding a training session before the meeting for residents to learn more about the Charter.

Chair Cuevas commented that there was a supplement included in today's (10/30) meeting agenda which listed specific issues the Task Force considered and suggested that this list be included in marketing materials.

Commissioner Levine Cava volunteered to provide a Facebook Live feed for the November 13, 2017 meeting.

APPROVAL OF THE CLERK'S SUMMARY OF MINUTES FOR THE SEPTEMBER 25 AND OCTOBER 16 CHARTER REVIEW TASK FORCE MEETINGS

It was moved by Mr. Alfredo Gonzalez that the meeting minutes from the September 25, 2017 and October 16, 2017 Charter Review Task Force meetings be approved. This motion was seconded by Vice Chair Maria Lievano-Cruz and upon being put to a vote, passed unanimously by all members present.

CHANGE TO NOVEMBER 13, 2017 MEETING LOCATION

Ms. Nicole Tallman mentioned the location of the November 13, 2017 community meeting was being changed from the South Dade Cultural Arts Center to the South Dade Regional Library, located at 10750 SW 211 Street, Cutler Bay.

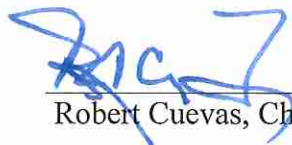
UPCOMING ISSUE FOR CONSIDERATION FOR NOVEMBER 13TH MEETING

Whether the Charter should be amended as relates to the citizen petition process for referendum and for initiative to pass or repeal ordinances or to amend the Charter.

Chair Cuevas reminded Task Force members that the citizen initiative and petition process and the ability of County employees to run for elected office would be discussed at the November 13, 2017 meeting.

ADJOURNMENT

There being no further business, the Charter Review Task Force meeting was adjourned at 7:16 p.m.


Robert Cuevas, Chair