

Miami, Florida, March 26, 1962

The Board of County Commissioners met in special session in its meeting room on the 10th floor of the Courthouse at 4:15 P. M., March 26, 1962, there being present, upon roll call, Chairman Alexander S. Gordon, Commissioners James H. Allen, Jack H. Beckwith, Joseph A. Boyd, Jr., Charles F. Hall, Robert M. Haverfield, Arthur H. Patten, Jr., Frank O. Pruitt, Harold B. Spaet, Milton E. Thompson, Walter Weiss and Winston W. Wynne (Commissioner Ben C. McGahey was absent); Clerk E. B. Leatherman; Deputy Clerks Edward D. Phelan and W. F. Russell; County Attorney Darrey A. Davis; County Manager Irving G. McNayr; and Assistant County Manager Hoke Welch.

Chairman Alexander S. Gordon stated today's special meeting was called at the request of the Charter Review Board. He then called upon Mr. James I. Keller, Chairman of the Charter Review Board, for his comments.

Mr. Keller stated since the meeting at which the Charter Review Board presented its report and recommendations there has been some doubt in the minds of those on the Board whether or not it is in the good graces of the County Commission. He said the Charter Review Board comes to the meeting today to determine whether or not it is serving and proceeding in the manner intended.

Chairman Gordon said he thought the Board was highly commendatory and expressed its deepest appreciation to the Charter Review Board at the meeting of March 9, 1962. He said if the statements need further amplification and repetition he would be happy to do so. Chairman Gordon assured Mr. Keller that the Board wants the Charter Review Board to continue serving in its present manner.

Mr. Keller said the Charter Review Board has been anxious to obtain the final figure of items likely to appear on the May 29, 1962 ballot as it may be difficult for voters to consider recommendations placed before them if the number of items is too great. He stated the Board is now informed it seems likely the petitions being circulated by the Crandon Committee will be insufficient to insure placing their proposed amendments on the May ballot and that perhaps further consideration should be given to the Charter Review Board's recommendations. Mr. Keller said after careful thought and consideration the Review Board adopted a motion to urge reconsideration of the report and especially items which were not approved for placement on the May ballot. He stated in the Review Board's judgment the first three items of the report relative to the number and salary of commissioners and appointments made by the County Manager would improve the Charter. Mr. Keller said, based on the work done and hearings held, it is believed the citizens want to express themselves with regard to the amendments which were not approved for placement on the May ballot. He urged, since the Review Board feels all of its recommendations are meritorious, that reconsideration be given at this time.

Chairman Gordon said it would be profitable to have an expression from the Members of the Commission. Further, that it occurred to him that unless something is done in this area there is the likelihood of being placed in an equivocal, if not embarrassing position. He said if the petitions are successful, by way of numbers, it will be necessary to call a special election. Further, if this is done it will cause substantial expense to the County and inconvenience to the public. Chairman Gordon stated the fact that the Commission was split by a 6-5 vote on the Charter Review Board recommendations is in no way a reflection on its work and recommendations. He said if the Board sees fit to reconsider the Charter Review Board's recommendations and place the three items on the ballot there still may be the possibility of placing the petition items on the ballot of a special election. Chairman Gordon said if both the Crandon Committee and the Charter Review Board would be content with placing the three items in question on the ballot and stop circulating petitions something would then be accomplished as it would avoid a special election with the resultant expense and inconvenience.



Commissioner Robert M. Haverfield said he could not speak for the Crandon Committee, but as a member, he would suggest that if it be the consensus of the Board that a special meeting be held tomorrow afternoon to reevaluate proposed Charter amendments to be placed on the May 29, 1962 Primary Ballot and that Mr. Crandon and his Committee be invited to attend. He said it would be desirable, in his opinion, to avoid a special election. He noted because of delayed action by the Board in an effort to reach accord with the Crandon Committee and Charter Review Board the Committee was hampered in its efforts to obtain the required number of signatures on their petitions.

Commissioner Winston W. Wynne questioned whether or not the Board would be in a position to stop or start the petition. Chairman Gordon said if the Crandon Committee stopped circulating the petition before the required number of signatures are acquired there would be no special election.

Commissioner James H. Allen said he did not favor inviting the Crandon Committee in good faith to come to a special meeting as he was opposed to placing Charter amendments on the May ballot because of the short time involved and the fact is they should be given further study.

Commissioner Arthur H. Patten, Jr. said he wished to express to Mr. Keller and the Charter Review Board that the Commission was not in disagreement with the proposed amendments, but that the magnitude of the changes with such far reaching effects should have serious consideration and not be lost in the shuffle of a series of heated campaigns on all sorts of issues. He said it was not a matter of disagreeing with the proposals, but rather that the timing was bad for placement on the ballot. Commissioner Patten said it would be helpful if a spokesman was present from the Crandon Committee to advise what they wish to do with regard to the proposed Charter amendments.

After further discussion, it was moved by Commissioner Arthur H. Patten, Jr. that today's special meeting stand in recess until March 27, 1962 at 2:00 P. M., and in the interim the Crandon Committee be invited to meet with the Board and Charter Review Board to discuss placing the proposed Charter amendments on the May 29, 1962 Primary Ballot. This motion was seconded by Commissioner Walter Weiss, and upon being put to a vote, passed by a vote of 12-0, Commissioner Ben C. McGahey was absent.

Upon motion duly made, seconded and carried, the meeting was recessed until March 27, 1962 at 2:00 P. M.

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Miami, Florida, March 27, 1962

Pursuant to recession, the Board of County Commissioners reconvened in special session in its meeting room on the 10th floor of the Courthouse at 2:00 P. M., March 27, 1962, there being present upon roll call, Chairman Alexander S. Gordon, Commissioners James H. Allen, Jack H. Beckwith, Joseph A. Boyd, Jr., Robert M. Haverfield, Ben C. McGahey, Arthur H. Patten, Jr., Frank O. Pruitt, Harold B. Spaet, Milton E. Thompson, Walter Weiss, and Winston W. Wynne (Commissioner Charles F. Hall arrived late); Clerk E. B. Leatherman; Deputy Clerks Edward D. Phelan and W. F. Russell; County Attorney Darrey A. Davis; County Manager Irving G. McNayr; and Assistant County Manager Hoke Welch.

Chairman Alexander S. Gordon stated today's session has been reconvened from the recessed meeting of March 26, 1962 and he then called upon Mr. James I. Keller, Chairman of the Charter Review Board, for his comments.

Mr. Keller discussed the activity of the Charter Review Board with regard to hearings, findings and ultimate recommendations which were incorporated in its Report #1 (copy of which is on file in the Clerk's office). He noted the Board approved five items which would correct conflicts between the Charter and the State Constitution which were considered minor. Further, after a meeting was held with the Crandon Committee to reconcile viewpoints on the three remaining recommendations, relative to number and salary of commissioners and Board approval of certain County Manager appointments, the Board rejected those proposals. Mr. Keller said after action was taken to place amendments on the May Ballot,



the Charter Review Board was concerned with the probability of a large number of items appearing on the ballot; however, after the qualification dates closed inquiry revealed there will not be as many items as originally anticipated. For this reason, together with the fact that it appears unlikely the Crandon amendments will appear on the May ballot, the Review Board has met and asks that the Board reconsider placing the three amendments on the ballot which were not previously approved. Mr. Keller stated it is the Review Board's belief that the suggested amendments will strengthen the Charter and give satisfaction to the citizens in that it will afford them an opportunity to vote on these questions.

Commissioner Arthur H. Patten, Jr. posed a question as to the possibility of both the Crandon and Charter Review Board amendments appearing on the ballot, which differ to some degree, and ultimate passage of both amendments. Mr. Keller stated if both proposals should be authorized for placement on the May Ballot, the Charter Review Board would prefer to withdraw its amendments.

Mr. Mitchell Wolfson, of the Crandon Committee, said they are in agreement with the Charter Review Board's recommendations on the three amendments under consideration although the Crandon Committee's proposals were slightly different. He added one of the most controversial subjects throughout Dade County is with regard to the present operation of the Metro Court system and urged that the citizens be provided an opportunity to vote on partial return of the Court system to the municipalities. He said if the Charter Review Board recommendations and the amendment pertaining to the Court system were placed on the May 29, 1962 Primary Ballot the Crandon Committee would be willing to withdraw its petition and avoid the possibility of a special election.

Commissioner Arthur H. Patten, Jr. stated the question was raised yesterday whether or not anyone has the prerogative to withdraw a petition once it has been signed by the citizens. He noted estimates have been received ranging from receipt of 15,000 to 30,000 signatures. Mr. Wolfson stated between 16,000 and 17,000 signatures have been obtained and it is felt certain after examination there will be sufficient rejections to disqualify the petition. After further discussion, County Attorney Darrey A. Davis stated the fact that a person signs a petition would not give him a proprietary right in the petition. Further, there is nothing the County Commission can do until the petitions are submitted to it and notification has been received from the Supervisor of Registration through the County Manager certifying the number of signatures is adequate.

Commissioner Winston W. Wynne noted the observation was made that it is the responsibility of the Board to call a special election if the number of signatures on the petition is adequate; however, he said if there is to be a special election, as a result of the manner in which the petitions are handled, it will be someone else's responsibility as to the cost. Mr. Wolfson said he didn't agree, as in efforts to reach an amicable agreement, the Committee was delayed in obtaining the required signatures which otherwise would have been possible inasmuch as the petitions were not circulated during the interim period.

Chairman Alexander S. Gordon noted Commissioners James H. Allen, Charles F. Hall, Arthur H. Patten, Jr., Harold B. Spaet, Milton E. Thompson, Jack H. Beckwith and Frank O. Pruitt were eligible to make a motion for reconsideration as all, with the exceptions of Commissioners Beckwith and Pruitt who were absent, were on the winning side at the time the proposals were considered.

Mr. R. B. Gautier, speaking as a private citizen and a member of the Miami-Dade Chamber of Commerce, voiced objections to proposed amendments which would permit election of commissioners on a district basis rather than the present manner of election. He said this would be a step backward and an opportunity would be afforded to vote for only one commissioner as compared with the present system whereby a citizen may vote for six or seven commissioners, depending on whether or not he lives within a municipality entitled to representation. He noted Mr. Pallott addressed the Board earlier and that his recommendation relative to an amendment permitting squaring off municipal boundaries merits consideration and was included as one of three items recommended by the Government Research Council. Mr. Gautier urged reconsideration of the question to permit changing the name of Dade County to Miami County in order to capitalize on the large amount of expenditures made in the area to publicize the name "Miami." He urged that the Charter not be changed relative to the Court system as this may be done by ordinance if so desired by the Board.



Mr. Charles Crandon cited his past association with development of the Charter for Dade County and stated contrary to statements made, he actively worked against the McLeod amendment. He said the vote of 105,000 to 97,000 in favor of the present Charter should not be discounted as there is a large segment who are opposed to Metropolitan government. He did not go along with statements made that people do not know what they are signing or doing. He noted during a period of two hours and 20 minutes he obtained 200 signatures on the petitions and that he could very shortly obtain as many as 50,000 signatures. He said this would not be the case if everyone was satisfied with Metro. Mr. Crandon acknowledged his Committee has been referred to as a self-appointed Committee, which is correct, in that it is composed of citizens who are interested in their government and want to keep that form of government and the Charter. Mr. Crandon said on his last visit before the Commission he advised placing amendments on the ballot would afford the Board an opportunity to gain the good will and confidence of the people. He urged the Board to give the citizens an opportunity to vote on the amendments before some less desirable proposal is placed before them with the possibility of losing the Charter. He said the people should have the right to decide and that it is not up to the Commission, Crandon Committee, Miami Herald or others to make this decision.

Mr. Dan Paul, in furtherance of Mr. Gautier's remarks, filed a proposed amendment with the Clerk which would provide for election of commissioners on a county-wide basis.

Mr. George Frix, Member of the Charter Review Board, discussed the activity of the Board with regard to hearings held to determine how the citizens feel about their government. He noted the hearings were held in ten geographically convenient areas of the County and the Review Board heard what the people had to say about the Charter and what they believed was needed to provide the right kind of government. He said among the many foolish and sage ideas which were presented, one question that arose quite often was the matter of commission districts. One of the complaints noted was that the citizens stated they had no one to come to regarding problems except the County Manager and it was impossible for him to talk to all of the people. Mr. Frix said the people want their own district representative. He drew an analogy in this regard to the same process of government on a State level whereby citizens contact the appropriate Representative relative to individual problems. Mr. Frix said he is not fearful of the decision the people will make at the polls. Further, that he still believes government in Metropolitan Dade County is of, for and by the people and urged they be afforded an opportunity to have a voice in the type of government they want.

Mr. William T. Kruglak, II, of the Government Research Council, said he attended the meeting several weeks ago and assumed a final decision was made with regard to placing the proposed amendments on the May 29, 1962 ballot. He said the decision should stand as reconsideration would only add confusion. Further, if the people are desirous of adding amendments they should speak through the petitions.

Mr. George Cooper appeared before the Board and stated the people want a voice in their government and not a ward system. He said this is a County and not a State government in rebuttal to the proposal for district representation. Mr. Cooper stated the Government Research Council is deeply interested in the Metropolitan Charter, and therefore, the self-appointed Committee is not the only group which has such an interest.

Mr. William Graham, Member of the Charter Review Board, supported earlier statements made by Messrs. Keller and Frix. In addition, he observed there are two groups of people who are interested in the Metropolitan form of government and there is evidence of honest disagreement about the method of electing the commissioners. He said the way to clear the air would be to let the people vote on this issue. In support of the district method of election, Mr. Graham said the costs become prohibitive for a candidate to campaign on a county-wide basis. With regard to commissioners' salaries, he said good men cannot be expected to continue serving the county on a full-time basis for \$6,000 a year.

Chairman Gordon said he thought the articulateness, sincerity and logic expressed by all persons thus far speaks well for the electorate, and as long as there is this much interest on the part of the leaders in this community in our form of government, there is not much danger of government becoming slipshod or corrupt.



Mrs. Hazel Davis discussed her previous activities with regard to elections pertaining to the Charter. She did not agree with the proposal for election on a district basis and said the proposal should be made available to the public in an alternative form. Mr. Fred Canel, Miami-Dade Chamber of Commerce, reechoed the sentiments expressed by Mrs. Davis.

County Manager Irving G. McNayr said both the Crandon Committee and Charter Review Board have worked in good faith with regard to their respective proposals. He pointed out if the proposals are placed on the ballot little over a month and half remain for consideration and discussion. He expressed doubt with regard to the urgency of placing the proposals on the May Ballot. He suggested the Charter Review Board, and other groups, give further study for a period of time to develop alternate suggestions or ideas as to the number of commissioners and whether or not they should be elected on a district basis or at large. He said the results of such study may indicate the final approach will be alternate proposals for each question with a possibility for the people to retain the present system. Mr. McNayr stated he toured the County considerably in connection with the October 17, 1961 election and that he did not hear a recommendation for nine county commissioners, but from time to time five or seven commissioners were suggested.

Mrs. Noma Lockwood expressed opposition to changing the name of Dade County to Miami County. She discussed the significance of various numbers and concluded that seven would be much better than 13.

Chairman Gordon presented the following message from the Dade County Association of Unincorporated Areas:

"Dade County Association of Unincorporated Areas supports in principle the proposals submitted by the Charter Review Board. Our Association has studied the proposed changes and feels that the people of Dade County should be given the right to vote on these amendments on May 29, 1962.

A. W. Brafford, Jr.  
President"

Commissioner Walter Weiss said he shares the Chairman's views that with the interest, thought and study given to our government by all those who have expressed themselves and those who have participated in conferences, the government is not in serious jeopardy. He said the Commission has a specific responsibility to provide some sort of guide line for action. He noted the Board was urged to take action in opposing directions which cannot be successfully accomplished. Commissioner Weiss said the Board, in finality, does not make the decision, but it is empowered to make a decision as to what will be placed before the people for an answer. He stated the Charter Review Board was established under the authority of the County Commission and they have brought their recommendations on eight items to be placed on the ballot for May 29, 1962. As to the other proposals, he acknowledged they may be controversial and the people may wish to express themselves in this regard. Commissioner Weiss said he has several ideas as to Charter amendments, but did not feel this is what should be voted upon today. He suggested first consideration be given to those items which have been recommended by the duly constituted Charter Review Board.

It was moved by Commissioner Walter Weiss that the Board accept the recommendations of the Charter Review Board for placement of eight Charter amendments on the May 29, 1962 Primary Ballot. The Chairman ruled the motion out of order as it would first be necessary to entertain a motion for reconsideration; further, that Commissioner Weiss was not eligible to make such a motion as he was not on the winning side.

It was moved by Commissioner Jack H. Beckwith that the Board reconsider its previous action with regard to the first three recommendations made by the Charter Review Board (number of commissioners, compensation and Board approval of certain County Manager appointments). This motion was seconded by Commissioner Joseph A. Boyd, Jr.



Commissioner Boyd stated prior to the election on the McLeod amendment the Board created the Charter Review Board and the citizens were lead to believe proposed amendments would subsequently be placed on the ballot for consideration. Further, that he felt morally bound to afford the people an opportunity to vote on the recommendations.

Commissioner Harold B. Spaet said it was his understanding the Crandon Committee would be willing to withdraw circulation of petitions provided the three amendments under consideration, together with the Metro Court amendment, are approved. He questioned if the Charter Review Board would be willing to submit the Metro Court amendment for approval. Mr. Keller replied, as previously reported, no great demand for Charter changes in connection with the Courts was evidenced during the hearings; however, dissatisfaction was expressed with regard to procedural matters. Mr. Keller said the Charter Review Board does not feel it is ready to make a recommendation with regard to the proposed Court amendment.

Commissioner Spaet questioned, in view of the fact that the Crandon petition may be continued in circulation, whether or not all the amendments recommended by the Charter Review Board should be placed on the May ballot. Mr. Keller said he personally felt the amendments should not be placed on the ballot until November 1962, but that this opinion is not shared by all Members of the Charter Review Board.

Commissioner Arthur H. Patten, Jr. questioned if the Crandon Committee recommendation relative to the Courts is not placed on the May ballot whether or not the petition would continue in circulation. Mr. Crandon said he was merely a spokesman for the Committee, but added approval of the Metro Court amendment was not made a condition and the Committee favors acceptance of the Charter Review Board recommendations.

Commissioner Patten questioned if placing the question on the ballot relative to the Metro Court System in an effort to determine the feeling of the people in this regard would meet with the approval of the proponents. Mr. Ursina spoke in support of the straw vote as suggested by Commissioner Patten.

The Board then voted on Commissioner Beckwith's motion to reconsider the Board's previous action with regard to the first three recommendations made by the Charter Review Board, and upon being put to a vote, passed by the following vote:

James H. Allen	Nay	Arthur H. Patten, Jr.	Aye
Jack H. Beckwith	Aye	Frank O. Pruitt	Nay
Joseph A. Boyd, Jr.	Aye	Harold B. Spaet	Nay
Charles F. Hall	Nay	Milton E. Thompson	Nay
Robert M. Haverfield	Aye	Walter Weiss	Aye
Ben C. McGahey	Aye	Winston W. Wynne	Nay
		Alexander S. Gordon	Aye

It was moved by Commissioner Joseph A. Boyd, Jr. that the Board adopt the proposed resolution calling a special election in Dade County, Florida, on Tuesday, May 29, 1962, for the purpose of submitting to the electors of Dade County certain proposed amendments to the Home Rule Charter recommended by Metropolitan Charter Review Board. This motion was seconded by Commissioner Robert M. Haverfield.

Chairman Alexander S. Gordon noted that three proposed amendments which are encompassed in the proposed resolution were previously turned down by the Board and if the motion should be defeated all the recommendations which were previously approved would likewise be defeated. He proposed considering the Charter amendments individually. Commissioner Haverfield stated all recommendations are included in the proposed resolution and that it would not be possible to separate them; however, if the resolution fails to be adopted those amendments which were previously approved could be reconsidered.

Commissioner Ben C. McGahey said he believes the timing is very poor for placing Charter amendments on the ballot; however, in view of the Charter Review Board's recommendation that the amendments be placed on the ballot, he thought the request should be honored.

Commissioner James H. Allen spoke in favor of the present method of electing commissioners on an at large, district and municipality basis.



The Board then voted on Commissioner Joseph A. Boyd's motion to adopt the foregoing proposed resolution, and upon being put to a vote, the vote was as follows:

James H. Allen	Nay	Arthur H. Patten, Jr.	Nay
Jack H. Beckwith	Aye	Frank O. Pruitt	Nay
Joseph A. Boyd, Jr.	Aye	Harold B. Spaet	Nay
Charles F. Hall	Nay	Milton E. Thompson	Nay
Robert M. Haverfield	Aye	Walter Weiss	Aye
Ben C. McGahey	Aye	Winston W. Wynne	Nay
		Alexander S. Gordon	Aye

The Chairman thereupon declared that the motion had failed to carry.

It was moved by Commissioner Robert M. Haverfield that the Board reconsider its previous action with regard to the five proposed Charter amendments which were previously approved for placement on the May 29, 1962 ballot. This motion was seconded by Commissioner Joseph A. Boyd, Jr. Commissioner Harold B. Spaet raised a point of order as to whether or not Commissioner Haverfield was eligible to make the motion. County Attorney Davis stated according to the Rules of Procedure Commissioner Haverfield was not eligible to make the motion inasmuch as he was on the losing side. The Chairman thereupon ruled Commissioner Haverfield's motion out of order.

It was moved by Commissioner Frank O. Pruitt that the Board reconsider its previous action with regard to the five proposed Charter amendments which were previously approved for placement on the May 29, 1962 ballot. This motion was seconded by Commissioner Arthur H. Patten, Jr., and upon being put to a vote, passed by a vote of 11-2, Commissioners Harold B. Spaet and Winston W. Wynne voting "Nay."

Commissioner Frank O. Pruitt presented a resolution to be entitled:

RESOLUTION CALLING SPECIAL ELECTION IN DADE COUNTY, FLORIDA, ON TUESDAY, MAY 29, 1962, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF DADE COUNTY CERTAIN PROPOSED AMENDMENTS TO THE HOME RULE CHARTER RECOMMENDED BY METROPOLITAN CHARTER REVIEW BOARD.

The foregoing resolution was adopted by the Board and is set forth in the Record of Resolutions and assigned #7445.

There being no further business to come before them, upon motion duly made, seconded and carried, the meeting was adjourned.

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Chairman

ATTEST: E. B. LEATHERMAN, Clerk

By \_\_\_\_\_  
Deputy Clerk

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