



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Charter Review Task Force

North Dade Regional Library
Auditorium
2455 N.W. 183rd Street
Miami Gardens, Florida 33056

December 4, 2017
As Advertised

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**MIAMI-DADE CHARTER REVIEW TASK FORCE
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES
DECEMBER 4, 2017**

The Miami-Dade Charter Review Task Force (the Task Force) convened on December 4, 2017, at the North Dade Regional Library, Auditorium, 2455 NW 183rd Street, Miami Gardens, Florida, 33056 at 6:06 p.m. Upon roll call, the following Task Force members were present: Chair Robert Cuevas, Mr. Forrest Andrews, Ms. Alice Burch, Mr. Carlos Diaz-Padron, Ms. Anna-Bo Emmanuel, Mr. Alfredo J. Gonzalez, Mr. Marlon Hill and Mr. William Kerdyk Jr. Vice Chair Maria Lievano-Cruz, Mr. Jeff P. H. Cazeau, Mr. Maurice Ferre, Mr. Luis E. Gonzalez, Mr. Neisen Kasdin and Mr. Mike Valdes-Fauli were absent. Commission District 10 seat remains vacant.

In addition to the Task Force members, the following staff members were present: Assistant County Attorneys Monica Rizo and Abbie Schwaderer-Raurell; Ms. Patricia Flor, Senior Policy Analyst, Office of the Mayor; Mr. Christopher A. Agrippa, Director, and Ms. Kerry Khunjar, Deputy Clerk, Office of the Clerk of the Board.

Chair Robert Cuevas thanked the North Dade Regional Library for hosting today's (12/4) meeting and the Miami-Dade Public Library System's "YOUmedia Miami" team for streaming the meeting "live" on the Miami-Dade Board of County Commissioners' Facebook page; and invited the public to submit questions and comments via the same site.

PUBLIC HEARING FOR MEMBERS OF THE PUBLIC TO SUGGEST CHANGES OR AMENDMENTS TO THE HOME RULE CHARTER

Chair Robert Cuevas opened the floor to provide a reasonable opportunity to members of the public to be heard.

Mr. Marlon Hill welcomed former County Commissioner Betty T. Ferguson and representatives from the Under-represented People's Positive Action Council (UPPAC) to today's (12/4) meeting.

Discussions ensued between Chair Cuevas and Former County Commissioner Betty T. Ferguson regarding the order and format for today's (12/4) meeting.

Ms. Betty T. Ferguson, (no address provided), indicated several members of the public, including members of the "People Acting for Community Together (PACT)," had voiced

concerns about the lack of information on the format and issues being discussed at today's (12/4) meeting and thanked Mr. Hill for providing her with the pertinent information.

Mr. Carlos Diaz-Padron acknowledged the concerns shared by Ms. Ferguson and agreed that the public should be made aware of the issues being discussed by the Task Force.

Chair Cuevas pointed out that meeting agendas were available online and printed copies were provided to the public on the day of the meeting.

Ms. Patricia Flor, Senior Policy Analyst - Office of the Mayor, confirmed that printed copies of the meeting agenda, as well as a list of all passed and failed recommendations were made available to the public at every meeting.

Ms. Ferguson reiterated the importance of engaging the public in discussions related to the Charter review process and requested the Task Force provide a brief presentation regarding the issues at hand. She voiced her support for amending the Charter as it relates to Commission compensation and pointed out that the current compensation package discouraged young minorities from pursuing positions in local government.

Mr. Diaz-Padron noted that Miami-Dade County voters voted against amending the County Charter to increase County Commissioner salaries in 2012.

Ms. Ferguson acknowledged that prior attempts to increase the County Commission salary had failed in the past and reiterated her belief that the low compensation package discouraged qualified young professionals from running for office.

In addition to her concerns regarding the County Commission salary/compensation issue, Ms. Ferguson expressed her support for keeping term limits and a return to a "County Manager" form of governance. She voiced her opposition to expanding the Urban Development Boundary (UDB) and spoke about the environmental impact of moving the UDB and developing land improperly.

Chair Cuevas noted that the Task Force would consider whether the Charter should be amended as it relates to election and commencement of terms of the Mayor and County Commissioners on December 11, 2017.

Mr. Andrews clarified that discussions scheduled for the upcoming December 11, 2017 Charter Review Task Force meeting would be limited to the proposed amendment pertaining to the run-off elections process.

Ms. Ferguson inquired whether the issue of "at large" versus "District" voting was ever discussed and noted she supported "District" elections.

Chair Cuevas confirmed that the Task Force had previously discussed the matter and the majority of members were not in favor of changing the current methodology.

Mr. Hill indicated his interest in hearing Ms. Ferguson's view on the matter.

Mr. Neal Adams Jr., 4865 NW 31st Avenue, Miami, advised the Task Force members that Mr. Kenneth Kilpatrick, President of the Brownsville Civic Neighborhood Association was en route to the meeting to inform the members on of the organization's opposition to the County's current "Strong Mayor" administrative structure.

Chair Cuevas advised Mr. Adams that, while the Task Force had previously discussed the "Strong Mayor" issue and there was no sentiment among the members to change the current structure, the Task Force remained open to hearing from the public on the matter.

Ms. Marie Conyers, 18714 NW 32nd Place, Miami Gardens, echoed the sentiments and concerns voiced by Ms. Ferguson.

Mr. Benjamin S. Essien, 4715 NW 157th Street, Miami, supported the statements and concerns raised by Ms. Ferguson, particularly with the issues related to maintaining term limits and the elimination of the County's "Strong Mayor" form of governance and the return to a "County Manager" administration.

Responding to Mr. Hill's question regarding opposition to the current "Strong Mayor" governance, Mr. Essien stated he believed the current format did not allow for fair representation and input from District Commissioners.

Ms. Burch noted the Task Force had discussed the idea of modifying the makeup of the Commission to include two "at large" members to represent Unincorporated Municipal Service Areas (UMSA) and asked for Mr. Essien's and Ms. Ferguson's input on the idea.

Mr. Essien stated he did not believe such a modification was necessary and pointed out that Commissioner Jordan represented residents from both the incorporated and unincorporated areas of District 1. He reiterated his belief that the "Strong Mayor" form of government needed to be eliminated.

Ms. Amy Coleman, 2841 NW 212nd Street, Miami Gardens concurred with the sentiments expressed by Mr. Essien on the issue of the County's "Strong Mayor" governance.

Mr. Kenneth Kilpatrick, President of the Brownsville Civic Neighborhood Association, 5167 NW 29th Avenue, Brownsville, stated he believed the County's "Strong Mayor" administrative format needed to be revisited and presented to the public for a vote. He

argued that the “Strong Mayor” governance prevented open communication between the Commission and County Departments and stripped District Commissioners of their powers.

Mr. Diaz-Padron requested clarification on the District Commissioners ability to communicate with staff and whether the change in policy was a result of the County’s administrative change to a “Strong Mayor” format.

Chair Cuevas explained, under a “County Manager” type governance, District Commissioners were allowed to communicate with Departmental Managers but not staff. He noted that while the same policy continued under the “Strong Mayor” administration, it evolved to allow District Commissioners to communicate with the Mayor/Deputy Mayors but not administrative staff.

Mr. Diaz-Padron inquired whether the policy was a matter of personal preference.

Chair Cuevas pointed out that the County Manager reported to the Board of County Commission whereas the Mayor was an elected official and was not obligated to report to the Board.

Mr. Kilpatrick noted the County has had 2 “Strong Mayors” to date and stated he did not believe policies should be determined by personalities.

Mr. Diaz-Padron added that the County Commission possessed the ability to hire and/or fire the County Manager which may have influenced the County Manager’s responsiveness and level of communications with the Board.

Mr. Kilpatrick argued that the County’s current budget process highlighted flaws within the “Strong Mayor” type of governance and did not work for the community.

Responding to Mr. Diaz-Padron’s question as to the last time the “Strong Mayor” issue was put to a vote, Chair Cuevas noted that Miami-Dade County voters last voted on the matter in 2007.

Mr. Diaz-Padron asked whether there was a strong public opinion on the matter and pointed out that it would take more than one community to initiate a change.

Mr. Kilpatrick maintained that District Commissioners’ outreach and service to their districts had been greatly impacted due to their personal relationships with the “Strong Mayor” and stressed that the public and certain District Commissioners had become disenfranchised by the process.

Mr. Hill asked Mr. Kilpatrick for his recommendations regarding how the Charter could be amended to address the issue at hand.

Mr. Kilpatrick suggested restoring power to the District Commissioners.

In response to Mr. Hill's question regarding which powers should be restored to the District Commissioners, Mr. Kilpatrick contended that the District Commissioners should be allowed to maintain oversight of the day to day operations of the County and not be bound to go through the Mayor if/when issues arose; and questioned the chain of command in instances when the "Strong Mayor" refused to address issues brought forth by District Commissioners.

Chair Cuevas questioned whether a more unified front or show of collegiality among the District Commissioners would illicit a more desirable response from the "Strong Mayor" on matters of concern.

Mr. Kilpatrick reiterated that government should not be impacted by personalities and noted that the administration bore a responsibility to the community and District Commissioners.

Mr. Hill asked Mr. Kilpatrick whether he believed the County's budget process could be modified to allow for greater Commission involvement.

Mr. Kilpatrick agreed the current process could be modified to recognize the needs of individual districts and to provide a community driven budget instead of one proposed by the Mayor and accepted the Board.

Mr. Hill noted the Task Force would continue to meet until March 2018 and invited the public to submit ideas and suggestions on how to improve the Charter.

Mr. Kilpatrick requested the Miami-Dade Citizens' Bill of Rights be reviewed and amended to include additional "vulnerable adult protections" which would supersede the existing protections offered under Florida Statute. He noted the deaths of elderly patients at a Hollywood nursing home, post Hurricane Irma, highlighted the need for a review of the language and reclassification to provide additional protections.

Mr. Hill inquired whether Mr. Kilpatrick had any recommendations regarding the language/review process.

Mr. Kilpatrick agreed to return with recommendations/language to improve on the current classifications and protections.

Mr. Oscar J. Braynon Sr., 1701 NW 191 Street, Miami Gardens, requested the Task Force consider/discuss a proposal to incorporate all UMSAs within Miami-Dade County and discussed the benefits of incorporation. He also spoke about the importance of reinstating funding to the Independent Review Panel (IRP) and the Community Relations Board (CRB) and the important role both entities played in providing independent oversight within the community. Mr. Braynon commented on the decline of the number of African American businesses with County contracts and attributed that decline to the consolidation of power and “Strong Mayor” governance.

Mr. Francis Ragoo, 889 NW 214th Street, Miami Gardens, voiced his support for increasing the salaries for County Commissioners and recommended mirroring Broward County Commission’s salary structure/policies.

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

1st ISSUE FOR CONSIDERATION: Whether the Charter should be amended as it relates to parks, aquatic preserves and preservation lands, and, if so, what those amendments should be?

PRESENTATION: Brief presentation by the County Attorney’s Office as to the current Charter provisions on this issue.

Assistant County Attorney Monica Rizo reviewed the intent and purpose of Article 7 of the County Charter entitled “Parks, Aquatic Preserves, and Preservation Lands.’ She explained that Article 7 sought to ensure parks were preserved and developments limited to keep them “unimpaired for the enjoyment of future generations as a part of the public’s irreplaceable heritage.” Ms. Rizo noted that Article 7 of the Charter was originally adopted in 1993 as Article 6, as a part of a citizen’s initiative petition. She pointed out that Article 7 was applicable to all County Parks, except specified parks listed in Section 7.02 and municipal properties located in Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater and West Miami pursuant to Section 7.04.

Assistant County Attorney also provided a brief overview of Section 7.02 of the Charter which detailed the uses and restrictions of Miami-Dade County parks. She explained that Article 7 had been amended over the years to provide clarification as to acceptable uses, with the latest amendment in 2014 to: 1) Allow for Miami-Dade County Public Library

System facilities to be located within recreational centers and parks; and 2) Allow campgrounds and limited overnight camping accommodations in cabins/lodges for park patrons at Camp Matecumbe. She added over the course of 24 years, the Board of County Commission sought the public's approval to facilitate specific contract work to be done at particular facilities, such as the building of the Westchester Cultural Arts Center at Tropical Park – which was voted upon and approved in 2010; and the expansion of the tennis facilities at Crandon Park – voted upon and approved in 2012. Ms. Rizo noted that case law defining a public park continued to evolve and would continue to change over time.

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

Referencing comments and concerns previously shared by Mr. Kilpatrick, Ms. Burch noted in 2010 the Charter was amended to allow County Commissioners to communicate with administrative services to assist with the performance of their duties by removing the Charter requirement that the “Commissioners shall deal with the administrative service solely through the County Mayor or his/her designee” and questioned whether the foregoing charter amendment has been effective.

Assistant County Attorney Monica Rizo reassured the Task Force members that the 2010 Charter amendment referenced by Ms. Burch would be reviewed and explained that the Charter currently allowed Commissioners to communicate directly with administrative staff to transmit constituent inquiries or to assist Commissioners in the exercise of their powers as set forth in Section 1.01(A). She added that Commissioners were not permitted to give orders to any subordinate of the Mayor or request the removal of any subordinate of the Mayor.

Ms. Burch questioned whether the language passed by the voters in 2010 was actually incorporated in the Charter verbatim.

Assistant County Attorney Rizo noted that while the language passed in 2010 would have been incorporated in the Charter at that time, the current language as it relates to the issue could be found in Section 5.09(A) and (B) of the Charter.

Chair Cuevas directed his colleagues' attention to Page 31 of the County Charter.

Mr. Diaz-Padron observed that the current language allowed the Commissioners to convey

messages but not demand specific action of administrative service staff.

Mr. Gonzalez surmised that the different forms of governance, County Manager versus “Strong Mayor” may have also influenced communications and responsiveness from administrative service staff.

There being no further comments or objections, Chair Cuevas proceeded to the 2nd Issue listed on today’s (12/4) Agenda.

2nd ISSUE FOR CONSIDERATION: Whether the Charter should be amended as it relates to vehicles for hire operating in the County, 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 on this issue.

Assistant County Attorney Abbie Schwaderer-Raurell explained that Section 1.01A of the County’s Charter discussed the Board’s “Powers” and read Section 1.01A (3) into the record. She noted that while the County Code was amended in 2016 to prohibit the operation of vehicles transporting passengers for compensation without authorization and created Chapter 31, Article VII of the Code regulating Transportation Network Entities (TNE) and TNE drivers and vehicles, Florida House Bill, CS/HB221, known as the Uber/Lyft Bill provided specific preemptions for the industry.

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

Recognizing the preemptions provided by Florida Statute and acknowledging the growing market share of ridesharing services, Mr. Alfredo J. Gonzalez recommended Section 1.01A(3) be amended to include “rideshare services.” He explained that the amendment would serve to clarify existing language and legislation.

Mr. Diaz-Padron requested clarification regarding the scope of the preemptions.

Assistant County Attorney Schwaderer-Raurell explained the preemptions provided by the Florida Statute were specific to TNEs.

Mr. Diaz-Padron questioned whether the proposed amendment to the Charter would be effective given the State's preemptions.

Assistant County Attorney Schwaderer-Raurell explained that while the current exemptions restricted the Board of County Commission's ability to fully regulate TNEs, in the event State laws were to change, the proposed amendment would provide the County greater power to regulate the industry.

Discussions ensued between Mr. Diaz-Padron and Mr. Gonzalez regarding the intent of the proposed amendment.

Mr. Diaz-Padron expressed concern regarding the usefulness of amending the Charter given the State's preemptions and asked whether the Charter amendment would be superseded by State laws.

Assistant County Attorney Schwaderer-Raurell explained that the proposed amendment would serve as a "placeholder" and simply clarified the existing legislature.

Extensive discussions were had among Assistant County Attorney Schwaderer-Raurell, Mr. Gonzalez and Mr. Diaz-Padron regarding the intent of the proposed amendment.

It was moved by Mr. Gonzalez to amend the County Charter to update the existing provisions as it related to vehicles for hire operating in the County to include a new classification of "rideshare services". This motion was seconded by Chair Cuevas.

Upon being put to a vote, the motion failed by a vote of 3-5; Mr. Forrest Andrews, Ms. Alice Burch, Mr. Carlos Diaz-Padron, Ms. Anna-Bo Emmanuel and Mr. William H. Kerdyk Jr. voted "No". (Vice Chair Maria Lievano-Cruz, Mr. Jeff P. H. Cazeau, Mr. Maurice Ferre, Mr. Luis E. Gonzalez, Mr. Neisen Kasdin and Mr. Mike Valdes-Fauli were absent.)

ISSUES FOR UPCOMING MEETING

Chair Robert Cuevas noted that two issues would be addressed at the December 11, 2017 Task Force Meeting agenda; 1) Continued discussion of whether the Charter should be amended as relates to citizen petition process for initiative and referendum with a presentation of concerns by the Clerk of the Circuit Court and, 2) election and commencement of terms of the Mayor and County Commissioners.

Chair Cuevas informed his colleagues that the Task Force would have completed discussions on all the issues presented for consideration at the conclusion of the next Task Force meeting and discussed the options available to the Task Force at that time.


Mr. Hill invited the public to contact Ms. Nicole Tallman, Director of Policy and Legislative Affairs to Miami-Dade County Mayor Carlos A. Gimenez with any concerns, comments or recommendations; and encouraged the public to become involved in the Charter Review process.

Ms. Burch inquired about the location of the "contact link" for the Task Force.

Ms. Patricia Flor, Senior Policy Analyst, Office of the Mayor, noted that the public could access the "contact link" on the banner of the County's Home Rule Charter "homepage" which would then redirect them to a form for submittal to the Task Force.

ADJOURNMENT

There being no further business, the Charter Review Task Force meeting adjourned at 7:25 p.m.


Robert Cuevas, Chair