



# **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

February 12, 2018  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Christopher Agrippa, Director  
Clerk of the Board Division

Alan Eisenberg, Commission Reporter  
(305) 375-2510



**MIAMI-DADE CHARTER REVIEW TASK FORCE  
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES  
February 12, 2018**

The Miami-Dade Charter Review Task Force (the Task Force) convened its thirteenth meeting on February 12, 2018, at the Stephen P. Clark Government Center, Commission Chambers, 111 N.W. 1<sup>st</sup> Street, Miami, FL 33128, at 6:17 p.m. Upon roll call, the following Task Force members were present: Chair Robert Cuevas, Vice Chair Maria Lievano-Cruz, Mr. Forrest Andrews, Ms. Alice Burch, Mr. Carlos Diaz-Padron, Mr. Alfredo Gonzalez, Mr. Paul Hernandez and Mr. Mike Valdes-Fauli. Mr. Jeff P. H. Cazeau, Ms. Anna-Bo Emmanuel, Mr. Marlon Hill, Mr. Neisen Kasdin, and Mr. William H. Kerdyk Jr. were absent. The Commission District 10 and 11 seats remain vacant.

Mr. Christopher A. Agrippa, Director, Office of the Clerk of the Board, announced that Ms. Anna-Boa Emmanuel and Mr. Marlon Hill provided notification that they would be absent.

In addition to Task Force members, the following staff members were present: Assistant County Attorney Oren Rosenthal; 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.

Chair Robert Cuevas called the meeting to order and led the Pledge of Allegiance.

**Reasonable Opportunity for the Public to be Heard on proposed amendments to the Charter and on the initial draft of the Final Report of the 2017 Charter Review Task Force.**

Chair Cuevas opened the reasonable opportunity for the public to be heard.

Ms. Maggie Fernandez, 3620 SW 21 Street, Miami, stated that there was a November 6, 2012 County Charter ballot amendment limiting County Commissioners to two –four year terms, noting it was overwhelmingly approved by 77.45% of the voters. She said she did not agree with Recommendation #3, noting it was premature for the Task Force to make this recommendation; having not allowed any exiting elected officials to complete their terms nor anyone new to take office under this provision. Ms. Fernandez expressed support for Recommendation #1, noting a previous failed attempt to tie compensation to term limits and term limits only passed when separating the two items. She suggested reconsidering the term limits issue and moving forward with compensation. In regards to Recommendation #7, Ms. Fernandez said it would allow the initiative and referendum process to move more smoothly. She mentioned that 127,000 voters wanted to see campaign finance reform; however, this was not addressed by the Task Force.

Ms. Susan Windmiller, 2103 Coral Way, Miami, President League of Women Voters (League), appeared before the Task Force and thanked them for their time, dedication and service. She

said the League believed it was important to have the electorate engaged with elected officials through this Task Force. Ms. Windmiller said she was happy that the Recommendation #7, sponsored by the League, relating to petitions was approved, noting it will streamline the process and make the citizen petition process work more effectively with petitions being reviewed upfront. She pointed out the League did not accept Recommendation #3, noting there has not been an opportunity to see how the new process worked and the voters decision should be given a chance.

Ms. Maribel Balbin, 8346 Dundee Terrace, Miami Lakes, representing the League, mentioned she concurred with the previous speakers. She said the League was dismayed that the Strong Mayor issue was not considered by the Task Force. She said the League agreed with all the recommendations except Recommendation #3. Ms. Balbin stated that it did not make a difference in Recommendation #2 whether the Clerk of Courts and the Property Appraiser elections be nonpartisan. She thanked Task Force members for their services and said that the League might have a petition drive to change the Charter placed on an upcoming ballot before the next Charter Review Task Force was convened.

Ms. Windmiller pointed out that the majority of individuals attending tonight's (2/12) meeting were League Board of Directors members. She said the League actively participated in the Task Force process and continually reported about this process to its members.

Mr. David McDougall, 4231 NW 11 Place, Miami, noted his frustration that 127,000 ballot petitions he participated in collecting did not make it to the ballot, noting Recommendation #7 will help this situation. He questioned the democratic process relating to petitions for campaign finance reform and the appropriate venue to do so. Mr. McDougall expressed concern over the elimination of term limits and going against 77 percent of the voters' desires.

Chair Cuevas closed the reasonable opportunity for the public to be heard, seeing no one further wishing to speak.

**1st ISSUE FOR CONSIDERATION: Proposed Charter Amendment sponsored by Commissioner Moss creating an *independent salary commission to set the salaries of the County Commissioners and County Mayor.***

**DISCUSSION AND VOTE:** On whether the Charter should be amended as proposed by Commissioner Moss.

Assistant County Attorney Oren Rosenthal explained that Commissioner Moss' alternate proposal for Recommendation #1 established a salary commission that would meet annually to establish a salary for the County Commissioners and the County Mayor for the following year. He said the salary commission would be appointed annually by the Clerk of the Courts, the Chief Judge of the Eleventh Judicial Circuit and the Governor. Assistant County Attorney Rosenthal indicated that this was an alternative to setting the salary based upon the State formula.

Mr. Paul Hernandez mentioned there was no guidance in the legislation and asked a series of questions about the process that would be followed.

Assistant County Attorney Rosenthal indicated that the salary commission meetings would be subject to the Sunshine provisions and that the salary commission would establish certain criteria to make salary decisions. He said the State formula, County fiscal performance, and other factors could be used to assist in this process, noting the salary could increase or decrease annually. Assistant County Attorney Rosenthal pointed out that there could be new members appointed to the salary commission annually and the prior year's salary would be used if the commission did not meet. He noted the established salary would replace the current \$6,000 base salary and did not include benefits.

Mr. Mike Valdes-Fauli inquired whether the salary commission's decision was binding irrespective of any commissioner or voter input to which Assistant County Attorney Rosenthal advised that it was.

Ms. Alice Burch questioned whether the salary commission needed to change every year to which Assistant County Attorney Rosenthal responded that the proposal set forth annual reappointments; however, if there was no reappointment the individual would carry over to the next year.

Ms. Maria Lievano-Cruz inquired whether the County Commission discussed this proposal to which Assistant County Attorney Rosenthal said it had not and Commissioner Moss was requesting the Task Force's consideration.

Mr. Valdez-Fauli asked for further clarification on the methods the salary commission could use to determine the salary.

Assistant County Attorney Rosenthal advised that the salary commission would review the previous year's salary and pick any salary they desired, noting it could be a higher or lower amount from one year to another.

It was moved by Ms. Alice Burch to accept Commissioner Moss' proposed Charter amendment. This motion was seconded by Mr. Alfredo Gonzalez.

Mr. Valdez-Fauli inquired whether there could be other variations to this proposal considered to which Chair Cuevas stated it would be up to the Task Force to determine.

In response to Mr. Hernandez' question whether Commissioner Moss' proposal could be presented to the County Commission in addition to the original Task Force proposal, Chair Cuevas indicated that both could be submitted.

Assistant County Attorney Rosenthal advised Ms. Lievano-Cruz that Commissioner Moss could present his proposal directly to the County Commission. He noted Commissioner Moss wanted the Task Force to consider whether this was an appropriate alternative to the salary question.

Ms. Lievano-Cruz commented that there should be uniformity and believed the State formula provided clarity. She said a future Task Force or other legislation could address the Mayor's salary issue. Ms. Lievano-Cruz noted she did not support this alternative proposal.

Mr. Forrest Andrews inquired whether salary commission members had any qualifications other than not holding public office or having a conflict of interest to which Assistant County Attorney Rosenthal said they did not and they would be appointed by the three elected officials previously mentioned. He added that salary commission members could run for public office at any time, even though they took part in a salary determination.

Ms. Burch stated that this was a good idea, noting the Task Force believed the County Commissioners deserved a more appropriate salary. She said voters would be made aware of the State defined salary amount which hindered moving forward and this was an alternative option. Ms. Burch pointed out that the County was fortunate to have commissioners willing to run for office with the current salary, noting this was a huge commitment on their part. She said the compensation set forth by the salary commission may not be the amount desired but it will be a fair amount determined a panel outside County governance. Ms. Burch noted efforts to adopt the State formula previously did not work and this was a creative alternative.

Mr. Carlos Diaz-Padron questioned the difference without a known salary to which Ms. Burch said the actual ballot language for the Task Force's proposal was not known, yet we did know the language of Commissioner Moss' option.

Mr. Alfredo Gonzalez pointed out that the Task Force previously had a lengthy discussion about County Commissioner and the Mayor's salary's. He said the idea of an independent judiciary getting funding from the same elected body that sets their salaries could create other problems. Mr. Gonzalez indicated that the State formula was the best way to proceed for the County Commission and that the Mayor's salary should be determined by the County Commission at this time.

Mr. Valdes-Fauli brought up the possibility that the voters would question the appointment of the salary commission members and the determination being tied to unknown individuals, rather than a known formula.

Ms. Burch responded that this was a new option to make a determination. She commented on the trust factor which was inherent in official appointments and this suggestion should be given a chance.

Mr. Padron pointed out that maybe it was evident that the voters did not want to increase salaries if it failed seven times. He indicated he was not sure why voters would approve the salary commission over the State formula if they really did not want to increase salaries.

Chair Cuevas stated that Commissioner Moss was a longstanding commissioner who experienced previous salary change efforts. He said he was willing to go along with the Commissioner's political judgement as to what to do.

Ms. Burch clarified that she believed the voters did not want to adopt the State formula and give the Commission this salary amount, having rejected this option seven times.

Mr. Padron said a salary that was tangible and without discretion was needed.

Ms. Burch said this was an unprecedented situation, noting the vast difference between the existing salary and the potential for a substantial increase. She pointed out this new option took the salary amount out of the voters hands by letting another body make the decision.

Hearing no further questions or comments, the Task Force proceeded to vote.

Upon being put to a vote, Ms. Alice Burch's motion to adopt Commissioner Moss' proposal creating an independent salary commission to set the salaries of the County Commissioners and County Mayor that was seconded by Mr. Alfredo Gonzalez failed by a 4-4 vote (Vice Chair Maria Lievano-Cruz, Mr. Forrest Andrews, Mr. Alfredo Gonzalez and Mr. Carlos Diaz-Padron voted "No", Chair Robert Cuevas, Ms. Alice Burch, Mr. Paul Gonzalez and Mr. Mike Valdes-Fauli voted "Yes").

Following the vote, Mr. Carlos Diaz-Padron said he wanted to change his vote to "Yes".

In response to further discussion and questions presented by Vice Chair Lievano-Cruz, Mr. Gonzalez and Mr. Diaz-Padron, Assistant County Attorney Rosenthal clarified that Commissioner Moss' proposal was an alternate to Recommendation #1 and both recommendations could be included in the Final Report. He said that the Final Report would be placed on a County Commission meeting agenda; that the Commission would consider its recommendations; that any commissioner could individually sponsor any recommendation as legislation; that approved items would be placed on the November election ballot; and once approved by the voters would go into effect upon certification (2 weeks after the election). Assistant County Attorney Rosenthal stated that any sitting commissioner and the mayor would be awarded the salary effective January 1, 2019 in event the Charter amendment was approved.

Mr. Alfredo Gonzalez also changed his vote to "Yes", resulting in a passing 6-2 vote.

**2nd ISSUE FOR CONSIDERATION: Staff's initial draft of the *Final Report of the 2017 Charter Review Task Force.***

**DISCUSSION AND VOTE:** On whether any of the changes should be made to the initial draft of Final Report.

In response to Mr. Padron's question regarding the Forfeiture of Office recommendation, Assistant County Attorney Rosenthal pointed out that Recommendation #5 provided that any County appointed official or employee who qualified as a candidate for County elected office would have to take a leave of absence from his/her County position and if elected would have to resign that position. He said anyone running for a city or municipal office would be

excluded from this provision and it only applied for people running for County government offices. Assistant County Attorney Rosenthal added there was a collateral dual office holding prohibition in the Florida Constitution where some County positions might exercise some authority with the State, noting the amendment would not affect that prohibition.

Mr. Valdes-Fauli stated that the leave of absence gave employees an open door to their position in the event they did not succeed in seeking public office.

Further discussion ensued between Mr. Diaz-Padron, Task Force members and Assistant County Attorney Rosenthal about this recommendation.

Mr. Diaz-Padron stated that he was considering changing his vote on this item; however, he wanted Mr. Wilfredo Fleites to be present to discuss his concern before doing so since Mr. Fleites proposed this item.

Assistant County Attorney Rosenthal advised that Task Force could vote to approve the Final Report as written, to make changes to the report or to bifurcate an item out of the report and vote separately on that item. He said there could be a dissenting opinion included in the Final Report. Assistant County Attorney Rosenthal mentioned that an additional Task Force meeting would need to be scheduled to reconfirm a final vote. He stated that it would be prudent to take a final vote tonight (2/12) directing staff to amend the draft report into a final report that could be voted upon at the February 26, 2018 meeting.

In response to Mr. Padron's question, Assistant County Attorney Rosenthal stated that someone could be a candidate for office before they qualified, but once qualified the leave of absence begins and upon election the leave of absence ends. He noted this was typically a three to four month period.

Assistant County Attorney Rosenthal advised Mr. Padron that his option was to bifurcate this item and for a motion that this item be disapproved from the Task Force's recommendation.

Ms. Burch reminded Task Force members that previous County Commissions have not placed Task Force recommendations on the ballot without a majority vote. She suggested not forwarding this item in order to give more credence to other items with more support.

Chair Cuevas added that there were other situations where the Task Force made a decision adverse to a public speaker's recommendation and they were not here to further address their concern.

Vice Chair Lievano-Cruz clarified her understanding that Mr. Padron asked to table Recommendation #4 until the next Task Force meeting (February 26, 2018) and to vote on all other Task Force recommendations tonight (2/12).

Assistant County Attorney Rosenthal stated that the vote taken at the next meeting will be the final vote, regardless of any preliminary votes taken.

Vice Chair Lievano-Cruz addressed the need to properly advertise the upcoming meeting and its purpose, noting there were more individuals other than Mr. Fleites who appeared before the Task Force to address their concerns on this issue, including elected officials as well as new Task Force members who did not take part in that conversation.

It was moved by Mr. Carlos Diaz-Padron that Recommendation #5 be bifurcated from the Draft Report and that the remaining portion of the Draft Report be approved. This motion was seconded by Chair Maria Lievano-Cruz and upon being put to a vote, the motion passed unanimously by all members present.

**Approval of the Clerk's Summary of Minutes for the December 4, 2017 and December 11, 2017 Charter Review Task Force Meetings.**

It was moved by Mr. Paul Hernandez that the meeting minutes from the December 4, 2017 and the December 11, 2017 Charter Review Task Force meetings be approved as amended reflected a change in the date he first visited County Hall on Page 1 of the December 11, 2017 meeting minutes. This motion was seconded by Mr. Alfredo Hernandez, and upon being put to a vote, the motion passed unanimously by all members present.

**Adjournment**

Chair Cuevas and Vice Chair Lievano-Cruz commended administrative and legal staff for their professionalism and assistance supporting Task Force efforts.

There being no further business, the Charter Review Task Force meeting adjourned at 7:11 p.m.



Robert Cuevas, Chair