

Miami-Dade County Charter Review Task Force Meeting
Monday, February 12, 2018
Miami-Dade County
Commission Chambers
111 NW 1st Street
6:00 p.m.
Agenda

- 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.

- 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*** (copy attached).

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

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

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

- Approval of the Clerk's Summary of Minutes for the December 4 and 11 Charter Review Task Force Meetings.
- Adjournment

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2018, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO CREATE AN INDEPENDENT SALARY COMMISSION TO SET THE SALARIES OF THE COUNTY COMMISSIONERS AND COUNTY MAYOR

WHEREAS, Miami-Dade County established an annual salary of \$6,000 for County Commissioners in 1957, when the County's Home Rule Charter was adopted; and

WHEREAS, the demands of the position of County Commissioner have grown substantially, while the salary has remained the same; and

WHEREAS, Miami-Dade County is now the most populous county in the State of Florida with a population of over 2.4 million residents and a budget in excess of \$7 billion; and

WHEREAS, the Board of County Commissioners currently sets the salary of the County Mayor; and

WHEREAS, allowing an independent salary commission appointed by the Chief Judge of the Eleventh Judicial Circuit, the Clerk of the Courts in and for Miami-Dade County and the Governor of the State of Florida to determine the salaries of the Miami-Dade County Commission and County Mayor would allow an independent evaluation of the appropriate salary for such offices on a year-to-year basis; and

WHEREAS, a salary for County Commissioners and the County Mayor set by an independent salary commission is the best way to ensure that Miami-Dade County's elected officials are appropriately compensated in a reasonable manner; and

WHEREAS, assuring potential candidates for the office of County Commissioner and County Mayor that their salaries will be set by an independent salary commission will encourage more members of the community to seek public office ensuring greater diversity in the composition of elected officials; and

WHEREAS, any change in the method of compensating County Commissioners must be done by an amendment to the Miami-Dade County Home Rule Charter approved by a vote of the electorate,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with a General Election on Tuesday, November 6, 2018, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

CHARTER AMENDMENT
CREATING INDEPENDENT SALARY COMMISSION TO SET
SALARIES OF COUNTY COMMISSIONERS AND MAYOR

SHALL THE CHARTER BE AMENDED TO CREATE A THREE MEMBER INDEPENDENT SALARY COMMISSION WHOSE MEMBERS DO NOT HOLD ELECTIVE OFFICE AND DO NOT HAVE CONFLICTS OF INTEREST, WITH MEMBERS APPOINTED BY THE COUNTY'S CHIEF JUDGE, CLERK OF COURTS AND THE GOVERNOR; AND WHICH SHALL ANNUALLY SET THE COMMISSIONERS' AND MAYOR'S SALARIES RATHER THAN SETTING SUCH SALARIES BY CHARTER OR BY ACT OF THE BOARD, RESPECTIVELY?

YES ☐

NO ☐

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the

provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this[], 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____

Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-1¹

BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.06. SALARY.

~~[[Each County Commissioner shall receive a salary payable monthly and]]~~ >>There shall be an independent salary commission which shall annually establish the salary for County Commissioners and the County Mayor for the next succeeding calendar year. The independent salary commission shall consist of three members appointed annually. The Chief Judge of the Eleventh Judicial Circuit, the Clerk of Courts for Miami-Dade County and the Governor of the State of Florida shall each appoint one member to the independent salary commission. The members of the independent salary commission shall not hold public elective office and shall not have a conflict of interest in their service on the independent salary commission as determined by the Commission on Ethics and Public Trust. In the event the independent salary commission fails to establish a new salary for the County Commissioners or County Mayor prior to the end of the calendar year, the County Commissioners and County Mayor shall be paid the same salary as the prior calendar year. The salary established by the independent salary commission shall be payable monthly and the County Commissioners and the County Mayor<< shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

¹Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Miami-Dade County Charter Review Task Force

Final Recommendations Report

January 31, 2018

www.miamidade.gov/charter

DRAFT

Table of Contents

<u>Section</u>	<u>Page Number</u>
Contents	
EXECUTIVE SUMMARY	5
INTRODUCTION AND BACKGROUND	7
PUBLIC INPUT PROCESS	9
Charter Website/E-mail	9
Broadcast/Social Media	9
Input from Community (at each meeting)	10
Regional Public Meeting	11
Media Outreach	12
Meeting Notices	12
ISSUES FOR STUDY	13
RESEARCH	15
TASK FORCE RECOMMENDATIONS	16
Recommendation No. 1 – Commission Compensation	16
Recommendation No. 2 – Nonpartisan Elections	17
Recommendation No. 3 – Elimination of Term Limits	18
Recommendation No. 4 – Commission Office of Budget and Management	19
Recommendation No. 5 – Forfeiture of Office of County Elected and Appointed Officials and Employees	20
Recommendation No. 6 – Compensation for Number of Signatures Obtained for Circulating a Petition	21

Recommendation No. 7 – Approval of Legal Sufficiency of Petitions	22
Recommendation No. 8 – Runoff Elections	23
FAILED RECOMMENDATIONS	25
NO RECOMMENDATIONS PROFFERED	28
CONCLUSION	30
APPENDIX	31
Appendix A: Promotional Materials for Public Meetings	
Appendix B: Social Media Posts	
Appendix C: Salaries of Elected County Constitutional Officers	
Appendix D: Comparison of County Commissions (form of government, salaries, structure)	
Appendix E: Prior Election Results Regarding Salary Amendments	
Appendix F: Article XLVII – Creating the Office of the Commission Auditor	
Appendix G: Table of Organization – Office of the Commission Auditor	
Appendix H: Summary of Charter Powers	
Appendix I: Ballot Results for May 29, 1962 Election Relating to Forfeiture of Office	
Appendix J: Citizen Led Initiative and Referendum Procedures in Select Florida Counties	
Appendix K: ICMA County Form of Government Survey Results	
Appendix L: National Civic League – Model County Charter	
Appendix M: Powers and Responsibilities of County Commission and County Mayor	
Appendix N: Summary of Budget and Procurement Responsibilities in Select Municipalities	
Appendix O: Urban Development Boundary Presentation	
Appendix P: Procurement Reform Advisory Board Report	
Appendix Q: Procurement Presentation	
Appendix R: Finance Department Presentation	

Appendix S: Budget Process Presentation

Appendix T: Charter Review Task Force Members and Staff

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Executive Summary

Pursuant to Resolution No. R-304-17, the Miami-Dade County Charter Review Task Force reviewed the Home Rule Charter of Miami-Dade County in its entirety. This report sets forth the Task Force's analysis of the Charter, and proposed amendments or revisions for Board consideration to place before the voters of Miami-Dade County. The Task Force convened on June 28, 2017 and conducted 11 public meeting, obtained input from experts, the public and County staff, and, after this extensive review process, adopted eight final recommendations for amendment to the Miami-Dade County Home Rule Charter.

Recommended Charter Amendments

Recommendation No. 1: Commission Compensation

Increase Commissioner salaries to the amount set by the State formula for county commissioner salaries (currently \$99,997)

Recommendation No. 2: Nonpartisan Elections

Provide that **elections** for Office of the Clerk of Courts and of the Property Appraiser be **nonpartisan**.

Recommendation No. 3: Election and Commencement of Terms of County Commissioners

Repeal term limits for County Commissioners.

Recommendation No. 4: Commission Office of Budget and Management

Change the name of the **Office of Commission Auditor** to the Commission of the Office of Budget and Research and remove the requirement that the Director be a certified public accountant.

Recommendation No. 5: Forfeiture of Office of County Elected and Appointed Officials and Employees

Limit the requirement for a **County appointed official or employee of the County** who **qualifies as a candidate** for elective office to take a **leave of absence** and, if elected to **forfeit** his or her County position, only to those who qualify **for County elective office**.

Recommendation No. 6: Initiative and Referendum

Preclude persons circulating **Initiative and Referendum petitions** from **paying** or receiving payment on a basis related to the **number of signatures obtained** for circulating the petition.

Recommendation No. 7: Initiative and Referendum

Provide that the **County Commission shall determine the legal sufficiency** of citizen **Initiative and Referendum** petitions prior to collection of signatures.

Recommendation No. 8: Election and Commencement of the Mayor and County Commissioners

Amend the Charter to provide that the names of unopposed candidates for **Mayor** and **County Commissioners** shall not appear on the **runoff election ballot** and a runoff election shall not take place. Each **unopposed candidate** shall be deemed to have voted for himself or herself. No votes cast in favor of any **candidate who withdraws or becomes disqualified or deceased** prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

Introduction and Background

Miami-Dade County became the first home rule County in Florida with the adoption of the Home Rule Charter in 1957. The Home Rule Charter was adopted pursuant to a special grant of authority in the Florida Constitution to the voters of Miami-Dade County through the Miami-Dade County Home Rule Amendment. 2017 marked the 60th anniversary of the Charter's adoption. The Home Rule Amendment grants the voters of Miami-Dade County very broad powers to determine for themselves the form of their local government.

The Home Rule Charter begins with a Citizens' Bill of Rights. It sets forth the power of the Board of County Commissioners and the Mayor, and sets forth the process for their election. The Charter also addresses the Administrative Organization and Procedure for the County, including a framework of powers of municipalities, initiative, referendum and recall, and other general provisions.

In order to ensure that the Home Rule Charter is responsive to the changing needs of our community, Section 9.08 of the Charter requires that the Board of County Commissioners, at least once in every five year period, review the Charter and determine whether or not there is need for revisions and then must be approved by an affirmative vote of the electorate. Amendments may be proposed and placed on the ballot either by the Board of County Commissioners or by petition of the citizens.

On March 20, 2017, the Board of County Commissioners approved Resolution No. R-304-17 creating the 2017 Charter Review Task Force. The Charter Review Task Force was charged with reviewing the Home Rule Charter of Miami-Dade County in its entirety and preparing and submitting to the Board of County Commissioners written recommendations setting forth any proposed amendments or revisions to the Charter.

In conducting its review, the Task Force was directed to:

- Study the Final Report of the last Charter Review Task Force;
- Study all proposed charter amendments submitted to the voters since the last Charter Review Task Force issued its recommendations;
- Invite knowledgeable members of the community to appear and make recommendations;
- Invite representatives of Miami-Dade County's municipalities to appear and make recommendations;
- Conduct public hearings at various stages in the review process;
- Conduct regional public meetings to convey recommendations of the Charter Review Task Force to persons in attendance and receive any additional comments from the public regarding recommendations. The Task Force was to reconvene to consider any public comments prior to submission of a final report to the Board of County Commissioners recommending charter amendment proposals and placement of such

proposals on the General Election ballot. These regional public meetings were to be in addition to meetings which are to be conducted in accordance with the Code of Miami-Dade County, Florida.

The Task Force successfully completed each of these tasks.

The Task Force met on the following days, at the following locations, and afforded the public the opportunity to provide input on possible amendments to the Charter:

- June 28, 2017 at 10:00 a.m. - Miami-Dade Library Auditorium
- July 17, 2017 at 6:00 p.m. - County Commission Chambers
- August 14, 2017 at 6:00 p.m. - County Commission Chambers
- August 28, 2017 at 6:00 p.m. - County Commission Chambers
- September 11, 2017 (cancelled due to Hurricane Irma)
- September 25, 2017 at 6:00 p.m. - County Commission Chambers
- October 16, 2017 at 6:00 p.m. - County Commission Chambers
- October 30, 2017 at 6:00 p.m. - County Commission Chambers
- November 13, 2017 at 6:00 p.m. - County Commission Chambers
- November 28, 2017 at 6:00 p.m. - Doral City Hall
- December 4, 2017 at 6:00 p.m. - North Dade Regional Library
- December 11, 2017 (Virtual Meeting) at 6:00 p.m. - County Commission Chambers
- February 12, 2018 at 6:00 p.m. - County Commission Chambers

The Task Force presents this report to the Board of County Commissioners detailing the Task Force's recommendations and work reviewing the Home Rule Charter.

Public Input Process

As directed by the Board, this Charter Review process has provided for a high degree of public participation. Task Force members and County staff have been committed to identifying new and creative means of providing meaningful public information and education, as well as access to the Charter Review process. Task Force members made public outreach a priority and suggested innovative methods of communicating with residents. In an effort to encourage attendance by the public, Task Force members decided to schedule all meetings at 6:00 p.m. in the evening to allow residents an opportunity to attend. Internet technology, social media and the resources provided by the County's Communications Department greatly improved the Task Force's ability to gather public input.

Charter Website/E-mail

The Charter Review Task Force website (www.miamidade.gov/charter/task-force-2017) was launched on June 28, 2017. The comprehensive website includes a list of Task Force member and valuable information such as charter history, previous task force reports, research performed by staff and benchmarking information. The website is specifically organized to grant the public easy access to resources and information discussed throughout the review process. Specifically, for each meeting held by the Task Force, staff has worked diligently to post to the website agendas, materials minutes and video recordings as soon as they become available.

Of significant note, the website provides a vehicle to encourage public input and comment on all matters of consideration under the Task Force's purview. At any point in the review process, the public was able to send comments to the Task Force by visiting the website and submitting suggestions or via email at CHARTER@miamidade.gov. All comments received were provided to Task Force members for their review and consideration.

As of January 17, 2018, 23 substantive comments were received by email. And most significantly, since June 29, 2017, the website was visited as follows:

- 2017 Charter Review Task Force page – 2,187 views
- Charter Review Home page – 1,207 views
- 2017 Charter Review Task Force meetings tab – 976 views
- 2017 Task Force members tab – 419 views

Broadcast/Social Media

In an effort to encourage public engagement and input, every Task Force meeting was televised on Miami-Dade County TV and streamed live on the Board of County Commissioners webcast page, and Facebook page. Web links to each meeting were posted on the Charter Review website and, multiple County social media accounts in advance of each meeting to make it easier for residents to tune in. Additionally, with the support of the Board of County Commissioners media

team, nearly every meeting held was streamed on Facebook Live, which allowed viewers to comment or ask questions.

In addition to posting live coverage of each meeting to Facebook, staff has worked closely with the Communications Department to generate flyers and promotional materials that can be easily distributed throughout social media (Appendix A). These flyers were circulated to Task Force members for distribution as well.

Staff has also worked to post reminders about upcoming meetings to social media accounts belonging to the Board of County Commissioners, the County Mayor, and Miami-Dade County government (Appendix B). Additionally, these flyers, along with text posts, were geo-boosted to increase visibility on followers' newsfeeds in the areas where public meetings were scheduled to take place.

- **Mayor's social media followers:**
 - Facebook: Over 10,000
 - Instagram: Over 1,500
 - Twitter: 18,000
- **Board of County Commissioners social media followers:**
 - Facebook: 287 followers
 - Twitter: 996 followers
- **Miami-Dade County's social media followers:**
 - Facebook: Over 65,000
 - Twitter: Over 64,000

Input from Community (at each meeting)

Throughout the review process, and at each meeting, the Task Force offered a reasonable opportunity for the public to be heard. By affording residents the opportunity to address the Task Force at the beginning of each meeting, the public was able to offer input on topics scheduled to be discussed, or suggest topics for subsequent meetings.

In response to the Board's direction, the Charter Review Task Force invited input from many knowledgeable members of the community. Specifically, the Task Force solicited input from Deputy Mayor Ed Marquez, who oversees the Finance Department; Jennifer Moon, Director of the Office of Management and Budget; Namita Uppal, Chief Procurement Officer for the Internal Services Department; Neil Singh, Interim Commission Auditor; Jerry Bell, Assistant Director for Planning in the Department of Regulatory and Economic Resources; Joe Centorino, Director of the Commission on Ethics; the County Attorney's Office and the Clerk's Office. Various members of City Councils and local governments also participated in the reasonable opportunity for the public to be heard.

Regional Public Meetings

In compliance with the Board's directives, the Task Force held four regional public meetings throughout Miami-Dade County.

First Public Meeting

November 13, 2017, 6:00 p.m.

South Dade Regional Library

Second Public Meeting

November 28, 2017, 6:00 p.m.

Doral City Hall

Third Public Meeting

December 4, 2017, 6:00 p.m.

North Dade Regional Library

Fourth Public Meeting (Virtual)

December 11, 2017, 6:00 p.m.

Board of County Commissioners Chambers

The public meetings were scheduled in the North, South, East and West regions of the County to grant surrounding communities the opportunity to comment on recommendations of the Task Force. The Public Meetings allowed the public to participate in person at the meeting location or by viewing the meeting live on cable TV, online, or via Facebook Live.

The Fourth Public Meeting was a virtual meeting providing a call-in number circulated via various County social media pages, Miami-Dade TV, and the Charter Review website to encourage public participation. This "Virtual Meeting" allowed viewers to share their thoughts in three ways: by attending in person, calling in, or posting comments via the Miami-Dade County Commissioners Facebook livestream or email. Staff worked with the Information Technology Department to establish a system to communicate questions posed online or over the phone directly to the Task Force during the meeting. Additionally, staff contacted commission offices to inform them of regional meetings scheduled in their respective districts.

Over [REDACTED] people attended these four public meetings. However, no additional public comments were received during the workshops via phone and email. In addition to members of the public speaking at the four public hearings, a number of elected officials attended including:

- Commissioner Daniella Levine Cava
- City of Doral Mayor Juan Carlos Bermudez
- Former Commissioner Betty T. Ferguson

Media Outreach

In advance of each Charter Review Task Force meeting, media advisories were distributed throughout the community. The media advisories provided a brief description of topics of discussion, meeting time, date and location, and background on the creation of the Task Force. All County media advisories are distributed to all major English, Spanish and Creole-language print, TV and radio stations, various municipalities, community organizations and government agencies, Jackson Memorial Hospital, Miami-Dade County Public Schools, as well as internally throughout County government.

Miami Today has also consistently reported on the happenings of the Charter Review Task Force. Miami Today has a circulation of approximately 68,000.

Meeting Notices

Per Florida Statute, sunshine meeting notices were circulated and posted online to the County calendar in advance of each meeting. In addition to sunshine meeting notices, newspaper advertisements in the Daily Business Review were posted for each one of the public meetings to ensure that residents were made aware of the upcoming meetings. The Daily Business Review has a circulation of approximately 62,000.

Issues for Study

At the first Charter Review Task Force meeting, members were asked to review the current provisions of the Charter and identify and submit suggested areas of study to staff. The Task Force members also added to the list of areas of study based on input gathered from the public.

The Task Force proposed the following areas of study:

- Commissioner compensation
- Strong mayor form of government/County manager/County administrator
- Term limits
- Urban Development Boundary
- City-County Home Rule Body
- Election of commissioners/Commission composition and structure/at-large commission and district members/recalls
- County governance limitations/preemption/municipal compliance
- Budget process/Procurement process/Department of Finance
- Organization of the Department of Law
- Incorporation and annexation
- Citizens' Bill of Rights
- Placement of charter amendments before the electorate/initiative petition process
- The handling of financial difficulties in municipalities
- Section 1.01, paragraph 3 – adding ridesharing services
- Notice requirements in Section 1.02
- Section 7.01 relating to policies of parks, aquatic preserves and preservation lands
- Elected vs. appointed officers
- Independent authorities and districts
- Commission on Ethics
- Sustainable, resilient development; sea level rise
- Incorporation of technological advancements to advance transparency

Following a compilation of the suggested areas of study, and in conjunction with the Chairman of the Task Force, staff organized the proposed areas of study and assigned topics of discussion to dedicated meeting dates. The following topics were further refined, organized and placed on meeting agendas as follows:

August 14

- Strong mayor form of government: County Manager vs County Administrator
 - Powers
 - Qualifications
 - Organization and function of budget and procurement

August 14, 28, September 25, October 16, October 30

- Budget and Procurement process/Organization of the Department of Finance

September 25

- Office of the Commission Auditor
 - Function

October 16

- Aspects of the County Commission
 - Commissioner Compensation
 - Structure and organization of the County Commission
 - Number of Commissioners
 - Method of election by district, at-large, or some combination
 - Alternate ways of fostering County-wide perspective
 - Term limits

October 16, October 30

- Provisions for handling elections during emergencies

October 30

- Urban Development Boundary

November 13, 28, December 11

- Citizen petition process for referendum and for initiative to pass or repeal ordinances, or to amend the Charter

November 13

- Forfeiture of office

November 28

- County governance, preemption and municipal authority
- Regulation of utility franchises and County operation of utilities

November 28, December 4

- Parks, aquatic preserves and preservation lands

December 4

- Vehicles for hire operating in the County

December 11

- Election and commencement of terms of the County Mayor and County Commissioners

February 12

- Process for establishing County Mayor's annual compensation

Research

Throughout the Charter review process, extensive research and materials were collected and evaluated by County staff and provided to the Task Force. At the request of the Task Force, additional information and research were provided in advance of scheduled discussion topics. County staff worked diligently in gathering supplemental information pertaining to areas of study suggested by the Task Force.

The supplemental information provided to members included comparative analysis of similar jurisdictions with population and budget that closely resembled that of Miami-Dade County, as well as comparisons of powers delegated to the Board and Administration. Task Force members were provided historical background information on existing Charter provisions, as well as summaries for each section in the Charter. Included in the informational package provided to each Task Force member was a list of recently passed and failed ballot initiatives to amend the Charter.

The in-depth research conducted by staff also included benchmarking data of various forms of government, trends in commission compensation, structure and form of budget departments, and powers delegated to the elected or appointed officials.

In addition to supplemental information provided by staff, and prior to the discussion of each topic studied, the County Attorney's Office provided an overview of past and current Charter provisions and applicable state law.

The research and data provided to the Task Force allowed for in-depth understanding and discussion of the Charter review process.

Task Force Recommendations

Throughout the Charter review process, Task Force members made several recommendations based on individual ideas and after seeking public input and comment. Each recommendation was presented, studied, discussed and voted on by Task Force members. Detailed below are the Task Force's final recommendations to the Board of County Commissioners.

Issue No. 1 – Commission Compensation

Research Conducted

The Task Force reviewed data issued by the Florida Legislature's Office of Economic and Demographic Research regarding salaries of elected County constitutional officers (Appendix C). The statutory provisions established by the State Legislature apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a County home rule charter, as well as those officials of counties that have a chartered consolidated form of government.

The state statutory formula takes into consideration population, base salaries, and factors relating to the percentage increase in salaries of state career employees, and cost of living factors. Pursuant to the salary formula, and the population figures for Fiscal Year 2017-2018, the salary for County commissioners in Miami-Dade County would be \$99,997.

The Task Force was provided with comparisons of salaries of County commissioners in Broward County, Florida; Hillsborough County, Florida; Orange County, Florida; Cook County, Illinois; and Fairfax County, Virginia (Appendix D). These jurisdictions were selected based on several criteria, including population, form of government, and extent of unincorporated areas.

The Task Force was also provided with election results relating to commission compensation dating back to 1962 (Appendix E). This supplement provided ballot language presented to voters, as well as the number of ballots cast and the percentage by which the question passed or failed.

Background

Miami-Dade County established an annual salary of \$6,000 for County Commissioners in 1957, when the County's Home Rule Charter was adopted. While the demands of the position of County Commissioner have grown substantially, the salary has remained the same. Miami-Dade County is now the most populous County in the State of Florida with a population of over 2.7 million residents and a budget in excess of \$7 billion. Other counties in the State of Florida compensate their Commissioners at a significantly higher rate than in Miami-Dade County as established annually by the State based upon the population of the County. Establishing a salary established by State law for County Commissioners will provide incentive for additional individuals to become candidates for the office.

In arriving at its recommendations regarding Commission Compensation, the Task Force considered and debated the following issues:

- A proposal to increase commissioner's salary from \$6,000 to \$50,000 (motion failed 4-4).
- Inclusion of an explanation for the reason for increasing compensation in the ballot question language.
- Elimination of compensation figure.
- Increased compensation limited up to fifty percent (50%) of the Mayor's salary in the same year and prohibit outside employment.
- That Commissioners' salary compensation be increased based on the Florida State formula (currently \$99,997).

Recommendation

The Charter should be amended to provide that each County Commissioner receive a yearly salary in accordance with state statutory formula (currently \$99,997).

Motion passed (6-2)

Amendment Language

SECTION 1.06. – SALARY.

Each County Commissioner shall receive a ~~[[salary of \$6,000 per year]]~~ >>yearly salary in accordance with general law applicable to non-charter counties which shall be << payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

Issue No. 2 – Nonpartisan Elections

Background

It was determined by the Task Force that the Clerk of Courts should be included as nonpartisan candidates.

Luis G. Montaldo, representing the Miami-Dade Clerk of Courts, Harvey Ruvin, expressed support for this proposal during the December 11, 2017 Charter Review Task Force meeting.

Recommendation

The Charter should be amended to provide that all elections for the Clerk of Courts shall be nonpartisan and no ballot shall show the party designation of any candidate.

Motion passed (unanimous)

Amendment Language

SECTION 3.03. NONPARTISAN ELECTIONS.

All elections for Mayor, Clerk of Courts and the other members of the Board shall be nonpartisan and no ballot shall show the party designation of any candidate. No candidate shall be required to pay any party assessment or state the party of which he is a member or the manner in which he voted or will vote in any election.

Issue No. 3 – Elimination of Term Limits

Background

The problems facing this community are difficult ones. They are not easy to understand, and they are certainly not easy to solve. The ability to do so depends on understanding the complex entity which is the County and being able to generate consensus at the Commission level as to how best to apply its many resources towards solving these problems. These intertwined prerequisites for solving our problems are developed over time through experience serving as a Commissioner. It is the opinion of the Task Force that it does not serve us well to cast away that experience arbitrarily at the end of eight years. The voters should have the ability to re-elect a Commissioner that they believe is effective, regardless of how long the Commissioner may previously have served. Experience in governing is not a negative attribute.

In arriving at its recommendations regarding the elimination of term limits, the Task Force considered and debated the following issues:

- Structure and organization of the County Commission, specifically, a proposal to have commissioners elected for four-year terms from district elections and halfway through their terms for a county-wide retention election. If not retained, a countywide election could be held to inject some countywide perspective (failed for lack of motion).
- A proposal to revise how the Board selected its Chair and Vice Chair, specifically the Chairperson and Vice Chair shall be elected for two-year terms by county-wide election and all commissioners elected within the proceeding two years shall automatically become candidates for such election. This proposals also provided that the commissioner receiving the highest votes shall become the Chairperson and the commissioner receiving the second-highest votes shall become the Vice-Chairperson. Should a tie result, the outcome shall be determined by lot (motion failed 3-5).
- Costs associated with countywide campaigns and elections.
- A rotational system to select the Chair and Vice Chair.
- A need for countywide at-large representation adding additional countywide commission seats.

Recommendation

The term limits imposed by the Charter on County Commissioners should be eliminated.

Motion passed (6-2)

Amendment Language

SECTION 3.01. – ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

~~>>E. Notwithstanding any other provision of this Charter, effective with the term of Commissioners scheduled to commence in 2012, no person shall be elected as Commissioner for more than two consecutive four year terms. No term of service as a Commissioner commencing prior to 2012 shall be considered a part of or counted toward the two term limit.<<~~

Issue No. 4 – Commission Office of Budget and Management

Research Conducted

During the August 28, 2017 Charter Review Task Force meeting, the Interim Commission Auditor, Neil Singh, presented an overview of the role and function of the Commission Auditor to the Task Force. The presentation included an explanation of the Commission Auditor's role in the budget and legislative process.

The Task Force was provided a copy of the County Code of ordinances outlining the specific functions and responsibilities of the Commission Auditor (Appendix F), along with the table of organization for the Office of the Commission Auditor (Appendix G). Additionally, Task Force members were provided with a summary of the powers of the Commission Auditor compared to those of the County Mayor and County Commission, as provided for in the Charter (Appendix H).

Background

The Charter currently provides for an Office of the Commission Auditor. The Commission Auditor must be a certified public accountant who reports directly to the County Commission. The County Commission provides by ordinance for the specific functions and responsibilities of the Commission Auditor, which includes, but is not limited to, providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and County services and contracts.

In arriving at its recommendation relating to the Office of the Commission Auditor, the Task Force considered and debated the following issues:

- Eliminating the requirement that the director be a Certified Public Accountant.
- Renaming the Office of the Commission Auditor the Commission Office of Management and Research. After further discussion the word "management" was replaced with "budget" since the Task Force did not envision much management activity occurring.
- The need for more audit functions.

Recommendation The Charter should be amended to change the name of the Office of the Commission Auditor to the Commission Office of Budget and Research (OBR), change the title of

the Director to Commission OBR Director, and remove the requirement that the Director be a certified public accountant.

Motion passed (6-2)

Amendment Language

SECTION 9.10. COMMISSION AUDITOR OFFICE OF BUDGET AND RESEARCH.

There is hereby created and established the Office of the Commission ~~Auditor~~ office of budget and research (OBR). The Commission ~~Auditor~~ OBR Director, ~~who shall be a certified public accountant, will be~~ selected by the County Commission and shall report directly to the County Commission. The County Commission shall provide by ordinance for the specific functions and responsibilities of the Commission ~~Auditor~~ OBR, which shall include but not be limited to providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.

Issue No. 5 – Forfeiture of Office of County Elected and Appointed Officials and Employees

Research Conducted

In response to a request for information on the current Charter provisions relating to forfeiture of office for County-elected and appointed officials and employees, the Task Force was provided background information on such provisions. Based on the research conducted, it was found that the County Commission approved placement of a Charter amendment, recommended by the Charter Review Board, on the May 29, 1962 ballot. The amendment prevented County officials from holding any other elective office and required appointed County officials to resign their positions in order to run for elective office. The amendment was approved by voters in a 49,168 to 6,283 vote.

Despite limited access to paper records dating back to the 1960s, the Clerk of the Board was able to provide decades-old meeting minutes containing discussions on the 1962 amendment (Appendix I). This background information allowed Task Force members to understand the context in which this provision was drafted.

Background

Section 1.05 of the Miami-Dade Home Rule Charter currently requires all Miami-Dade County appointed officials or employees who qualify for elected office to take a leave of absence from their position until after the election and, if elected, to forfeit their office. The Task Force believes that such provision overly restricts County appointees and employees from pursuing part-time public service by running for office where such service does not present a conflict with their County employment. By eliminating the restriction on running for any office except a County office, the appointees and employees will now not be categorically restricted from running for

office and serving, if elected, while maintaining County employment. The employees running for and elected to other federal, state or municipal office will still be required to abide by all other County rules regarding employment and conflict of interests.

In arriving at its recommendation relating to the Office of the Commission Auditor, the Task Force considered and debated the following issues:

- Some Task Force members felt that County employees should have the right to run for office so long as it does not interfere with their job.
- Some Task Force members felt that it was not in the best interest of the workforce or County citizens for employees to have a divided allegiance.
- Applicable outside employment provisions for County employees.
- Employee responsibilities and ability to serve as an elected official.
- The various elected officials who currently serve on a part-time basis while holding full-time employment.

Recommendation

Any appointed official or employee of Miami-Dade County who qualifies as a candidate for election to the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser shall immediately take a leave of absence from his or her County position until the date of the election and shall, if elected, immediately forfeit his or her County position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

Motion passed (6-4)

Amendment Language

SECTION 1.05. - FORFEITURE OF OFFICE OF COUNTY ELECTED AND APPOINTED OFFICIALS AND EMPLOYEES.

Any appointed official or employee of >>Miami-<<Dade County who qualifies as a candidate for election to >>the office of Miami-Dade County Commissioner, Miami-Dade County Mayor, Miami-Dade County Clerk of the Circuit Court, or Miami-Dade County Property Appraiser<< ~~[[any federal, state or municipal office]]~~ shall immediately take a leave of absence from his or her county position until the date of the election and shall, if elected, immediately forfeit his or her county position. If the candidate is not elected, he or she shall immediately be reinstated to his or her former position.

Issue No. 6 – Compensation for Number of Signatures Obtained for Circulating a Petition

Research Conducted

The Task Force was provided with comparative analysis relating to procedures for citizen's initiative and referendum for Florida counties with a population greater than 500,000. The analysis included information on signature requirements, petition approval process, and required action after petition approval, and applicable restrictions (Appendix J).

Background

The Home Rule Charter of Miami-Dade County provides the electors of the County with the power to (1) propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, (2) remove any member of the Board of County Commissioners, the Mayor, or the Property Appraiser by recall election, and (3) propose amendments to the Home Rule Charter. All of these procedures require the circulation of a petition and the collection of a requisite number of valid signatures. In order to ensure the integrity of the signature gathering process, individuals circulating a petition for initiative, referendum, recall, or charter amendment should not be paid on a basis related to the number of signatures that they have obtained because such a payment method increases the potential for fraud.

In arriving at its recommendation, the Task Force considered and debated the following issues:

- Requiring one sworn affidavit for the entire collection of signatures for a petition.
- A limit on the amount of signatures notarized in the affidavit.
- Requiring that a sworn affidavit be filed for every 25 petition signatures.

The Task Force reviewed the issue relating to the affidavit and notary requirement to address more than one single petition with a signature and found the issue was better addressed by ordinance change rather than Charter change.

Recommendation

The Charter should be amended to provide that the person or persons circulating the petition shall not pay or offer to pay any individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating the petition.

Motion passed (7-1)

Amendment Language

SECTION 8.01 – INITIATIVE AND REFERENDUM

The person or persons circulating the petition shall not pay or offer to pay any individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating the petition.

Issue No. 7 – Approval of Legal Sufficiency of Petitions

Background

In arriving at its recommendation, the Task Force considered and debated the following issues:

- Conducting the legal sufficiency review at the beginning of the process in an effort to save citizens time and money.
- Input from the Clerk's Office, specifically Luis G. Montaldo who represented Miami-Dade Clerk of Courts, Harvey Ruvin. Specifically, Mr. Montaldo communicated that the Clerk of Courts should not be the party to determine legal sufficiency of the petition form, noting it created the potential for a conflict, caused confusion, and removed the Clerk from a neutral position.
- A recommended proposal by the Clerk of Courts providing for the Board to approve petition form for legal sufficiency.

Recommendation

The Charter should be amended to provide that subsequent to the date the Clerk approves the petition as to form, a public hearing shall be held on the proposal at the next Board of County Commissioner meeting to hear testimony from the public and for the Board of County Commissioners to determine the legal sufficiency of the petition.

Motion passed (5-3)

Amendment Language

SECTION 8.01 INITIATIVE AND REFERENDUM

~~A public hearing shall be held on the proposal at the next Board of County Commissioners meeting subsequent to the date the Clerk approves the petition as to form.~~ <<Subsequent to the date the Clerk approves the petition as to form, a public hearing shall be held on the proposal at the next Board of County Commissioner meeting, to hear testimony from the public and for the Board of County Commissioners to determine the legal sufficiency of the petition.>>

Issue No. 8 – Runoff Elections

Background

The Miami-Dade County Home Rule Charter states that “if no candidate [for County Commissioner] receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes.” However, the Charter is silent as to whether a runoff election is required where a candidate for Mayor or County Commissioner becomes unopposed due to withdrawal, disqualification, or death following a general election but prior to the runoff election.

This proposal would provide that in such circumstances, no election needs to be held, which would eliminate uncertainty as to whether votes cast for a withdrawn/disqualified/deceased candidate will be counted, and spare taxpayers the seemingly unnecessary expense of a runoff election where there is only an unopposed candidate.

Recommendation

The names of unopposed candidates for Mayor and County Commissioners shall not appear on the runoff election ballot and a runoff election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. No votes cast in favor of any candidate who withdraws or becomes disqualified or deceased prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

Motion passed (unanimous)

Amendment Language

SECTION 3.01. - ELECTION AND COMMENCEMENT OF TERMS OF MAYOR AND COUNTY COMMISSIONERS.

The names of unopposed candidates for Mayor and County Commissioners shall not appear on the runoff election ballot and a runoff election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. No votes cast in favor of any candidate who withdraws or becomes disqualified or deceased prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.

Failed Recommendations

Throughout the review process, the Task Force proposed various recommendations that failed. Although the Task Force proposed various changes to the Charter that failed, the failed recommendations listed below are those that were memorialized and presented as formal amendments.

Commissioner Compensation

Proposal

The Charter should be amended to provide that each County Commissioner serve in a full-time capacity and not be entitled to any outside employment for compensation. Each County Commissioner shall receive an annual salary that shall not exceed fifty percent (50%) of the annual allowable salary of the Mayor in the same year, payable monthly and each County Commissioner shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

Failed for lack of motion

Recommendation

The Charter should be amended to provide that each County Commissioner receive a salary of \$50,000 per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

Motion failed (4-4)

Organization of Commission and Commission Committees

Proposal

The County Commission should have a more County-wide perspective that cannot be obtained by solely relying on single member district elections. To inject a more County-wide prospective, the Chairperson and Vice-Chairperson of the County Commission should be elected at a Countywide election every two years. All County Commissioners serving in the second half of their term shall become eligible for such election with the commissioner receiving the highest vote becoming Chairperson for the next two years and the commissioner receiving the second highest vote total becoming the Vice-Chairperson for the next two years. The Chairperson shall be responsible for presiding over commission meetings and shall establish all standing committees, special committees and ad hoc committees and shall appoint their membership.

Motion failed (3-5)

Election and Commencement of Terms for County Commissioners

Proposal

The Charter should be amended to provide that when commissioners are elected from their districts in the primary election, the names of all other commissioners would be placed on every ballot Countywide in a merit retention format: "Shall County Commissioner A be retained in office?" If a majority votes "YES" the commissioner serves the remaining two years of his or her term. If a majority votes "NO" the Charter will provide for an election in that commissioner's district, to be held at the general election, for a commissioner to serve the remaining two years. The commissioner listed on the merit retention ballot would still be eligible to qualify and run. This proposal: (1) encourages and rewards commissioners for dedication to Countywide issues; (2) gives all Miami-Dade voters an investment in the commission as a whole; and (3) preserves the central theme of district elections--only voters within a district elect their commissioner.

Motion failed for lack of motion

Creation of an Independent Department of Procurement

Proposal

The Charter should be amended to create an independent department of procurement management. The director of such department will be appointed by the Mayor subject to the approval of a majority of the Commission and may be disciplined or terminated by the Mayor of a majority of the Commission. In the event the Mayor disciplines or terminates the director of the department of procurement management, the Commission may overturn such decision by a 2/3 vote of those members in office at the next regularly scheduled meeting. The department shall be responsible for the solicitation of all contracts in excess of one million dollars or such other amount as set by the Commission. The Board may approve the director's recommendation to award contracts or reject all bids by majority vote, but, if the Board desires to take any other action, a two-thirds vote shall be required. The director of the department of procurement management shall also recommend all waivers of the competitive process to the Commission.

Failed for lack of motion

Municipal Powers

Proposal

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens. The municipal governing body makes the ultimate determination as to whether a particular municipal law or regulation provides for a higher standard under this section.

Failed for lack of motion

County Utilities

Proposal

The Charter should be amended to allow the County to operate, or contract with another entity to operate a light, power or telephone utility to provide service to County or any other governmental entity owned or operated facilities without a supermajority vote of the County Commission or approval of the electorate.

Motion failed (4-4)

Vehicles for Hire

Proposal

The Miami-Dade County Home Rule Charter currently empowers the Board of County Commissioners to license and regulate “taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the county.” The proposed amendment would have specifically referenced rideshare services.

Motion failed (3-5)

No Proposals Proffered

In reviewing the County Charter the Task Force, no motions were made to amend the Charter as relates to the following.

Whether the Charter should be amended as relates to an elected County Mayor or a manager selected by the County Commission to head and manage the County

In studying the current and past forms of government in Miami-Dade County, the Task Force was provided supplemental information, data and research on multiple forms of government that exist throughout various jurisdictions. Specifically, the Task Force was provided the following:

- Survey on County Form of Government by the International City/County Management Association (Appendix K)
- Model County Charter by the National Civic League (Appendix L)
- Outlines of Charter provisions relating to the powers and responsibilities of the County Mayor and Board of County Commissioners (Appendix M)
- Comparative analysis of the powers and responsibilities of the County Mayor, Board of County Commissioners and Commission Auditor (Appendix H)
- Comparative analysis of the forms of government and structure of Miami-Dade County, Newark, New Jersey; Philadelphia, Pennsylvania; and Washington, D.C. (Appendix N)

Whether the Charter should be amended as it relates to the County's Urban Development Boundary

During the October 30, 2017, Charter Review Task Force meeting, Jerry Bell, Assistant Director for Planning in the Department of Regulatory and Economic Resources, gave a presentation to the Task Force members on the Urban Development Boundary (Appendix O).

No motions were made to amend the provisions of the Charter that relate to the Urban Development Boundary.

Whether the Charter should be amended as relates to the budget process and the organization and function of the Department of Finance

The Task Force was provided supplemental information relating to the current budget process and the organization and function of the Department of Finance. Additionally, several presentations were made by County staff outlining the current framework for the County budget and procurement process. Specifically, the Task Force was provided the following information:

- Comparative analysis of budget and procurement responsibilities in Miami-Dade County, Newark, New Jersey; Philadelphia, Pennsylvania; and Washington, D.C. (See Appendix N).
- Procurement Reform Advisory Board (PRAB) Final Report (2006) (Appendix P)
- Presentation by Namita Uppal, Chief Procurement Officer, of the Internal Services Department on overview of the current procurement process (Appendix Q)
- Presentation by Deputy Mayor Eduard Marquez on the current structure and function of the Finance Department (Appendix R)
- Presentation by Jennifer Moon on the budget process (Appendix S)
- Presentation by Neil Singh, Interim Commission Auditor, on the Commission Auditor's participation in the budget process

The Task Force considered and debated the following issues relating to the budget process, the organization and function of the Department of Finance and the procurement process:

- Placing the Budget Office under the County Commission.
- Placing the Department of Finance under the County Commission.
- Expanding the Office of the Commission Auditor to include a Budget Office, noting the importance of the County Commission to create their own budget.
- Moving up the timeline for the Mayor to submit the draft budget.
- Providing for the County's Budget Director to be appointed by the County Commission.
- Establishment of a County Commission budget committee with dedicated staff.
- Propose that the Commission Auditor submit a draft budget to the County Commission by July 15th of each year.
- The Finance Department be organized under the direction and discretion of the County Commission, noting that the Commission should formulate the County budget.

Conclusion

Every five years, this Task Force is charged with reviewing the Miami-Dade County Home Rule Charter, and recommending changes, if necessary. As technology and the needs of residents evolve, this review process allows our residents the opportunity to determine how the Charter can be amended to better align our County with current times and issues. The Task Force successfully concluded its evaluation of the Charter, and respectfully submits these recommendations for the Board's consideration.

This work could not have been performed without the professional support of staff from the County Mayor's Office, County Attorney's Office and Clerk of the Board. In addition, we also thank staff from various County departments, including the Communications Department, the Board's Media team, Office of Strategic Business Management, Office of Management and Budget, Regulatory and Economic Resources Department and the Internal Services Department.

Finally, this process is only successful when the public participates and makes it their own. The Task Force appreciates public interest in this work and comments received via email, the website and social media, and at each meeting.

Appendix

DRAFT

**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 CONSIDERTION: 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.

**MIAMI-DADE CHARTER REVIEW TASK FORCE
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES
December 11, 2017**

The Miami-Dade Charter Review Task Force (the Task Force) convened its tenth meeting on December 11, 2017, at the Stephen P. Clark Government Center, Commission Chambers, 111 N.W. 1st Street, Miami, FL 33128, at 6:12 p.m. Upon roll call, the following Task Force members were present: Chair Robert Cuevas, Mr. Forest Andrews, Ms. Alice Burch, Mr. Jeff P. H. Cazeau, Ms. Anna-Bo Emmanuel, Mr. Alfredo Gonzalez, Mr. Paul Hernandez and Mr. Marlon Hill. Vice Chair Maria Lievano-Cruz, Mr. Carlos Diaz-Padron, Mr. Maurice Ferre, Mr. Neisen Kasdin, Mr. William H. Kerdyk Jr. and Mr. Mike Valdes-Fauli were absent. The Commission District 10 seat remains vacant.

Mr. Christopher A. Agrippa, Director, Office of the Clerk of the Board, announced that memorandums were received from Mr. Carlos Diaz-Padron and Mr. Mike Valdes-Fauli 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.

Chair Cuevas welcomed Mr. Paul Hernandez to the Task Force, noting he was appointed by Board of County Commissioners' (BCC) Chairman Esteban Bovo.

Mr. Paul Hernandez briefly commented on his first visit to County Hall in 1986 as well as his professional and political accomplishments. He noted he truly understood his role on the Task Force and looked forward to working with its members.

PUBLIC HEARING FOR MEMBERS OF THE PUBLIC TO SUGGEST CHANGES OR AMENDMENTS TO THE HOME RULE CHARTER IN PERSON, BY EMAIL (SENT TO THE FOLLOWING EMAIL ADDRESS: CHARTER@MIAMIDADE.GOV), FACEBOOK (POSTED TO @MIAMIDADEBCC) AND BY PHONE (BY CALLING 305-375-5775)

Chair Robert Cuevas encouraged residents to suggest potential Charter changes through Facebook Live or Twitter at MiamiDadeBCC or by calling 305-375-5775, noting staff was monitoring these portals and the Task Force looked forward to hearing and addressing their concerns during tonight's (12/11) meeting.

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

Ms. Susan Windmiller, 2103 Coral Way, Miami, President, League of Women Voters of Miami-

Dade County (League), appeared before the Task Force. She indicated that the Clerk of the Courts was charged in Article 8 to approve referendums by citizen petition as to form, noting the League believed it was also important to include legal sufficiency. Ms. Windmiller said this would bring integrity to the process while being more efficient and respectful of the citizens' initiative. A written proposal was submitted to the Clerk of the Board.

Mr. Kenneth Kilpatrick, 5167 NW 29 Avenue, Miami, commented on the need to give additional rights to vulnerable adults in the Citizens Bill of Rights above and beyond what was provided by the State. The definition of a vulnerable adult pursuant to State Statute No. 415.102(28)(29) was submitted to the Clerk of the Board. Mr. Kilpatrick suggested that the Task Force revisit the discussion over proposed changes related to an elected County Mayor or a Manager who was selected by the County Commission, noting the community suffered under a Strong Mayor form of government.

Mr. Frederick Bryant, 1431 NW 2 Avenue, Miami, requested that the Task Force reconsider the proposal related to a Strong Mayor.

Chair Cuevas indicated that the Task Force already considered the issue and that no action was taken to change the current Charter provisions.

Ms. Nicole Tallman reported that there were no social media inquiries from the public at this time in response to Chair Cuevas' inquiry.

Mr. Marlon Hill commented on the importance of the virtual town hall meeting, asking the public to use the hashtag (#) CRTF2017 to take part in and follow the online conversation.

Mr. Hill asked for Mr. Bryant's specific thoughts related to the reason for a change to the Strong Mayor form of government.

Mr. Bryant mentioned he believed a commission without a Strong Mayor allowed more equality, noting possible cronyism issues occurred under that form of government. He asked the Task Force to consider the equality of everyone and not to give so much power to one person. Mr. Bryant said that power should be distributed more equitably across the entire commission, noting people have been left out and neglected.

Mr. Forrest Andrews asked Mr. Kilpatrick to further comment on the Strong Mayor form of government.

Mr. Kilpatrick indicated that the Strong Mayor form of government had an unintended impact upon the strength of single member districts and the commissioners' ability to serve those communities. He said lawsuits for single member districts were initially filed because of a lack of representation and the at-large formula was not working for minority communities, noting the district commissioners did not have enough power to serve their constituents adequately.

Ms. Windmiller commented that the League's recommendations relating to the Strong

Mayor/Professional Manager form of government should be reconsidered based upon there being several new Task Force members who were not part of that conversation. She asked for the opportunity to present the League's position on this issue.

In response to Mr. Andrew's inquiry, Ms. Windmiller reported that the League opposed the Strong Mayor. She said that the County was vulnerable in terms of the Home Rule Charter, noting there was one elected position and other positions that were not elected. Ms. Windmiller indicated that the State Legislature and the Constitution Revision Commission wanted all Miami-Dade County positions to be elected. She said it was hard to defend having appointed positions when there was one elected position, noting it was either all or none. Ms. Windmiller commented that another issue related to whether the Mayor or the Commission were actually in charge of County government, noting this was very unclear for both voters and County employees. She also mentioned equality issues were a concern as noted by Mr. Bryant and Kilpatrick.

Mr. Paul Hernandez commented that the County Commission was able to sponsor legislation impacting residents and administration under the Strong Mayor form of government, noting he did not envision any impact from eliminating the Strong Mayor. He said there was currently a legislative and administrative body functioning together with shared responsibility for the County.

Ms. Windmiller expressed concern over who had the final decision authority with shared responsibility. She indicated that most large metropolitan areas were all moving toward having a professional administrator with professional knowledge, skills, education, training and experience to run the daily business of government operations, according to her research of other government systems and professional associations.

Mr. Hernandez said there were currently checks and balances with the thirteen member County Commission; with the Mayor's executive right to veto; and with the Commission's right to override. He said the electorate would vote into office the person they believed was best suited to do the job and we needed to have faith in that process.

Ms. Anna-Bo Emmanuel pointed out another discussion was warranted, based upon the community comments received at previous meetings.

Mr. Hill asked Ms. Windmiller to comment on what Charter changes were needed related to the vision and accountability that would be inclusive of the entire community.

Ms. Windmiller questioned whether the vision came from the Mayor or the County Commission, noting she was not aware of the County's vision. She said that separation of duties was necessary and it would become clear that the vision was set by the Mayor in collaboration with the Commission. Ms. Windmiller pointed out that there was no citizen input on the budget process until the decisions were already made and long deliberated, noting the citizens did not have any input until the end of that process. She said that a community planning process was non-existent.

In response to Mr. Hill's question whether it was a matter of the Mayor's style or could an administrator do something that a Strong Mayor was supposed to be doing, Ms. Windmiller commented that a professional administrator could orchestrate things with the Commission.

Chair Cuevas indicated that there was no previous sentiment of Task Force members to making any changes to this issue, despite considerable discussion at a previous meeting. He commented that he previously presented a proposal to change the Strong Mayor form of government and questioned whether the Task Force wanted to consider this issue further.

Ms. Burch suggested having the Task Force members present decide whether to set a meeting to reconsider the previous decision making no changes to the Strong Mayor form of government.

Chair Cuevas mentioned his vision was for staff to prepare a draft report by the end of January 2018 of all issues the Task Force considered. He pointed out that the report would then be available for members of the public to provide input.

Mr. Alfredo Gonzalez reported he understood the Task Force would consider all issues and prepare a final document with all supportive recommendations and then add, change or tweak items, as necessary. He noted the public process of holding meetings throughout the community was designed to determine if there were any issues not considered that were important to community residents. Mr. Gonzalez said he preferred having the final document before determining whether to reconsider this item now.

Ms. Burch said that the Task Force was not close to obtaining a majority vote of its members to make changes to the Strong Mayor form of government; that less than half of the voters supported removing the Strong Mayor form of government in 2011; and that it was a problem not having qualifications for a Strong Mayor. She said that reopening the issue was not worth the time.

Mr. Paul Hernandez noted he did not see the need to reopen this decision.

It was moved by Ms. Anna-Bo Emmanuel to determine whether the Task Force wanted to consider having another meeting related to amending the County Charter regarding the Strong Mayor form of government. This motion was seconded by Mr. Jeff Cazeau and upon being put to a vote, the motion failed by a 3-5 vote. Chair Robert Cuevas, Mr. Forrest Andrews and Ms. Anna-Bo Emmanuel voted "Yes"; Ms. Alice Burch, Mr. Jeff Cazeau, Mr. Alfredo Gonzalez, Mr. Paul Hernandez and Mr. Marlon Hill voted "No".

1st ISSUE FOR CONSIDERATION: CONTINUED DISCUSSION OF 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, AND, IF SO, WHAT THOSE AMENDMENTS SHOULD BE?

PRESENTATION: Five to ten minute presentation by the Clerk of Courts, Harvey Ruvin, on this

issue.

Mr. Luis G. Montaldo, 6221 SW 79 Street, South Miami, representing Miami-Dade Clerk of Courts (COC) Harvey Ruvin, noted he was ill and not able to attend. He mentioned that Clerk Ruvin would appear before the Task Force at a later date, if desired. Mr. Montaldo pointed out that Clerk Ruvin believes the COC should be a neutral arbiter and serve in a non-partisan capacity. He said Clerk Ruvin strove to be neutral in every decision he made to ensure no partisan issues arose. Mr. Montaldo said the COC was the keeper of the records and wanted to eliminate any potential perceived conflict of interest.

Mr. Montaldo stated that the COC appreciated the League of Women Voters' input on the initiative and referendum petition process. He said that Article 8.01 needed to be amended, noting the COC should not be the party to determine legal sufficiency of the petition form. Mr. Montaldo said the initiative and referendum petition process was frustrating and confusing to the public as evidenced when the COC accepted new petitions and inquiries. He indicated that the COC believed he should not be the person to determine the legal sufficiency of the petition form, noting it created the potential for a conflict, caused confusion, and removed the COC from a neutral position.

Mr. Montaldo said the COC believed the legal sufficiency determination process should be performed at the beginning of the process. He noted the COC suggested the Board of County Commissioners continue to approve the petition form for legal sufficiency; however, to do so at the inception in order to prevent petitioners from expending time, effort and resources prior to approval. Mr. Montaldo said the COC provided suggested draft language that he thought would be helpful to the Task Force and presented that language to the Clerk of the Board for distribution. He suggested adding a disclaimer under Article 8 which further clarified that it was the petitioner's responsibility to adhere to all applicable County, State and Federal law regarding the process.

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

In response to Chair Cuevas' question regarding whether there was a current Charter requirement that the COC approved petitions for legal sufficiency, Mr. Montaldo indicated there was not.

Mr. Alfredo Gonzalez expressed concern that the COC only reviewed the petition form for compliance, noting that it should be reviewed for legal sufficiency earlier in the process before the general public began signing the petitions.

It was moved by Mr. Alfredo Gonzalez that the Board of County Commissioners review initiative and referendum petitions for legal sufficiency at the beginning of the process. This motion was seconded by Mr. Marlon Hill.

Chair Cuevas provided a historical perspective over the process and its changes. He noted the current intent was to get the County Attorney's Office out of the front end of the process and

to let the petitioners prepare their own item and the ballot question. Chair Cuevas said that any legislative item was subject to legal challenge and court review, noting there were no guarantees in the legal process. He mentioned the County Attorney's Office reviewed all legislation for legal form and sufficiency; however, doing so did not preclude someone who was opposed to that policy from bringing a challenge or a judge to rule against it. Chair Cuevas said this proposal would not guarantee that a petition would be found legal even if approved upfront.

Mr. Hill concurred with Ms. Windmiller that government should be accessible and accountable. He said it was important that the petition language be reviewed earlier in the process.

Mr. Montaldo commented that the COC's recommendation was based upon his experience dealing with the public with previous petitions.

In response to Mr. Paul Hernandez' inquiry about the process used, Assistant County Attorney Oren Rosenthal indicated that an applicant would obtain the petition form from the COC that was prepared by the Supervisor of Elections pursuant to the County Code. He said that the COC conducted an initial review of form sufficiency; that the results were presented to the Board of County Commissioners; and that the item was placed on the next Board meeting agenda for public hearing.

Mr. Hernandez suggested that detailed information be given to petition applicants to help them throughout the process.

Mr. Montaldo reported that the COC provided information to the public related to the petition process, as well as the Section 1223 disclaimer.

Mr. Jeff Cazeau stated that the County Attorney represented the Board of County Commissioners and not the public, noting this change would allow the County Attorney to determine legal sufficiency for outside individuals who he/she did not represent. He said it was prudent to anyone submitting a petition to have their own legal counsel review the documentation. Mr. Cazeau pointed out this change would not guarantee there would not be a future legal challenge.

Mr. Gonzalez pointed out that moving the process up would eliminate a lot of wasted time for both the County and the petitioner.

Mr. Cazeau said this assumed the petitioner agreed with the County Attorney's Office.

Mr. Gonzalez noted they may not agree and the litigation would be at the beginning of the petition process before it was distributed to the public and signatures collected.

Mr. Frederick Bryant mentioned that the non-partisan process worked fine. Hearing no further questions or comments, the Task Force proceeded to vote.

Upon being put to a vote, the vote passed by a 5-3 vote of members present. Mr. Forrest Andrews, Ms. Alice Burch, Mr. Alfredo Gonzalez, Mr. Paul Hernandez and Mr. Marlon Hill voted "Yes"; Chair Robert Cuevas, Mr. Jeff Cazeau and Ms. Anna-Bo Emmanuel voted "No".

Following the vote, Assistant County Attorney Rosenthal mentioned that the Task Force previously voted to make the Clerk of the Circuit Court position non-partisan in Section 3.03 of the County Charter. He indicated that the Fifth District Court of Appeals filed an opinion on December 8, 2017 in the case Orange County Florida v. Rick Singh, Individually, Scott Randolph, Individually, Jerry Demings, Sheriff of Orange County, Rick Singh, Orange County Property Appraiser, Scott Randolph, Orange County Tax Collector (Case No. 5D16-2509, 5D16-2511) which found that making the Clerk of the Circuit Court non-partisan would violate Article 6, Section 1 of the Florida Constitution.

Assistant County Attorney Rosenthal said that this was the first case with such findings; that it was not final; and that it was subject to rehearing and reconsideration by the Fifth District and ultimate appeal to the Florida Supreme Court. He indicated he previously advised there was no case law prohibiting such action; however, noted this new case law existed. Assistant County Attorney Rosenthal advised that there was no requirement to reconsider the Task Force's recommendation given the non-final nature of the opinion.

2nd ISSUE FOR CONSIDERATION: WHETHER THE CHARTER SHOULD BE AMENDED AS RELATES TO ELECTION AND COMMENCEMENT OF TERMS OF THE MAYOR AND COUNTY COMMISSIONERS, 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 Oren Rosenthal noted the method of electing County Commissioners and the County Mayor was within the Task Force's purview to address. He commented on the case Miami-Dade County v. the Young Democratic Club of Florida from 1958 which upheld the ability of the County Commission to be elected on a non-partisan basis, noting it was within the County's Charter to set forth how and the manner in which those individuals were elected. Assistant County Attorney Rosenthal advised there were provisions in the Charter (Section 3.06 B, Page 25) addressing the manner of elections which incorporated general State law into the Charter as to whether or not, or how to conduct elections when the Charter or the County Code was silent.

Assistant County Attorney Rosenthal advised that the proposal submitted by Mr. Forrest Andrews was to codify in the County Charter provisions which existed in State law and could be changed by State law; however, these provisions would never change and make a permanent decision for Miami-Dade County if placed in the Charter, even if State law changed.

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

Mr. Andrews indicated that a runoff election was triggered when no candidate received a majority of the votes. He noted the County Charter did not address a situation when a candidate in a runoff election was unopposed and in such an event, should a runoff election continue to be held or not. Mr. Andrews said State law was silent as to whether votes should be counted for a candidate in a runoff election who withdraws, becomes disqualified or dies before the election, noting his proposal provided clarity to this situation.

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

It was moved by Mr. Forrest Andrews that language be added to Section 3.01 B of the County Code as follows: "The names of unopposed candidates for Mayor and County Commissioners shall not appear on the runoff election ballot and a runoff election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. No votes cast in favor of any candidate who withdraws or becomes disqualified or deceased prior to any election shall be counted. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy." This motion was seconded by Mr. Alfredo Gonzalez, and upon being put to a vote, the motion passed unanimously by all members present.

3rd ISSUE FOR CONSIDERATION: WHETHER THERE SHOULD BE A PROCESS FOR ESTABLISHING THE COUNTY MAYOR'S COMPENSATION?

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

Ms. Nicole Tallman reported that there was no specific proposal for amendment presented on this issue other than for the item to be added to the agenda as a discussion item.

In response to Ms. Alice Burch's inquiry about the Mayor's compensation, Chair Cuevas reported that compensation was determined by the County Commission and it was not considered a Charter issue.

There was no further discussion about the Mayor's compensation and no suggested changes to the process were made.

APPROVAL OF THE CLERK'S SUMMARY OF MINUTES FOR THE NOVEMBER 28, 2017 CHARTER REVIEW TASK FORCE MEETING

It was moved by Ms. Alice Burch that the meeting minutes from the November 28, 2017 Charter Review Task Force meeting be approved. This motion was seconded by Mr. Paul Hernandez, and upon being put to a vote, the motion passed unanimously by all members present.

SETTING A DATE FOR STAFF TO PROVIDE A DRAFT OF THE AMENDMENTS AND REVISIONS TO THE CHARTER THUS FAR APPROVED BY THE TASK FORCE FOR RECOMEDNATON TO THE COUNTY COMMISSION; AND SCHEDULING A MEETING AFTER RECEIPT OF STAFF'S DRAFT TO CONSIDER AND APPROVE THE WRITTEN RECOMMENDATION THE TASK FORCE WILL SUBMIT TO THE COUNTY COMMISSION.

Chair Cuevas indicated that all proposed Charter issues were discussed by the Task Force and it was now time to direct staff and the County Attorney's Office to prepare a proposed draft report for the Task Force's consideration.

In response to Mr. Marlon Hill's question whether the County Attorney would prepare language for Task Force members' consideration related to Mr. Kenneth Kilpatrick's earlier suggestion pertaining to the Citizens' Bill of Rights, Assistant County Attorney Oren Rosenthal said that this would be prepared if a Task Force member requested such.

Mr. Paul Hernandez posed questions about the nature of the welfare of vulnerable adults, pursuant to State Statute.

Assistant County Attorney Rosenthal indicated that he had not reviewed those provisions; however, the inclusion or exclusion of this from the Charter would not grant the County any more or less power than it already had. He said the County as a Home Rule County had all powers to carry on the local government not inconsistent with State law. Assistant County Attorney Rosenthal clarified that if there was a State law prohibiting the County for acting, the Home Rule Charter would not give the County any greater authority than it already had and leaving it out would not give any less authority than it already had. He advised that this was not one of the areas set forth in the Home Rule Amendment to the Constitution that would allow the County to uniquely differ from State law of general application in this area.

Assistant County Attorney Rosenthal noted the inclusion or exclusion of this from the Charter if it was just a permissive to allow the County to have welfare programs for vulnerable adults could be accomplished whether or not this was in the Charter, provided that it did not conflict with State law of general application. He added that if the proposed amendment required the Board to do something was different and would place an affirmative obligation on the Board to act; however, that would need to be more specific as to what acts the Board should take. Assistant County Attorney stated a permissive section would not change the relationship between the County and State law or alter the County's current authority.

Mr. Hernandez said he did not see what would be accomplished by including such provisions into the Citizens' Bill of Rights.

Ms. Alice Burch questioned how the welfare of vulnerable adults could be placed in the Citizens' Bill of Rights when other citizens needed rights as well.

Mr. Marlon Hill stated that this issue arose at the previous Task Force meeting and was

anticipating the County Attorney's Office to provide some additional guidance. He said he would not pursue the issue if the Task Force was not interested.

There was no further discussion about welfare programs for vulnerable adults and no suggested changes to the process were made.

Chair Cuevas stated that he anticipated receiving the Task Force's Draft Final Report by the end of January 2018 and the Task Force members would then reconvene to review that report and receive public input.

Ms. Nicole Tallman indicated that the report would be finished by the end of January 2018.

Discussion ensued about scheduling the future meeting and the timeline for the final report.

It was determined that the report would be completed and distributed to Task Force members and the public by January 29, 2019, and the next meeting date would be February 12, 2016 at 6:00 p.m. in the Commission Chambers.

Ms. Anna-Bo Emmanuel suggested having one additional public meeting, on February 20, 2017.

Mr. Hill concurred on the need for more public input and questioned whether the Task Force would be able to modify the recommendations based upon those meetings.

Chair Cuevas agreed on the need for additional public input.

Mr. Alfredo Gonzalez suggested leaving two weeks between the meetings in order to provide sufficient time to address concerns brought up at the initial meeting.

It was then decided that the upcoming Task Force meetings to review the Final Draft Report and receive public input would be held on February 12, 2017 and February 26, 2017.

ADJOURNMENT

There being no further business, the Charter Review Task Force meeting adjourned at 7:47 p.m.