

**MIAMI-DADE CHARTER REVIEW TASK FORCE  
CLERK'S SUMMARY AND OFFICIAL MEETING MINUTES  
February 26, 2018**

The Miami-Dade Charter Review Task Force (the Task Force) convened on February 26, 2018, at the Stephen P. Clark Government Center, Commission Chambers, 111 N.W. 1<sup>st</sup> Street, Miami, FL 33128, at 6:15 p.m. Upon roll call, the following Task Force members were present: Chair Robert Cuevas, Mr. Forrest Andrews, Mr. Carlos Diaz-Padron, Ms. Anna-Bo Emmanuel, Mr. Alfredo Gonzalez, Mr. Paul Hernandez Mr. Marlon Hill and Mr. Mike Valdes-Fauli. Mr. Neisen Kasdin arrived late. Vice Chair Maria Lievano-Cruz, Ms. Alice Burch, Mr. Jeff P. H. Cazeau and Mr. William H. Kerdyk Jr. were absent. The Commission District 10 and 11 seats remain vacant.

Mr. Christopher A. Agrippa, Director, Office of the Clerk of the Board, announced that Mr. Jeff Cazeau provided notification that he would be absent and Vice Chair Maria Lievano-Cruz would be arriving late.

In addition to Task Force members, the following staff members were present: Assistant County Attorneys Oren Rosenthal and Michael Valdes; Ms. Nicole Tallman, Director of Policy and Legislation; and Ms. Patricia Flor, Senior Policy Analyst, Office of the Mayor; Mr. Christopher A. Agrippa, Director, and Mr. Alan Eisenberg, Deputy Clerk, Office of the Clerk of the Board.

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

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

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

Mr. Will Fleites, 8401 SW 94 Road, Miami, appeared before the Task Force pertaining to Mr. Carlos Diaz-Padron's request that he be present for a follow-up discussion on Issue No. 5 (forfeiture of office). He said the Task Force developed a fair compromise for a 56 year old Charter issue by allowing County employees to run for public office outside of County government. Mr. Fleites stated everyone should have the right to run for office, noting it was up to the voters to decide if the person could do the job. He indicated that the County Charter prevented women and African Americans from being able to run for public office; which was in violation of the 19<sup>th</sup> Constitutional Amendment and the Voting Rights Act. Mr. Fleites asked the Task Force to uphold their previous decision. He said good County employees should be given the opportunity to make their neighborhoods better if they choose to do so at the same time as maintaining their employment.

Ms. Maggie Fernandez, 3620 SW 21 Street, Miami, questioned the Task Force not reconsidering the term limits issue, noting many people were present to speak against the

decision; however, the forfeiture of office issue was reconsidered with no one present. She said almost 78 percent of the voters previously voted in favor of term limits but the Task Force was recommending a change which went against the will of the voters. Ms. Fernandez asked the Task Force to remove that recommendation and allow term limits to remain in effect.

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

**1<sup>st</sup> ISSUE FOR CONSIDERATION: Task Force Recommendation No. 5 relating to forfeiture of office of County elected and appointed officials and employees.**

**DISCUSSION AND VOTE:** On whether any changes should be made to Recommendation No. 5.

Mr. Carlos Diaz-Padron pointed out that this item was deferred from the last meeting so that he could address his concerns with Mr. Will Fleites, the proposer of this recommendation present. Mr. Diaz-Padron asked the Task Force to defer this discussion until later in the meeting when Vice Chair Maria Lievano-Cruz arrived, if possible.

Discussion ensued amongst Task Force members regarding Mr. Diaz-Padron's request. Upon learning that Vice Chair Lievano-Cruz was not close to arriving, the Task Force proceeded to address this issue.

It was moved by Mr. Alfredo Gonzalez that Task Force Recommendation No. 5 be included in the Final Report. This motion was seconded by Mr. Mike Valdez-Fauli, followed by discussion.

Mr. Paul Hernandez questioned whether a County employee would need to take a leave of absence to participate on the Task Force to which Assistant County Attorney Oren Rosenthal reported that the current forfeiture of office provision only applied to qualify for elective office, noting the Task Force was not an elected office and a leave of absence was not required.

In response to Mr. Hernandez' inquiry whether a County employee would retain their position if elected as a County Commissioner, Assistant County Attorney Rosenthal said that they would not be able to do so under the new or old provisions.

Mr. Diaz-Padron stated that having someone working for the County with the power to make decisions as an elected official with entities that contract or interact with the County was not a good idea. He pointed out that private industry also had the right to say its employees could not retain employment while serving as an elected official, so it did not take away ones individual rights and was not unconstitutional.

Assistant County Attorney Rosenthal responded to Mr. Hernandez' question about a County employee forfeiting their position by noting he/she would maintain their County position while serving as a municipal government elected official. He stated there was an exception of a County employee who exercised the rights of the County, noting Article 2, Section 5 of the

State Constitution provided that no person shall hold at the same time more than one office under the government of the State and the counties and municipalities therein. As an example, Assistant County Attorney Rosenthal pointed out that a police lieutenant could not serve in that capacity for the County while being a City of Miami Commissioner; however, a Solid Waste Department administrator could do so.

Mr. Neisen Kasdin concurred with Mr. Diaz-Padron, noting the potential for abuse existed.

Mr. Mike Valdez Fauli noted the chances of bad person running for office successfully and abusing the position's power was less likely than the damage caused by preventing people from seeking public service. He said he believed the compromise of not allowing election to County office while being a County employee was acceptable.

Mr. Alfredo Gonzalez pointed out that staff reviewed this issue and did not report any associated problems. He said he did not see a hardship in prohibiting County employees from making a choice of running for office or working for the County. Mr. Gonzalez stated that there were County Commissioners who worked for State agencies and successfully balanced their elected office while being a State employee. He noted giving employees the opportunity to run for municipal office was a good compromise and problems would be addressed on a case by case basis by their supervisor.

Mr. Valdez-Fauli mentioned that lobbyists and members of the media were allowed to run for office, noting that County employees should be allowed to run for office when it had nothing to do with the County.

Hearing no further comments or discussion, the Task Force proceeded to vote to include Recommendation No. 5 in the Task Force Final Report. This motion resulted in a 5-4 passing vote (Mr. Alfredo Gonzalez, Mr. Paul Hernandez, Mr. Marlon Hill, Mr. Neisen Kasdin and Mr. Mike Valdes-Fauli voted "Yes", Chairman Robert Cuevas, Mr. Forrest Andrews, Ms. Anna-Bo Emmanuel and Mr. Carlos Diaz-Padron voted "No").

**2nd ISSUE FOR CONSIDERATION: Staff's draft of the *Final Report of the 2017 Charter Review Task Force* (as revised to reflect the Task Force's action to recommend favorably Commissioner Moss' proposed Charter amendment re: Commissioners' and Mayor's salaries).**

**DISCUSSION AND VOTE:** On approval of Final Report.

Mr. Alfredo Gonzalez suggested that an attendance log be included in the Task Force Final Report to reflect member participation.

Chair Robert Cuevas mentioned that the report should reflect the dates new members joined the Task Force and the member they replaced.

Mr. Marlon Hill, Mr. Forrest Andrews and Ms. Anna-Bo Emmanuel addressed the importance to include Task Force members' attendance records, start dates, and voting records. They

commented that the public should be made aware of the commitment required to serve on the Task Force.

Assistant County Attorney Oren Rosenthal clarified that the membership, attendance and voting records were included in the meeting minutes which was a public document and available on the County website along with the Task Force Final Report. He pointed out that an attendance log could be placed on Page 8 of the Final Report, following the list of meeting dates. Assistant County Attorney Rosenthal stated doing so would prevent another Task Force meeting to approve a revision to the report.

Mr. Gonzalez stated that this was acceptable, noting that he did not believe the meeting minutes needed to be included.

Mr. Paul Hernandez commented on term limits as a newly appointed Task Force member, noting many of the lasting accomplishments made by commissioners took longer than eight years to realize.

It was moved by Mr. Alfredo Gonzalez that the Task Force Final Report be approved as amended to include Task Force member's attendance records and the dates newly appointed members joined the Task Force on Page 8 of the Report. This motion was seconded by Mr. Marlon Hill and upon being put to a vote, passed unanimously by all members present.

Following the vote, Assistant County Attorney Rosenthal indicated that the Final Report would be sent to the Board of County Commission Chairman and to the Clerk of the Board and placed on an appropriate Commission meeting agenda.

Ms. Nicole Tallman said she would notify Task Force members of the scheduled meeting date so they could attend.

### **Approval of the Clerk's Summary of Minutes for the February 12 Charter Review Task Force Meeting.**

It was moved by Mr. Paul Hernandez that the meeting minutes from the February 12, 2018 Charter Review Task Force meeting be approved, as presented. This motion was seconded by Mr. Alfredo Gonzalez, and upon being put to a vote, the motion passed unanimously by all members present.

### **Adjournment**

Chair Cuevas said the Task Force process was an accomplishment to be proud of. He commended administrative and legal staff for their professionalism and assistance supporting Task Force efforts. Chair Cuevas indicated that it was now up to the County Commission to determine whether any of these recommendations would appear on the November ballot.

There being no further business, the Charter Review Task Force meeting adjourned at 6:47 p.m.