

Miami-Dade County Charter Review Task Force Meeting
Monday, February 26, 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 revised draft of the Final Report of the 2017 Charter Review Task Force.
- 1st 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.

- 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, see attached).

DISCUSSION AND VOTE: On approval of Final Report.

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

Miami-Dade County Charter Review Task Force

Final Recommendations Report

February 26, 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 Meetings	11
Media Outreach	12
Meeting Notices	12
ISSUES FOR STUDY	13
RESEARCH	15
TASK FORCE RECOMMENDATIONS	16
Recommendation No. 1A & 1B – Commission and Mayoral Compensation	16
Recommendation No. 2 – Nonpartisan Elections	18
Recommendation No. 3 – Elimination of Term Limits	19
Recommendation No. 4 – Commission Office of Budget and Management	20
Recommendation No. 5 – Forfeiture of Office of County Elected and Appointed Officials and Employees	21
Recommendation No. 6 – Compensation for Number of Signatures Obtained for Circulating a Petition	22

Recommendation No. 7 – Approval of Legal Sufficiency of Petitions	23
Recommendation No. 8 – Runoff Elections	24
FAILED RECOMMENDATIONS	26
NO RECOMMENDATIONS PROFFERED	29
CONCLUSION	31
APPENDIX	32
Appendix A: Charter Review Task Force Members and Staff	
Appendix B: Promotional Materials for Public Meetings	
Appendix C: Social Media Posts	
Appendix D: Salaries of Elected County Constitutional Officers	
Appendix E: Comparison of County Commissions (form of government, salaries, structure)	
Appendix F: Prior Election Results Regarding Salary Amendments	
Appendix G: Charter Amendment Relating to Independent Salary Commission	
Appendix H: Article XLVII – Creating the Office of the Commission Auditor	
Appendix I: Table of Organization – Office of the Commission Auditor	
Appendix J: Summary of Charter Powers	
Appendix K: Ballot Results for May 29, 1962 Election Relating to Forfeiture of Office	
Appendix L: Citizen Led Initiative and Referendum Procedures in Select Florida Counties	
Appendix M: ICMA County Form of Government Survey Results	
Appendix N: National Civic League – Model County Charter	
Appendix O: Powers and Responsibilities of County Commission and County Mayor	
Appendix P: Summary of Budget and Procurement Responsibilities in Select Municipalities	
Appendix Q: Urban Development Boundary Presentation	
Appendix R: Procurement Reform Advisory Board Report	

Appendix S: Procurement Presentation

Appendix T: Finance Department Presentation

Appendix U: Budget Process Presentation

DRAFT

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 meetings, 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. 1A: Commission Compensation

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

Recommendation No. 1B: Commission and Mayor Compensation

Create an independent salary commission which shall annually set the Commissioners' and Mayor's salary.

Recommendation No. 2: Nonpartisan Elections

Provide that **elections** for Office of the Clerk of Courts 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.

DRAFT

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
- February 26, 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 members 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 worked closely with the Communications Department to generate flyers and promotional materials that can be easily distributed throughout social media (Appendix B). These flyers were circulated to Task Force members for distribution as well.

Staff 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 C). 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 Edward 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 40 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 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, August 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, November 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. 1A and 1B – Commission and Mayoral 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 D). 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 E). 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 F). 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).

The Task Force also considered a draft proposal by Commissioner Moss at the February 12, 2018 Charter Review Task Force meeting (Appendix G). The Commissioner requested that the Task Force review and make recommendations on the draft resolution prior to it being presented to the full Board. After further review, the Task Force decided to include in the final report Commissioner Moss' proposal as an alternate to Recommendation No. 1 relating to commissioner compensation.

Recommendation 1A

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.

Recommendation 1B

The Charter should 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.

Motion passed (6-2)

Amendment Language

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.

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 H), along with the table of organization for the Office of the Commission Auditor (Appendix I). 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 J).

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 include, but are 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 K). 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 L).

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 Commissioners 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 Commissioners 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.

DRAFT

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.

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 M)
- Model County Charter by the National Civic League (Appendix N)
- Outlines of Charter provisions relating to the powers and responsibilities of the County Mayor and Board of County Commissioners (Appendix O)
- Comparative analysis of the powers and responsibilities of the County Mayor, Board of County Commissioners and Commission Auditor (see Appendix J)
- Comparative analysis of the forms of government and structure of Miami-Dade County, Newark, New Jersey; Philadelphia, Pennsylvania; and Washington, D.C. (Appendix P)

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 Q).

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 P).
- Procurement Reform Advisory Board (PRAB) Final Report (2006) (Appendix R)
- Presentation by Namita Uppal, Chief Procurement Officer, of the Internal Services Department on overview of the current procurement process (Appendix S)
- Presentation by Deputy Mayor Edward Marquez on the current structure and function of the Finance Department (Appendix T)
- Presentation by Jennifer Moon on the budget process (Appendix U)
- 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
February 12, 2018**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adjournment

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

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