



MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Charter Review Task Force Workshop and Public Hearing

Board of County Commissioners
Stephen P. Clark Government Center
111 NW 1st Street
Miami, Florida 33128

Thursday, August 30, 2007
As Advertised

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Board of County Commissioners

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CLERKS SUMMARY AND OFFICIAL MINUTES
CHARTER REVIEW WORKSHOP & PUBLIC HEARING
AUGUST 30, 2007

The Charter Review Task Force (CRTF) convened in a workshop and public hearing on August 30, 2007, in the Stephen P. Clark Government Center, Commission Chambers, located on the Second Floor, 111 N.W. 1st Street, Miami-Dade County, Florida. The following Task Force members were present: Mayor David Dermer; Mr. Maurice Ferre, former Mayor of the City of Miami; Mr. Robert A. Ginsburg; Mr. Murray Greenberg; Mr. Larry Handfield; Ms. Elizabeth Hernandez; Mr. Robert Holland; Mr. Francois Illas; and Mr. Richard Kuper; (Ms. Lynn Dannheiser; Mr. Miguel De Grandy; Mr. Carlos Diaz-Padron, former Mayor of the City of West Miami; Mayor Shirley Gibson; Commissioner Carlos Gimenez; Mr. John Hogan; Mr. Raul L. Martinez, former Mayor of the City of Hialeah; Mr. H. T. Smith; Ms. Yvonne Soler-McKinley, Commissioner Souto; Mr. Ignacio Vazquez; and Chairman Victor M. Diaz, Jr. were absent).

The following staff members were present: Assistant County Manager Susanne M. Torriente; Assistant County Attorney Cynthia Johnson-Stacks; Assistant to the County Manager Maggie Fernandez; and Deputy Clerks Doris Dickens and Jovel Shaw.

In the absence of Chairman Diaz, Mr. Ferre called the meeting to order at 6:06 p.m. and chaired tonight's public hearing. He introduced himself and welcomed audience members to tonight's (8/30) public hearing. Mr. Ferre noted this was the final public hearing being held to solicit public input on proposed changes to the Miami-Dade County Charter. He noted tonight's public hearing was live via the County's Web casting, www.miamidade.gov/webcast. In addition, Mr. Ferre advised live audiences were watching tonight's proceedings, via remote technology at two locations, from the Miami Beach City Hall and Hialeah City Hall. He noted that three speakers were registered to speak at this time; therefore, he would be lenient and allow more time for them to express their input.

Mr. Ferre noted that the Miami-Dade Home Rule Charter was adopted in 1957; and explained the Charter Review process required that the Miami-Dade Board of County Commission (BCC) to review the Charter every five years, and determine whether revisions were required. Mr. Ferre noted on April 24, 2007, per the BCC's instructions, the Miami-Dade County Charter Review Task Force was created to review the County's Home Rule Charter; and submit recommendations to the BCC, setting forth any proposed amendments to the Charter. He pointed out this Charter Review Task Force consists of 21 appointed members.

Mr. Ferre noted the Task Force would study the final report of the Charter Review Task Force dated July 10, 2001; and members of the community were encouraged to submit recommendations and comments.

Mr. Ferre noted that previous Task Force meetings and public hearing workshops were held; and reiterated that residents may provide public comments in person, remotely from the above-mentioned locations, telephone at (305)375-2055/2059 or email via charter@miamidade.gov.

Mr. Ferre requested the audience's input and suggestions on the following issues for study adopted by the Charter Review Task Force on August 1, 2007:

- (1) Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected;
- (2) Study of Compensation for the Mayor and Board of County Commissioners (BCC);
- (3) Study of Term limits for BCC or other elected officials;
- (4) Study of BCC Composition;
- (5) Study Initiative, Referendum, Petition and Recalls;
- (6) Study of Balance of Power between the Mayor and BCC (review of functions of Mayor vs. County Manager and powers of Commission Auditor);
- (7) Study of Procurement Reform;
- (8) Study of Lobbying Reform;
- (9) Study of Ethics Regulations;
- (10) Study of Municipalities and Unincorporated Municipal Service Area (UMSA) (creating/abolishing municipalities, separation of powers or responsibilities between the County and municipalities, and annexation/incorporation in an effort to eliminate UMSA);
- (11) Study of Public Records; and
- (12) Study of Zoning and Urban Development Boundary (UDB) reform.

Mr. Ferre noted that on August 15, 2007, the Task Force, by a preliminary vote, approved a motion relating to Issues 2 and 3 for public comment and input. He stressed that this was a work in progress and prior to making final recommendations, this Task Force would revisit these issues for a final vote, and include them in the final report. The motion regarded the following issues:

- (1) Commissioners would receive a population-based salary provided by Florida's statutory formula (approximately \$89,000);
- (2) Commissioners' terms in office shall be limited to two, four-year terms;
- (3) Commissioners would be prohibited from having outside employment; and
- (4) Any commissioner convicted of any crime involving a breach of public trust shall be subject to forfeiture of his/her public earned salary, pension rights and privileges.

Mr. Ferre noted that the following motions were made by a preliminary vote with regards to Issue No. 1:

- (1) that the Task Force recommend that the County Commission place a question on the ballot to allow voters to determine whether the selection process for the Tax Collector would remain an appointed position; and should the Charter Review Task Force recommend that any of the positions be elected, and determine the conditions, if any, to be placed on the ballot.
- (2) that the Public Safety Director (i.e. Sheriff, Police Chief) shall be appointed by the Mayor for a period of four (4) years, subject to reevaluation; that the appointment can be vetoed by a simple majority vote of the County Commission; that the Public Safety Director be removed by the Mayor, subject to the consent of a simple majority vote of the County Commission; that once appointed, interference by the Mayor or the County Commission would be cause for termination.

Mr. Ferre asked that each Task Force member introduce themselves.

Mr. Ferre opened the meeting for public input and the following persons appeared before the Task Force:

Ms. Terri D'Amico, a Bay Harbor Islands resident, expressed concern regarding conflicts of interest with Bay Harbor Islands elected officials for transfer development rights (TDR); the buying and selling of air rights, and then relocating them to another location. She noted the Town Council of Bay Harbor Islands also served as the Planning Zoning Board and the Special Masters. Ms. D'Amico provided the Task Force with an overview of the Town Council process for consideration of its TDR ordinance; and noted this process raised an ethical concern/issue, and informed the Task Force of attempts to address those issues with the United States State Attorney's Office, the State of Florida Department of Community Affairs, and the Miami-Dade Commission on Ethics and Public Trust (CEPT). Ms. D'Amico asked who should Bay Harbor Island residents contact in order to address this concern; and urged the Task Force to assist them.

Mr. Ferre questioned Ms. D'Amico on specific recommendations she felt the Task Force should consider to address as part of this Charter review process.

Responding to Mr. Ferre's inquiry, Ms. D'Amico stated it was an ethical issue.

Mayor Dermer noted should the Ethics Commission acted on the complaint and questioned the response Ms. D'Amico received from the Ethics Commission.

Responding to Mayor Dermer's question, Ms. D'Amico noted the CEPT referred her to the State Attorney's Office, after deeming they could no longer investigate the issue; and the State Attorney's Office informed her that this issue was not within their jurisdiction.

Mayor Dermer stated there were two agencies empowered to conduct investigative activities. He questioned the technical reason for the decline by the agencies or whether they mentioned greater jurisdiction through the Charter was needed.

Ms. D'Amico stated neither agency elaborated on issues raised by Mayor Dermer regarding greater jurisdiction.

Mayor Dermer noted whether the reasoning for decline was due to the lack of power by the CEPT, then the Task Force could consider the issue.

Mr. Ferre asked Ms. D'Amico to provide, in writing or in e-mail, Assistant County Manager Susanne Torriente with a specific recommendation for consideration by the Task Force.

Ms. Alberta Gutierrez, a Bay Harbor Islands resident, spoke in connection with elected and public officials. She expressed concern regarding the procedures followed by the Town Council, and the need for oversight of elected officials.

Mr. Handfield stated as the Task Force members reviewed the Charter, they may consider providing clarification regarding the different roles of municipalities as they integrate with the County system. He stated that the State Attorney's Office had the jurisdiction to investigate illegal activities for municipalities or any other governmental entity; and stated residents must hold their elected officials responsible.

Ms. Gutierrez stressed the need for oversight from other entities.

Mr. Holland discussed the jurisdiction issue within municipalities in which the County had no jurisdiction; particularly, the municipal services including development. He noted the County would have jurisdiction over regional services for municipalities such as transportation, airport and in some municipalities solid waste. Mr. Holland noted that most municipalities had a Charter similar to the County. He informed Ms. Gutierrez that the Charter could only address expanding the CEPT powers for ethics issues.

Following Mr. Holland's comments, Ms. Gutierrez stated the County should provide oversight of each municipality within Miami-Dade County

Mr. Ginsburg noted Ms. Gutierrez and Ms. D'Amico alleged potential violations of the Conflict of Interest Code. He stated the County's Conflict of Interest Code of Ethics was applicable to all municipalities within Miami-Dade County. He stated the Commission on Ethics and Public Trust Executive Director should be informed of the issues raised by both speakers.

Ms. Gutierrez noted her efforts and stressed the need for the process to file complaints to be more transparent and easily accessible.

Ms. Frances Neuhut, a Bay Harbor Islands resident, noted Mr. Robert Meyers, Executive Director, Miami-Dade Commission on Ethics and Public Trust, appeared before the Town Council of Bay Harbor Islands to address the TDR ordinance; and he stated that elected Council members should avoid the appearance of impropriety in their actions. Ms. Neuhut urged the Task Force to address their concerns through the County's Ethic ordinances.

Mr. Greenberg indicated that the question was whether the County should expand the CEPT powers. Mr. Greenberg stated the CEPT felt as an entity, that they were not empowered to investigate certain matters as they would like. He noted not only the issue of giving the CEPT more power, but also additional staff to investigate and enforce, which cost money. Mr. Greenberg noted that everyone was well aware that the County was facing budget cuts; however, he suggested the Bay Harbor Islands resident follow-up with the suggestions offered by Mr. Ginsburg and Mayor Dermer.

Ms. Fran Bohnsack, President, Urban Environment League (UEL), expressed appreciation to the Task Force for its Charter review process. She spoke in support of the at-large district proposal, as opposed to the single-member districts. She also approved any modifications to the UDB. However, the UEL supports the authority of the County Commission to override the public vote in favor of moving the UDB line; but they could not override a negative vote by the public, nor transmit changes to the Department of Community Affairs against the public's wishes.

Discussion ensued between Mayor Dermer and Ms. Bohnsack regarding the recommendation offered by the UEL for consideration by the Task Force.

Mr. Greenberg noted Ms. Bohnsack was a member of the last Charter Review Commission.

Mr. Ferre announced that a telephone call had been received from a Miami-Dade County resident named Ms. Rochenel Marks, 11100 SW 197 Street, representing We Count.

Ms. Marks, via telephone, asked the Task Force to impose changes within the Charter to include Haitian-American representation on the County Commission.

Mr. Steven Forrester, asked the Task Force to consider issues pertaining to the Haitian-American community at a Task Force meeting.

Mr. Ferre noted the Task Force would take preliminary votes on recommendations. He stated that the final vote and action would be made at a future meeting. He indicated that it was very important for the Task Force to consider issues within the Haitian-American community during this Charter Review process. Mr. Ferre stated the Task Force would make a recommendation and the BCC would make the final decision. He also stated that the Haitian community should bring their concerns before the County Commission.

Mr. Ferre noted an email message from Mr. William G. Foot, 5970 NE 7 Avenue, Miami, Florida, who stated that all Charter Review Task Force meetings should be broadcasted. Mr. Ferre noted he would forward this message to the County Administration.

Mr. Santiago Leon presented a Microsoft PowerPoint presentation entitled, "Ranked Choice Voting for Multi-Winner Races" and highlighted the following slides outlined in the presentation: (1) Introduction: The Principle of Proportionality; (2) Geography; (3) How Choice Voting Works: The Basics; (4) How Choice Voting Works: Victory Threshold; (5) How the Numbers might work in Miami-Dade; (6) How choice voting works: counting 1st choices and determining winners; (7) How it works: a choice voting tabulation example; (8) Choice voting tabulation example; (9) Choice voting example: Summary; and (10) Counting surplus ballots. He concluded his presentation by discussing the lack of Haitian-American representation on the County Commission..

A discussion ensued between Mr. Holland and Mr. Leon regarding representation utilizing a Choice voting system..

Mr. Ferre noted the proportional voting system was a brilliant idea; however, he noted problems that already existed in Miami-Dade County with the current voting system. He noted African-Americans had a valid concern for proportional power in this community. Mr. Ferre stated if the County decided to utilize at-large voting for the BCC members, the National Association for Advancement of Colored People (NAACP) would support this voting system.

Mr. Ferre noted changing the BCC composition to reflect the Haitian community would result in other groups seeking the same preference.

Mr. Holland suggested the lines for the current BCC districts be redrawn.

Mr. Gary Johnson, 2320 NW 92 Street, spoke in support of Haitian-American representation on the County Commission..

Mr. Ferre expressed appreciation to the audience for their participation in tonight's hearing.

ADJOURNMENT

There being no further business to come before the Task Force, the meeting adjourned at 7:15 p.m.

Mr. Maurice Ferre, Acting Chairman
Charter Review Task Force