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A

Issues for Study

Adopted by the Charter Review Task Force - August 1, 2007
(Revised on September 5, 2007)

1	Study of the Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections being elected
2	Study of Compensation - Mayor and Board of County Commissioners (BCC)
3	Study of Term Limits - BCC or other elected officials
4	Study of BCC Composition
5	Study of Initiative, Referendum, Petition & Recalls
6	Study of Balance of Power - Mayor & BCC <ul style="list-style-type: none">• Review Functions of Mayor vs. County Manager• Review 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) <ul style="list-style-type: none">• Creating/Abolishing Municipalities• Separation of Powers or Responsibilities between the County and municipalities• Annexation/Incorporation in effort to eliminate UMSA
11	Study of Public Records
12	Study of Zoning and Urban Development Boundary (UDB) reform
13	Study of the Deliniation of Powers and Checks and Balances of the Ethics Commission and the Office of the Inspector General for Inclusion in the Charter
14	Study of Any Changes to the Form of County Government be Required to be Placed on the Ballot during a <u>General</u> Election
15	Study of Placement in the Charter Language regarding County Employees Convicted of Any Crime Involving a Breach of the Public's Trust be Subject to Forfeiture of his/her Public Salary, Pension Rights and Privileges

A

MEMORANDUM

30E

Agenda Item No. 3(F)

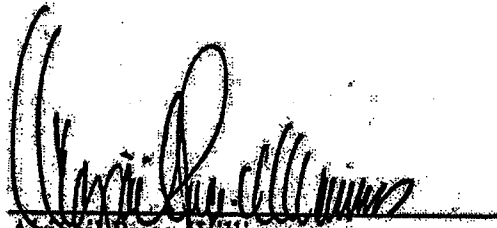
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: September 11, 2007

FROM: Abigail Price-Williams
Acting County Attorney

SUBJECT: Resolution Amending
Resolution No. R-462-07
Relating to the Charter
Review Task Force

The accompanying resolution was prepared and placed on the agenda at the request of
Chairman Bruno A. Barreiro.


Abigail Price-Williams
Acting County Attorney

APW/dcp



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 2, 2007

FROM: 
Abigail Price-Williams
Acting County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

☐ 6 weeks required between first reading and public hearing

☐ 4 weeks notification to municipal officials required prior to public hearing

☐ Decreases revenues or increases expenditures without balancing budget

☐ Budget required

☐ Statement of fiscal impact required

☐ Bid waiver requiring County Manager's written recommendation

☐ Ordinance creating a new board requires detailed County Manager's report for public hearing

☐ Housekeeping item (no policy decision required)

☐ No committee review

Memorandum



Date:

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Supplemental Information – Item 3F – Amending Resolution No.R-462-07
Relating to the Charter Review Task Force

Provided attached is a Resolution No.2007-4 adopted by the Miami-Dade County League of Cities, Inc., in support of Item 3F, Resolution Amending Resolution No.R-462-07 Relating to the Charter Review Task Force, on the September 11, 2007 Government Operations and Environment Committee agenda.

A handwritten signature in black ink, appearing to read "G. Burgess", written over a horizontal line.

Assistant County Manager

RESOLUTION NO. 2007-4

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MIAMI-DADE COUNTY LEAGUE OF CITIES, INC.,
RESPECTFULLY REQUESTING EXTENSION ON DEADLINE
DATES FOR THE MIAMI-DADE COUNTY CHARTER REVIEW
TASK FORCE.**

WHEREAS, Miami-Dade County has formed a Charter Review Task Force; and

WHEREAS, there are numerous sections of the Miami-Dade County Charter which may be reviewed, analyzed and subject to public input; and

WHEREAS, the Charter Review Task Force has been given short deadlines; and

WHEREAS, in an attempt to allow the process to go through a meaningful and thoughtful review, the Board of Directors respectfully requests an extension of time to allow the process a full review.

NOW, THEREFORE,

BE IT RESOLVED by the Board of Directors of the Miami-Dade County League of Cities, Inc., as follows:

Section 1. The foregoing recitals are true and correct.

Section 2. That Miami-Dade County Charter Review Task Force be granted extended deadline dates to allow a careful review of any proposed Charter amendments.

Section 3. This Resolution shall become effective upon its passage and adoption by the Miami-Dade County League of Cities, Inc.

RESOLUTION NO. 2007-4

APPROVED AND ADOPTED by the Board of Directors of the Miami-Dade County
League of Cities, Inc. at its regular meeting assembled this 7th day of September, 2007.

ATTEST:

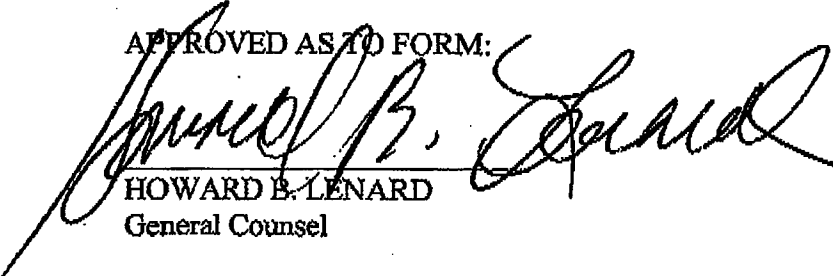


JUAN CARLOS BERMUDEZ
Secretary



MANUEL MARONO
President

APPROVED AS TO FORM:



HOWARD B. LENARD
General Counsel

RESOLUTION NO. 2007-4

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
10-02-07

RESOLUTION NO. _____

**RESOLUTION AMENDING RESOLUTION NO. R-462-07
RELATING TO THE CHARTER REVIEW TASK FORCE**

WHEREAS, the County Commission adopted County Resolution No. R-462-07 (attached hereto) creating the Charter Review Task Force (the "Task Force"); and

WHEREAS, the Task Force has begun its meetings and discussions in earnest; and

WHEREAS, the Task Force voted at its meeting of July 23, 2007 to request a ninety (90) day extension to the reporting deadline established by R-462-07 in order to accommodate a complete review and suggested amendments or revisions of the Home Rule Charter, as well as review and recommendations as to whether the Home Rule Charter should be amended to change the positions of Property Appraiser, Tax Collector, Sheriff and Supervisor of Elections to elected positions, as directed pursuant to County Resolution No. R-504-07; and

WHEREAS, the Task Force will present an initial report by October 31, 2007 and anticipates making certain recommendations at that time; and

WHEREAS, if the extension to submit its written recommendations is granted, the Task Force's final report would be due on or before January 29, 2008;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that County Resolution No. R-462-07 is amended to extend the reporting date for the Charter Review Task Force to submit its final written recommendations on or before January 29, 2008, which is ninety (90) days from the reporting date established by R-462-07.

The foregoing resolution was sponsored by Chairman Bruno A. Barreiro and offered by
Commissioner , who moved its adoption. The motion was seconded by
Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrian D. Rolle	Natacha Seljas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 2nd day of
October, 2007. This resolution shall become effective ten (10) days after the date of its adoption
unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this
Board.

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

HARVEY RUVIN, CLERK

By _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Cynthia Johnson-Stacks

B

Taste of America

James Beard Food Festival hits Miami

■ Miami is joining 20 other cities as host of The James Beard Foundation's Taste America. The event takes place Sept. 28-29.

On Sept. 28 two James Beard award-winning chefs, Mark Militello and Norman Van Aken, will join Azul chef Clay Conley at the Mandarin Oriental, 500 Brickell Dr. for a fundraising dinner. Conley's cooking team will include chef Michael Bloise of Wish at The Hotel, and chef Cindy Hutson of Ortanique. Tickets are \$240 per person.

On Sept. 29, an all-day, interactive event with cooking demonstrations, cookbook signings and kid's activities will be held at the Coral Gables Williams-Sonoma store in the Village of Merrick Park. For more information, call 305-913-8358 or visit, www.jbftasteamerica.com.



Charter Review

'Home Rule' updates under scrutiny

■ The first recommendation to come out of the Miami-Dade County Charter Review Task Force brings back a subject near and dear to commissioners' hearts: fair compensation. Along with a proposal for salaries in line with state guidelines, however, the recommendation calls for barring commissioners from any and all outside employment.

The county's Home Rule Charter, adopted in 1957, comes under review every five years to determine what changes and updates are required. Other hot topics on the agenda include lobbyist reforms, a series of conflict of interest reforms, and adding at-large representation on the board of county commissioners. Proposed changes would first be approved by the Board of County Commissioners and then go on the ballot for popular vote.

Charter review meetings are held at 10 a.m. every Wednesday through October 31. The Sept. 5 meeting takes place at Miami-Dade Public Library, 101 W. Flagler St. For more information visit miamidade.gov/charterreview.

Bringing Chubby Back

Local music video wins Telly award

■ King Mango Productions took home its third Telly Award for the wacky, spoof music video "Bringing Chubby Back." The Telly Awards honor the best local and regional television commercial programs and video or film productions. "Chubby" won the Film/Video Bronze Award for Non-Broadcast Productions, Use of Humor.

Reached for comment, producer Antoinette Baldwin gushed, "They like us! They like us! They really, really like us!" Performed live during the King Mango Strut by The Chubbettes, a.k.a. AJ Nichols, Oski Gonzalez and Mark Richards, the music video is available on YouTube.com.

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Wednesday, September 05, 2007 12:15 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **William G. Foot**

Street Address: **5970 N.E. 7th Avenue**

City: **Miami**

State: **FL**

Zip: **33138**

Comment: **Property appraiser's election - I feel that the real culprit in high taxes are the use of the millage rate manipulation by the legislative bodies of our municipalities. Why should a property appraiser be vilified when the process of setting my high taxes is really set by city councils, the county commissions, school board and all the other state mandated boards that set millage rates, such as the Florida Inland Navigation (FIN) and the South Florida Water Management Board (SFWMB). William G.(BIG) Foot**

09/06/2007

Fernandez, Margarita (CMO)

From: htl@cleanwater.org
Sent: Thursday, September 06, 2007 11:26 AM
To: Charter (CMO)
Subject: Charter Review Public Comments from Hold the Line

Good Afternoon Chairmen Bruno and Board Members. We would like to take this opportunity to thank the Task Force for prioritizing the input of the community as you evaluate how to best serve Miami-Dade. Hold the Line is a campaign of over 140 organizations and communities who organized in 2005 to protect the future of Miami-Dade County and it's residents from the fiscal, cultural, health and environmental losses threatened by urban sprawl and irresponsible development.

With respect to the Study of Zoning and Urban Development Boundary (UDB) reform, Hold the Line supports that any modifications to the Urban Development Boundary (UDB) be subject to a community at large vote; however, the Board of County Commissioners will retain the rights to override a public vote to move the UDB but no denial by the community at large should be transmitted to the Department of Community Affairs (DCA).

Hold the Line also supports the Charter including language that any movement of the UDB be based on population growth and not based on the County's supply of "vacant land" which cannot be upheld in perpetuity as vacant land is a finite resource.

Thank you in advance for your time and consideration and your efforts to protect the quality of life of this community.

Sincerely,

Dawn Shirreffs
Community Organizer
190 Ives Dairy Road #106
Miami, Florida 33179
(305)485-5949
www.udbline.com

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Thursday, September 06, 2007 3:19 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **juanda ferguson**

Street Address: **1115 nw 50th st**

City: **miami**

State: **Fl**

Zip: **33127**

Comment: **2-a salary increase based on production 3-no prohibitions on outside employment especially if employment is nonconflictive**

09/06/2007

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Thursday, September 06, 2007 3:23 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **juanda ferguson**

Street Address: **1115 nw 50th st**

City: **miami**

State: **Fl**

Zip: **33127**

Comment: **on 12 issues: 1-yes 2-no 3-yes 4-no 5-no 6-no 7-no 8-no 9-yes 10-no 11-yes 12-no**

09/06/2007

Fernandez, Margarita (CMO)

From: Pat Wade [pkozwade1@comcast.net]
Sent: Friday, September 07, 2007 7:12 PM
To: Charter (CMO)
Subject: comments for charter review
Attachments: Charter Amendments Items.doc

Please find attached our comments on the charter review items.

09/10/2007

Comments On Proposed Charter Items
Pat and John Wade
20925 SW 187 Ave
Redland, FL 33187

1. Election of Sheriff, Tax Collector, Property Appraiser and Supervisor of Elections.

We are opposed to electing these highly technical positions. It is scary to think that politicians, perhaps without any experience (Ken Jenne comes to mind), could be placed in these positions. They should not be a popularity contest. Why make these positions subject to special interest campaign money? Furthermore, elected officials are difficult to remove if they don't do a good job. It is easier to fire them! Perhaps the committee should put a question on the ballot to make the State Attorney's office and the Clerk of the Board/Courts appointed positions.

2. Compensation for Commissioners and Mayor.

We are opposed to this in principal but could live with the suggestions of the Review Committee provided the people do not give up the right to determine future increases and there is full disclosure to the voters of the total compensation package, including the exact amount based on the state formula (this figure should be easy to calculate). Prohibition of all outside employment is critical.

Alternatively, the BCC could give up the Home Rule Charter then they would be eligible for salary based on state formula. Seems like the commission wants it both ways.

Any salary increase should be accompanied by public campaign financing. If the intent of salary increases to get "more people to run" then there MUST be a reasonable way for these candidates to mount a campaign against commission-generated special interest money. Public campaign financing should be in the charter along with language that prohibits ordinances that make it impossible to obtain. That is the situation we have now. The requirements are so tough today that no one can qualify. That's one way incumbents limit opposition.

3. Term Limits.

We support term limits of 8 years. Wish we could make them retroactive!

4. Commission composition.

We support changing the composition of the commission to eliminate, or at least dilute, the fiefdom mentality. This could be by adding 5 or 6 at-large positions, proportional voting (although we are not totally familiar with this type of voting), or by holding primaries in the district and finals county-wide. We live in unincorporated Miami-Dade and consequently do not have a local government to run interference for us. Everything that governs us comes from the BCC. It is not true that commissioners "follow the commissioner of the area". Some commissioners are punitive to other commission districts and have verbalized this in open forum. What does a commissioner from North Dade know about or care about issues in South Dade? Yet they vote on our issues but we cannot vote for them. Districts are polarizing (some commissioners even play on being divisive) and make the worst kind of government. Some commissioners who try to be fair to all districts are ridiculed.

While not on the agenda, we would like the review committee to revisit to commission committee system. Committee appointments have become patronage. Certain committees have great power, others are insignificant. But the most public unfriendly aspect is that all public hearings are before committees. If your commissioner is not on that committee or members of that committee are hostile, there is no recourse for the public. Items can be killed or delayed forever; essentially a few commissioners are determining fate. The public must attend the committee meeting to speak and then watch the BCC meeting to find the outcome. While this system may be easier for commissioners, it is more difficult for the public.

5. Initiative, Referendum, Petition and Recall.

The charter gives the people the ability to petition their government. The BCC has placed so many restrictions on the petition process as to make it impossible and subject to criminal penalties. This is outrageous, if not unconstitutional. Case in point: The current procedure requires one signature per page AND a notarized circulator's signature; three signatures per page! The state requires a petitioner signature on one page, period. No circulator and no notary are required. The BCC requirements far surpass those of the state. The people should be allowed to place a question on the ballot with minimum signatures (4%), multiple signatures per page, no circulator and no notary. It is the function of the Election's Department (petitioners pay for the work) to verify signatures/registered voters. The charter should contain basic requirements for petitions that cannot be modified by ordinance at the whim of a punitive BCC.

6. Balance of Power

The strong mayor seems to be working. The BCC should be legislative (subject to mayoral veto) and the Mayor should run the administration. The Mayor should have the ability to create, disassemble and merge departments; this should not be the function of the BCC. The BCC should be prohibited from interfering with the administration including passing legislation that infringes on the ability of the Mayor to administrate.

7. Procurement Reform

Prohibit lobbyists in procurement. A company should not have to hire a lobbyist to do business with the county. Applications should be ranked by an independent panel based on merit and price. The highest ranked should get the award. There should be a process for bid protest other than the BCC. Remove the BCC from procurement. Eliminate the good 'ole boy network and maybe more (and better?) companies will bid.

8. Lobbying reform

Lobbying in Miami-Dade County is out of control. Prior communication with any voting board member or their agent (county staff's information should be provided in writing to the voting member) should be prohibited. Application/information/education should be disseminated during the public hearing. No more back room deals!

One way to lessen lobbying is to prohibit campaign donations from corporations and make the maximum donation \$200.00 per person. It is wrong

that elections, for the most part, are controlled by big dollar donors. Return elections to the people by leveling the money field.

9. Ethics reform.

The county is in desperate need of ethics reform. The Commission on Ethics should be in the charter and funded independently of the BCC.

The Citizens Bill of Rights should be in the charter and enforceable by penalties. It is amazing that every commission agenda has notice that bad behavior by the public will result in removal from the chamber. Yet commissioners routinely berate the public, lie to the public and make degrading remarks about people and groups. There is no recourse for the public (or staff who have to suck it up). The State Attorney does not pursue commission ethics violations. The commission passes punitive legislation and applies it retroactively, denies/changes public hearings and places misleading titles on agenda items. The public needs protection from this behavior in the charter.

The definition of "family" should be expanded to include siblings, children, grandparents, spouses, and in-laws. Lobbying or representation by "family", or an application/contract where "family" has an interest should result in the voting member leaving the dais and not participating in any discussion of the item. Family relationships should be publicly disclosed.

10. UMSA and Incorporations

No other subject has elicited as much distrust of the BCC as incorporation. Based on the fact that no city has petitioned to un-incorporate, people living in municipalities must be relatively satisfied. There are rules and procedures for incorporating but the BCC routinely refuses to let areas that have followed these rules vote on incorporation. Furthermore, the BCC keeps passing more onerous rules (sometimes after the fact) to keep incorporations from happening. The argument that "poor areas" can't incorporate is nonsense. Florida City does just fine. Miami Gardens seems to have made great progress. Wealthy communities are accused of cherry picking and revenue neutral areas can't vote either! It is no secret that the BCC does not want to relinquish control. The onerous conditions imposed by the BCC work against poor and neutral communities because they have to fight the county with fewer resources to comply with the ridiculous requirements.

Areas, past and present, that have completed the requirements in effect when they started their incorporations should be allowed to vote. Any area wishing to incorporate that produces signatures from 4% (25% is outrageous) of the registered voters should be allowed to vote.

UMSA should go away. Let the BCC focus on countywide issues.

Remove from the charter that the BCC has sole discretion over incorporations. The charter should mandate that areas having completed a REASONABLE study of incorporation of their area and still wanting to incorporate should be allowed to vote. Or let areas go through the state like every other county!

The genesis for incorporation and the proposed boundaries must come from the community. The county should facilitate incorporations not be adversarial. Has the county ever, in recent history, encouraged incorporation? No, they trot out the scare tactics that taxes will go up.

11. Public records.

We are not sure of the issue here. Public records are public. We paid for them through our taxes and should have access to them at will.

12. Zoning and UDB

Give people a bigger role in zoning. Make Community Council decisions final with all appeals to circuit court. Eliminating the BCC from zoning will get rid of lots of lobbyists! It is not fair that commissioners distant from the application get to vote on local zoning while the residents cannot vote for the distant commissioner. Zoning is the main reasons areas want to incorporate. People resent distant commissioners determining the fate of their largest emotional and monetary investment, their neighborhood.

Every application to move the UDB should be voted on by the people. If the people reject it then it is dead. If the people approve it, the BCC should have the ability to veto the approval. After approval by the people, the application can be transmitted to DCA.

We have little hope that any of these important issues will be approved by the BCC but one can hope!

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Saturday, September 08, 2007 1:33 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **Juliana Denton**

Street Address: **15951 SW 250 ST**

City: **Homestead**

State: **FI**

Zip: **33031**

Comment: **the way the prperty taxes is going no MID class people will efford a home. You're either poor on welfare or rich. we are not rich person we worked very hard to build our home and we want to retire on this home here my husband and me, however the way the taxes is going we couldn't effort it.**

Fernandez, Margarita (CMO)

From: Pat Wade [pkozwade1@comcast.net]
Sent: Sunday, September 09, 2007 8:35 PM
To: Charter (CMO)
Subject: Additional comments to the charter review committee
Attachments: Charter Additional Comments.doc

Please see attached comments.

09/10/2007

Charter Additional Comments

Pat & John Wade
20925 SW 187 Ave
Redland, FL 33187

9. Ethics

Add IG's office to the charter and provide for funding independent of the County Commission and the State Attorney.

12. Zoning and UDB

Since the BCC has made it so difficult (read impossible) for areas to incorporate, unincorporated Miami-Dade needs to provide for Community Councils as the only way in which local residents can have significant input into planning and zoning in their communities. Therefore, **Community Councils should be added to the charter.** Councils should be comprised of elected officials (not appointed by the BCC) and meetings should be held in the local community (not downtown and not in large districts) so meetings (held in the evening) are accessible to as many people as possible. If and when areas incorporate, council boundaries can be re-drawn to serve the approximate same locations.

Planning and zoning are the most important government functions that affect the quality-of-life of UMSA residents. The Department of Planning and Zoning should be protected from interference by the BCC by putting it in the charter as a separate entity that cannot be politicized or diluted by merging with other departments.

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Sunday, September 09, 2007 10:45 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: Francisco Fernandez

Street Address: 15655 SW 74 Cir Dr #10

City: Miami-Dade

State: FI

Zip: 33193

Comment: **RE.: On Creating/Abolishing municipalities.- I submit that you must be careful or demanding on the creation of municipalities or AT LEAST on the training of people destined to work with the public at the City Halls of the municipalities. During the last year and a half, I have had to deal with the personnel at the Zoning and Building Department of the recently created Village of Palmetto Bay. I rebuilt the home at 14601 SW 87 Ct., Palmetto Bay at a cost of slightly more than \$100,000.00 dollars. Four young women manage the office at Building and Zoning. Three of them look at members of the public -in my case I- AS AN ENEMY. They try to be dominant over me/anyone. If you question one of them on an issue, another answers as if you were addressing her. On one occasion I tried being nice to the point of telling them that "they were all "pretty" and one said: "This man is intelligent." Meaning: "He already knows he better treat us right or else..." On one occasion, several months ago, when I did not yet know them and I had not yet sensed the HOSTILITY they can display when you are not welcomed, I heard someone talking to them about taking some of them "SHOPPING"... I got the impression that it was a good idea to take at least one of them "SHOPPING" so that building plan approvals, inspections of work done at projects, general acceptable treatment at the counter, etc. would go smoothly in the future. I said to myself "no, this can't be"; but, after the almost year and a half it has taken me to do the job with a building contractor, I now think that the observed conversation had implications that I should have taken into consideration because; indeed, "fighting the young ladies at City Hall" in Palmetto Bay is certainly not advisable. On my last visit I observed a contractor kneeling beside her desk and talking at a very low tone to the "office boss". By the way, he had access to the office, he didn't have to wait at the counter, he walked right past the counter to SOLVE his task at hand.**

09/10/2007

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Monday, September 10, 2007 7:46 AM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **Bernardo Bestard**

Street Address: **9975 SW 55 Street**

City:

State: **FI**

Zip: **33165**

Comment: **I agree with the four points listed above. Furthermore I believe the office of the sheriff, tax collector, property appraisal and the other offices under review should be elected positions. These officials need to answer to the people, not some contractual agreement or person. With a contract or appointment once the person is dismissed he can still negotiate for the remainder of his benefits. Too many appointments are made based on favoritism rather than actual skill or qualifications.**

Fernandez, Margarita (CMO)

From: Pat Wade [pkozwade1@comcast.net]
Sent: Tuesday, September 11, 2007 6:23 PM
To: Charter (CMO)
Subject: Community Councils and IG report
Attachments: Community Council Mazella response.doc; Community Council Mazzella again 7,15,2005.doc

When/if you consider community councils in your deliberations it is probable that you will be provided with a report from the IG's off from 2005. When that report was released, I found some of the findings to be factually incorrect and others to be presented in a most negative way. I responded to Mr. Mazella and others in March 2005 (letter attached) but never got a response from him. The County Manager's office referred me to Ms. O'Quinn but I never got a response from her either (July, 2005). If the reason for considering the demise of Community Councils as we know them is budgetary, it should be stressed that Planning and Zoning is a fee based activity and the fee should be considered when addressing the net cost of the Community Councils.

Thank You

Pat Wade, Community Council 14

09/12/2007

March 13, 2005
Mr. Christopher Mazzella
Inspector General
Fax 305-579-2656
2 pages

Dear Mr. Mazzella,

I have read your February 7, 2005 report on Community Councils online. I have some comments and questions that may be helpful. Unfortunately, the appendices are not accessible online so I do not have the benefit of that information. I apologize if some of my questions are answered in those documents.

1. It is noteworthy that 87% (1805/2069) of all zoning agenda items were approved or withdrawn (Table 1). While these data are in the table, they are not expressed in this form. The range was 72% (CC3) to 95% (CC 9). The approval/withdrawal rate was very consistent across the diverse range of Councils. On average, only 13% of applications were denied and it is not known how many of these denials were recommended by County staff. It is the responsibility of the Councils to make informed decisions and the lopsided approval/withdrawal rate indicates that most applications are viewed favorably by the Councils. A higher approval rate would suggest the Councils were nothing more than rubber stamps.
2. Only 7% of zoning items were appealed to the BCC or Circuit Court. Understandably, most of these appeals were of denied items although some approvals were probably appealed, including appeals brought by the County. This is substantiated by the finding that some Councils had more appeals than denials (CC 9, CC 14, CC 16). Another way to look at these data is that only 1.6% of Community Council decisions were overturned by the BCC (the overturns by Circuit Court were not provided). This appears to be quite a good track record.
3. Does the number of meetings with no quorum include the "no quorum" meetings as a result of the zoning shutdown by Omnipoint? When zoning applications were not allowed to go forward because of the pending Omnipoint decision, Council members were advised to not attend "so that there would not be a quorum". The meetings were not cancelled. If the "no quorums" due to Omnipoint are included in Table 1, the results are inflating the number of zoning meetings that did not have a quorum.
4. Repeated and consecutive absences should be addressed. A uniform policy for absences should be established and applied uniformly to all elected and appointed boards. It is unfair to hold Community Council members to a different standard.
5. Regarding the statement on page 12 "that the agenda items be resolved and not deferred": Deferrals are at the request of the applicant; to not allow a deferral would greatly limit the ability of the applicant to resolve problems and questions.
6. Vacancies should be filled by the Council from a list of applications after public notice. This is the most expeditious procedure. Few volunteer boards have 100% of their positions filled. That is reality and Councils are no different.
7. The suggestion that CC meetings be held in the BCC chambers defeats the core purpose of the CCs, i.e., to be accessible to the public. Public participation is much greater at neighborhood locations (rather like local governments). Meetings far from home will result in more "no quorum" meetings, less public participation, and a general

decline in the effectiveness of the Councils (which will in turn be used as an excuse to disband them altogether). For the most part, meeting rooms can be arranged for adequate sound and viewing of displays. The BCC Chamber is not located in unincorporated Miami-Dade and is not close to any Council area. It is reasonable to share facilities located close to multiple Council areas; much like the South Dade Government Center which serves two Councils. BUT the Council locations must be within easy access of the Council areas. The inconvenience of small chairs or missing video equipment is dwarfed by a 50 mile trip by train, car or bus in the evening on a work night!

8. Fewer and larger Councils take away from “the neighborhood” concept. The Councils function well because the members live in and know the area. They are discussing or voting on a place they have seen. That is a major drawback of many boards; the decision makers have no sense of the community about which they are making decisions. It is a source of frustration for the people and puts the “distant” Council member at a disadvantage and too easily swayed by inaccurate arguments. Council members know their communities!

In the 8 years of their existence, 38% of the Councils have been disbanded (or soon will be) through incorporations. This trend will continue. Why rush to dilute them when natural attrition seems to be working?

9. Regarding the members elected without opposition: It would be helpful to provide information on other elected offices for comparison. Lack of candidates may not be due to poor exposure but rather to satisfaction with the existing Council members.

10. This report is reminiscent of the Greater Miami Chamber of Commerce Blue Ribbon Panel that was convened in August 1999 (when Councils were barely two years old) to “overhaul” Community Councils. The construction industry called for reform of the Councils and they have not relented since that time; often speaking poorly about the Councils at various public meetings. Not one member of the Blue Ribbon Panel charged with making recommendations on the Councils’ future, had ever attended a Community Council meeting.

While any system can be improved, the adage, “If it ain’t broke, don’t fix it” , fits here.

Sincerely,
Pat Wade, Ph.D., Councilwoman, CC 14
20925 SW 187 Ave.
Miami, FL 33187
305-238-8908

July 15, 2005

Mr. Chris Mazzella
Inspector General
19 West Flagler Street, 220
Miami, FL 33130

Dear Mr. Mazzella,

I wrote to you on March 13, 2005 and ask some specific questions about your February 7th, 2005 review of Community Councils.

I received an e-mail from Christine Thomas from the County Manager's office on March 16, 2005 saying that my request to that office had been passed to Assistant County Manager Bill Johnson and to Diane O'Quinn, Director of Planning and Zoning, for a reply.

This is to inform you that since that time I have not received any response from anyone, including your office.

At a recent Commission meeting Commissioner Rebecca Sosa requested a follow-up on your Community Council report. I assume this will happen at some point in time.

I am again requesting responses to my questions.

Sincerely,

Pat Wade
20925 SW 187 Ave
Miami, FL 33187
pkozwade@adelphia.net

CC: Mayor Carlos Alvarez
George Burgess, County Manager
Bill Johnson, Assistant County Manager
Diane O'Quinn, Director Planning and Zoning

Enclosures: Letter of March 13, 2005
E-mail of March 16, 2005

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Wednesday, September 12, 2007 3:58 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **Natalie French**

Street Address: **750 N.E. 64th Street B-101**

City: **Miami**

State: **FL**

Zip: **33138**

Comment: **Agree with all points. However, on number 4, crime should not be limited to breach of public trust. Any conviction of felony of any kind should be enough cause to forfeiture salaries, pension rights, benefits and any other privileges. Elected officials need to be held at a higher standard. note: in the near future, no.3 should also be applied to City of Miami Commissioners. Voters approved a salary increase in 2004 but Commissioners still have outside jobs.**

Thomas, Christine (CMO)

From: Cooper, John [JCooper@thehackettgroup.com]
Sent: Friday, September 07, 2007 3:27 PM
To: District3; District5; Mayor (Carlos Alvarez); District7; Moss, Dennis C. (DIST9); District1; District2; County Manager (CMO); District10; District11; District12; District8; District6; District4
Subject: county charter rules for incorporation

I recently came across some news that the county was considering relaxing the rules for city incorporation from the current 25% down to 10%. As one of the citizens who opposed the incorporation of the Falls area, I am adamantly opposed to this. I cannot understand why Miami-Dade county would cave in to a few self interested people who want more "control". In the case of the Falls area, there would be absolutely no benefit because we are all built out and have no real change possible. All it would do is add another unaffordable layer of cost and bureaucracy.

PLEASE DO NOT CHANGE THE RULES. DEDICATE YOUR ENERGIES TO FINDING SMART WAY TO LOWER THE SPENDING AND MITIGATE THE TAX BURDEN PLEASE.

John W. M. Cooper
Senior Director
The Hackett Group, World-Class Defined.
jcooper@thehackettgroup.com
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F: +1 806-261-7637

Mission: Enabling executives to achieve world-class enterprise performance.

This message is for the designated recipient only and may contain privileged, proprietary or otherwise confidential information. If you have received it in error, please notify the sender immediately and delete the original. Any other use of this email is prohibited.

Fernandez, Margarita (CMO)

From: Citizen_Email
Sent: Thursday, September 13, 2007 4:27 PM
To: Charter (CMO)
Subject: Charter Review Task Force

Charter Review Comment Form

Name: **Jean Souffrant**

Street Address: **20121 NW 32nd ave**

City: **Miami**

State: **FI**

Zip: **33056**

Comment: **HEllo- I strongly suggest the need to have Haitian representation on the charter review board. It just does no any make sense for decisions involving Haitians, not to include a Haitian voice. Please consider inviting a Haitian to be represented. Blessings!**

Fernandez, Margarita (CMO)

From: lambscapes@aol.com
Sent: Thursday, September 13, 2007 10:33 PM
To: Charter (CMO)
Subject: Spam: Charter Changes needed

CHANGES NEEDED IN THE DADE COUNTY CHARTER

The positions of Sheriff, Property Appraiser, Elections Supervisor,

The Ethics Board, and the County Manager (or this position should be dissolved with a strong Mayor form of government) should be elected positions. There is no reason you can't have a preset minimum of standards to qualify the candidates who want to run as is presently done prior to appointing these positions.

These people should answer to the public directly. If the Commission or Mayor feel there is cause for removal, they can ask for a vote of no confidence from the voters. This should remove much of the politics from these positions, as well as the witch hunts or favoritism that can be shown to select County officials.

The Ethics Board should be completely autonomous so they don't have to show deference to certain County officials. It should have the power to enforce the Citizen's Bill of Rights. Otherwise, what is the point of even having a Citizen's Bill of Rights? It is disturbing to see that the Executive Director of the Ethics Commission is worried about the number of complaints they might receive "if the provisions were taken literally-e.g. promising truth in government..." or "behaviors which I deem as procedural-not turning over public record..." My answer to Mr. Meyers is, yes that is exactly what the people want if your mission is to indeed "to restore public confidence and trust in local government.."

Furthermore, when a complaint is filed the Commission should AT LEAST notify the complainant of its status and the complainant should be allowed to attend the hearing. Also, recently there were proposals to stop any complainant from filing their complaint at the State level if this local board had already decided against the complaint and also propose fines on people who filed warrantless complaints. This is no way to treat the public and sends a message of an effort to stop local issues from being reheard by a different legal body. In its present state, I feel the Ethics Board should be dissolved. The conflict of interest rulings they are producing can usually be handled by one of the County Attorneys on staff.

Compensation of Mayor and Commissioners

Compensation should be based on the State guidelines scheduled to start after the next election. It would be staggered but would provide the public with a chance to change any elected officials they feel are not worthy of a raise. Elected and high level appointed positions should not have employment outside of their duties to the people unless it is an existing business that can be run on a daily basis by a trusted employee. If there is any chance that the private business will come before the Commission, the Commissioner must remove themselves from any vote. Large changes in compensation of appointed officials should be voted on by the public.

Term Limits

I suppose term limits are necessary since we do not have public funding of campaigns. My suggestion would be to limit it to two consecutive terms, but after a two term hiatus, allow the same people to run again if they wish. My concern is that we have some really good, honest people who try to represent their constituency and the people should have the ability to return them to office if they are not satisfied with their current representative. Put the term limits and compensation on separate

ot issues.

Initiative, referendums, petition, and recalls

All initiatives, referendums, petitions, and recalls should be generated from the people within the locality affected, not driven by outside people or non profits. Any person collecting signatures (paid or not) should be a resident from within the area affected. Our government is saturated with carpetbaggers that come into an area to affect a result, many times, using inaccurate information and with no regard for the well being of the people affected. It makes one wonder what motivates these actions? Money? Are they trying to promote the wishes of one Commissioner over another's District? We can only guess.

The petition process needs to be doable for the common person who wishes to petition for a change. Therefore, I ask that more than one signature be allowed per page and that only one notarized paper be required for each petition gatherer to be delivered at the end of the effort when the signatures are turned in. This will save considerable expense and will make the piles of signatures more manageable.

The Inspector General and Public Records

The Inspector General Office should be completely autonomous with a lot more funding. This could be a publically elected position as well. He should have full access with auditors and inspectors that he alone hires. All public records requests should be sent to his office and his office should have the power to take his own people to collect those records without prior notification given to the County official or employees in charge of that department. No records of the public's business should be off limits.

BCC Composition and/or County Legislative Assembly

I see no reason to burden the people of Dade County with more County Commissioners at large. The problem I see is that some Commissioners neglect their unincorporated constituency and instead concentrate their efforts on satisfying the lobbying of the elected representatives of the incorporated cities in their District. I understand that this is probably mainly due to the ability of incorporated cities to provide their own paid lobbyists who do lobbying for a living. The solution is to codify the positions of our

Unincorporated **elected** Community Council members in the Charter and give them the final say on any zoning issues for their area. This would reflect the situation that cities currently have and is the main reason people choose to incorporate in the first place. Without having to rehear zoning issues, the County Commission would be able to focus more on the regional issues at hand. This would raise the status of the Community Council as truly effective representatives of their constituency. Give our elected Community Council members the same respect afforded the elected officials from municipalities. Our Community Council Boards should not be allowed to be dissolved at the whim of Commissioners. They need to be in the Charter.

At large Commissioners were what we had before when there was no diversity on the Commission.

Redistricting should be done to still provide diversity, both racially and economically, but also should be done so that individual Commissioners only represent voters in either incorporated or unincorporated areas. That is the only way to insure that unincorporated residents aren't treated as the stepchildren of Dade County.

Municipalities and UMSA

Make a law against diverting unincorporated funds for the use of established municipalities. The County Budget should itemize where all funds are to be spent. Make it law that any interest, recaptured or refunded monies from bond issues are also used to the benefit of that portion of the County that the monies were originally earmarked for. Any County official or department director that disobeys should be punished with fines, removal from their position with loss of pension. This

directing of monies is why there is such a disparity between UMSA and municipalities. We have watched the County excuse debts of new cities and given them 10 years to repay other debts, rob our unincorporated areas of seasoned police officers, provide group insurance for municipal employees, and excuse special police services debts. All this on the unincorporated resident's dime. Part of the problem is that so many of our County administrators reside in municipalities. Whether the diversion of funds is done intentionally or not, the public perception is that unincorporated residents aren't being treated fairly and their needs aren't being equally administered to downtown.

The proposal to force all of Dade County to chop up into municipalities or be annexed is absurd. First, many people have already made it very clear that they do not want to be part of a small city. They do not want another redundant layer of government or the creation of more politicians. They do not like the way these cities choose to divide themselves from the rest of the community, usually leaving the less economically advantaged out of their city limits. Furthermore, if something is put on a ballot asking if the remaining unincorporated County areas should be incorporated, the Supervisor of Elections will have quite a job dividing out only the unincorporated residents so that they can vote on the issue, especially since the voters rolls are not accurate. Of course, only the unincorporated residents should be allowed to vote on this issue, since it is only their right to decide their fate. If it was done any other way, there will surely be voting and civil rights lawsuits filed in Federal Court.

Why is it OK to allow annexation without a vote if an area has less than 250 electors residing in the area?

It seems that this would be against Federal law as well. Annexations should follow the same format as incorporations, including a MAC. For areas that are commercial with no resident voters, the business owners should be allowed to decide if they want to be annexed, since they will be the ones affected by the increases in taxes and forced to comply with any possible changes in zoning. No commercial areas should be allowed to annex if it will cause a surrounding unincorporated area to suffer the financial loss of tax revenue. No annexations should be allowed that will divide established neighborhoods or their natural boundaries. When a vote is taken on annexation or incorporation the ballot should be mailed to each registered voter. (as is done with other tax issues such as special assessments)

The package should contain an equal amount of information on the pros and cons of the decision, with an accurate accounting of the costs associated with the formation of a new governing body. The budget should be certified by two different CPAs without any connection to Dade County, other municipalities, or people who have shown an interest in the outcome. Interested residents should be allowed time to go over the accounting and question the figures. All revenue and expense items should be listed using a pre-printed form created after consulting with the County OMB and existing municipalities. Nothing should be omitted, even if it will show the current taxes can't support it. After the vote, all expenses should be paid for by the newly incorporated municipality, or by the County, if the issue fails.

One attempt to incorporate or annex the same area can be done only once every ten years. This will stop a small group of people and special interest groups from revisiting the issue continuously, to the detriment of the residents of the affected area.

Prior to any MAC, study, or vote a survey should be sent to the residents of the area asking if they even want to consider an incorporation or annexation of their area. If there is not enough interest in the first place, or the poll comes back against even considering the change of government, then the issue should go no further and can only be revisited in ten years. This would save a lot of time and money for all concerned. If there is a majority interested in incorporation, then a MAC should be created from a cross section of people from the area that reflect the racial, age, and economic demographics in the area.

There is a huge problem with informing the public of an incorporation or annexation attempt. The Miami Herald is read by very few of our County residents and the Community Newspaper is usually created to only promote one side of the issue. First, it angers residents to see a paper foisting a political agenda on them knowing that their County tax dollars are given to help support the Community Newspaper.

More care needs to be taken when handing out County funds to periodicals because it gives the impression that the County sanctions these actions or is trying to promote a County agenda.

The best solution is to have the County mail out notification, with the survey, to all residents informing them as soon as an incorporation or annexation attempt is initiated.

When a group of people want to secede from the County, it is like people are attempting to recall their governing body. It is not a friendly act towards the existing government, which leaves the people of Dade County wondering why some County elected officials and some County employees are so willing to aid and abet the effort. More care needs to be taken that the County administration provides accurate figures

with no omissions of costs or revenues. A standardized form would help solve the problem. All the blanks would have to be filled in.

The suggestion to incorporate or annex all of Dade County into municipalities will just multiply the problems that we are already experiencing with the current existing municipalities. Some were not financially viable from the start, there is the brouhaha about mitigation, there are problems with established businesses leaving the cities because of higher taxes and zoning changes, policing jurisdictional problems between adjacent cities, the current property tax situation, a diluted oversight of these small governments, and the new push of some cities to divest themselves of County Fire Services, just to mention a few.

If the County is determined to incorporate all of Dade County, then the redundant government entity will be the County Mayor, Commission, and many of its employees. The regional issues can be handled by representatives from each municipality. Of course, the representation would have to be divided equally by population, so, a large city like Hialeah would have maybe, 10 representatives to Pinecrest's one.

So then we would have a few larger cities making all the decisions.

Representation on Appointed Boards

- There is a big problem with the lack of equal representation of Unincorporated County residents on almost all appointed boards. The current Charter Committee is an example, but the South Dade Regional Transportation Study Committee was also very disturbing. The population represented by each resident on the committee residing in a municipality was one sixth of what each unincorporated committee member represented, but their votes were given equal weight. This is particularly distressing since, almost all the mass transit is planned and will be placed in the unincorporated area. This may become a Federal Voting and Civil Rights issue if it's not addressed. This inequity has not gone unnoticed by the residents of Dade County and, coupled with the feeling that many of these appointees are given direction as to a desired outcome prior to the first committee meeting ever taking place, many people are very skeptical of any "study committee." This skepticism accounts for a smaller number of residents even attempting to participate, either in the public meetings these committees hold or to hold a committee position. Right now, anger has been expressed because one of the Charter Committee Members said he was "ready to vote" on the issues without the need for the public meetings being scheduled. Thankfully, he was in the minority. Whether committee appointees

are being "coached" prior to their participation, no one will ever know, but it is the public "perception" that this is the case and so it makes it just as damaging.

Funding for non-profits, quasi government organizations, and periodicals

- Activities of these organizations should be closely monitored if County funds are used to help support them. County tax payers should not be expected to help fund organizations that act as conduits to push a Commissioner's or County agenda.

Other items that should be considered for Charter reform

- Parks
There should be a requirement that Dade County will provide 3 acres of local park land for each 1000 Dade residents written into the Charter. This is the only way we will be assured that all our "green spaces" won't be developed. This park land should be within walking distance, and in addition to the park land proposed by the Parks Department in their Master Plan, not all put out in west Dade as a buffer for the UDB.
- The people of Dade County want a moratorium on growth.

Deborah Lamb
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305-252-1118

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

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