

Miami-Dade County Charter Review Task Force Agenda
Official Version
Thursday, January 15, 2026
5:30PM
City of Homestead, Council Chambers

- I. Roll Call

- II. Pledge of Allegiance

- III. Listening Session and Reasonable Opportunity for the Public to be Heard

- IV. Topics for Discussion
 - A. Annexation/Incorporation
 - B. Article 7

- V. Comments/Discussion by Task Force members
 - A. Clerk's Meeting Minutes
 - B. Other Discussion Items

- VI. Adjournment

Attachments:

- (1) Attachment 1: Clerk's Task Force Meeting Minutes for 11.17.25
- (2) Attachment 2: Clerk's Task Force Meeting Minutes for 12.01.25

CLERK'S SUMMARY OF MINUTES
CHARTER REVIEW TASK FORCE
November 17, 2025

The Miami-Dade Charter Review Task Force (CRTF/Task Force) convened its meeting at the Stephen P. Clark Center, Commission Chambers, 111 NW 1st Street, Miami, FL 33130, on November 17, 2025 at 9:24 am.

I. ROLL CALL

Prior to the Roll Call, Deputy Clerk Tomeka Law announced that Ms. Stephanie Daniels and Vice Chairman Michael Redondo were excused from today's meeting. Following the meeting, the Clerk of the Board was notified that Mr. Eric Eikenberg was also excused from today's meeting.

The following Task Force members were present at roll call:

- Senator Alexis Calatayud;
- Mr. Robert Fernandez;
- Mr. Rafael E. Granado;
- City of Homestead Mayor Steven Losner;
- Former Miami-Dade County Commissioner Dennis Moss;
- Former City of Miami Shores Mayor Crystal Wagar;
- Ms. Rebecca Wakefield; and
- Chairman Dennis Kerbel.

In addition to the Task Force members, the following staff members were present:

- Assistant County Attorneys (ACA) Michael Valdes, Jose Vazquez and Sophia Guzzo;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Samantha Jacob, Deputy Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
- Mr. Carlos Maxwell, Assistant Director, Office of Management and Budget (OMB);
- Ms. Kimberly Brown, Chief, Planning Division, Department of Regulatory and Economic Resources (RER); and
- Deputy Clerks Basia Pruna, Kerry Khunjar Breakenridge, Israel Alonso and Tomeka Law, Clerk of the Board.

Ms. Iris Escarra and Former City of North Miami Mayor Andre D. Pierre arrived at 9:28 am and 9:29 am, respectively.

II. PLEDGE OF ALLEGIANCE

Senator Calatayud led the Pledge of Allegiance.

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III. REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD

Chairman Dennis Kerbel opened the reasonable opportunity for the public to be heard, and the following individual came forward to speak:

Mr. Grant Miller, 6796 SW 62nd Avenue, Miami, Florida spoke in opposition to extending commissioners' term limits to 9 years in contrast to the state legislators who serve 8 years. He raised concerns about proposed changes to remove the word "daily" from legal notices and sought clarification on which newspapers would qualify for legal notice publication. He advocated for greater transparency and recommended maintaining robust advertisement requirements, asserting that reducing legal notice requirements would undermine government transparency. Mr. Miller also raised concerns about the adequacy of the current one-mile radius for zoning notifications, suggesting an expansion to either three miles or maintaining at least one mile to ensure more residents received notice of zoning matters. He emphasized that transparency represented the County's biggest challenge and urged commissioners to ensure legal notices remained widely accessible to all residents.

Seeing no one else come forward to speak, Chairman Kerbel closed the reasonable opportunity for the public to be heard.

IV. CONTINUATION OF DISCUSSIONS ON THE STRUCTURE OF COUNTY GOVERNMENT

A. MOTIONS FOR CONSIDERATION

I. ITEM A: KERBEL – DIGITAL PUBLICATION

Chairman Kerbel explained that Item A proposed removing the charter requirement that ordinances be published in a daily newspaper of general circulation and instead allowing ordinances to be published in any manner authorized by state law for legally required notices. He stated the purpose was to remove the additional charter impediment to public notices, noting that special taxing district ordinances were particularly affected because advertising requirements prevented them from being processed as quickly as other items. Chairman Kerbel clarified that zoning notices were handled separately under code provisions that included mailed notices to property owners and posting, and emphasized that the amendment would only remove the requirement from the charter and allow the Board of County Commissioners to set notice policy by ordinance as they had already done for other items.

Commissioner Moss asked what state law stipulated about publicizing legal notices. He followed up by questioning whether the cost-benefit analysis had considered the reach of notices,

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specifically comparing online publication on the county website versus circulation through various news media.

ACA Valdes explained that Florida Statute 50.0311, passed in 2022, allowed governments to post legal notices online on a publicly accessible county website under certain conditions, including completion of a cost-benefit analysis demonstrating cost savings compared to newspaper publication. He stated that the county had performed such an analysis several years prior for certain legal notices and determined it would be cost-effective to provide those notices on the county website. ACA Valdes clarified that this was permitted for certain items but not for ordinances due to the charter language, which imposed its own obligation. He noted that the county's legal ads and public notices website allowed members of the public to sign up to receive emailed copies or notifications of all legal notices rather than having to check the website, and offered to provide Commissioner Moss with the resolution containing the cost-benefit analysis.

Commissioner Moss stated he understood the cost-saving rationale but expressed concern about whether online notices served the public's best interest regarding notification, questioning how many county residents would automatically visit the county website to look for meetings and similar information.

Chairman Kerbel responded that he proposed the amendment because the county had already adopted this approach for other items, and only the charter requirement prevented the discussion about applying it to ordinances. He emphasized that removing the charter impediment would still require the County Commission to take action to execute the change, or alternatively, the Commission could decide to continue publishing ordinances in newspapers, but at least they would have the option and could hold that discussion with the public.

Ms. Escarra commented that Miami-Dade County's digital service functioned effectively, noting that once residents signed up for certain notices regarding county meetings and committee meetings on topics of interest, notices were delivered directly to their inbox. She stated that cost savings existed with digital publication compared to newspapers that people might not be reading as frequently, noting she personally checked online sources in the morning. Ms. Escarra expressed her view that alternative methods could save money and that not everyone was reading newspapers as they previously had.

Mr. Granado reported that Miami Beach voters adopted essentially the same provision in November of the previous year, removing a charter provision requiring ordinances to be advertised in a newspaper of general circulation. He stated that when Miami Beach conducted its study, newspaper recipients numbered fewer than 3,000 in a population of 83,000, and the cost savings had been tremendous. Mr. Granado noted that most municipalities were using a single website for notices and that unlike newspapers, which could not be accessed after the day of publication, the website provided continuous access. To address concerns about website

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accessibility, he explained that state statute mandated annual newspaper advertisements informing the public they could opt in for mail or email notices. Miami Beach additionally posted advertisements weekly at libraries for those wanting physical printed copies and, acknowledging this might not work for a larger entity like the county, also provided copies to elderly housing buildings. Mr. Granado noted that residents could pick up advertisements at the office if they did not want them mailed or emailed, and copies were available at city hall. He emphasized that the system had worked well with no complaints received. Mr. Granado also highlighted that correcting errors in advertisements was instantaneous online compared to weeks for newspaper corrections, and that uploading advertisements to the website took only a minute, with many municipalities utilizing this system.

Chairman Kerbel relinquished the Chair to Commissioner Moss and moved to approve Item A – Digital Publication, as presented. This motion was seconded by Mayor Losner and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

II. ITEM B – ORGANIZATION OF THE COMMISSION AND COMMISSION COMMITTEES

Chairman Kerbel resumed the Chair and introduced Item B, explaining that following the expiration of COVID emergency orders, limitations in the charter regarding the definition of "presence" created obstacles for virtual meetings. He noted that state law provided unclear guidance on local government authority to permit virtual meetings. Chairman Kerbel proposed amending the charter to remove this obstacle and allow the Board to determine the level of virtual participation in meetings consistent with state law. He amended his proposed language from "to the extent consistent with state law" to "unless otherwise prohibited by state law" to provide the Board with maximum flexibility. Chairman Kerbel characterized this as a technical change to enable electronic participation where possible, noting his belief that a physical quorum would always be required but that the charter should accommodate potential changes in state law.

Commissioner Moss inquired about state law requirements concerning virtual meetings and expressed support for the concept.

ACA Valdes explained that state law addressed virtual participation primarily for state agencies and remained largely silent on requirements for local governments such as counties or municipalities. He noted that Attorney General opinions issued to municipalities and local government bodies regarding remote participation typically indicated that when charter or governing documents required a quorum to be "present" without defining the term elsewhere, the Attorney General interpreted "presence" to mean physical presence. ACA Valdes explained that

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state law requirements mandating public meetings and public participation likely necessitated physical presence at some point. He outlined that the key questions involved whether a quorum could be established by commissioners appearing remotely and whether commissioners could vote or participate remotely even with a physical quorum present. ACA Valdes clarified that Attorney General opinions generally deferred to the natural meaning of "presence" based on charter or other governing documents. He stated that the proposed change would allow the charter's use of "present" to include remote participation if permitted by state law.

Commissioner Moss sought clarification on whether members who were absent could log in remotely and be counted toward quorum if procedures and laws permitted such participation.

ACA Valdes confirmed that if the Board's procedures permitted remote participation and state law did not prohibit it, the amendment would establish a framework requiring both conditions; the absence of state law prohibition and authorization through the Board's rules of procedure. He emphasized that the amendment would enable such participation, which was currently not permitted under the existing charter language.

Chairman Kerbel relinquished the Chair to Commissioner Moss and moved to approve Item B, as amended. Mayor Pierre seconded the motion and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

III. ITEM C – RESOLUTION AND ORDINANCES

Chairman Kerbel resumed the Chair and introduced Item C, characterizing it as another technical cleanup item. He explained that the charter currently required ordinance titles to be read in full, noting that times had evolved since the requirement was first adopted when it may have been the only way the public could hear the title. Chairman Kerbel stated the purpose was to eliminate the requirement for the county attorney to read one or two page-long titles at the beginning of meetings, which consumed considerable time, particularly given that the public now had alternative methods of obtaining this information through the internet and other means.

Chairman Kerbel relinquished the Chair to Commissioner Moss and moved that Item C be approved, as presented. Mayor Pierre seconded the motion and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

Chairman Kerbel then made a second motion to instruct the County Attorney's office to revise the previously adopted ballot language on technical amendments to incorporate the three (3)

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changes into a single ballot question without requiring the Task Force to review the revised language again. He stated he wanted to provide the County Attorney's office with maximum flexibility to work out the details with the Board when the matter moved forward. Mayor Pierre seconded the motion, and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

B. OTHER DISCUSSION ITEMS

1. RESIDENCY REQUIREMENTS TO RUN FOR OFFICE

Mayor Losner presented three discussion items for Task Force consideration: residency requirements for Commission candidates, County Commission vacancies, and election of the Board of County Commissioners Chairman. He proposed extending the residency requirement from six (6) months to one (1) year and requiring voter registration in the district for the same period, stating this would create an additional indicator of genuine residency commitment.

Mayor Pierre expressed support for Mayor Losner's residency proposal and raised concerns about documentation requirements for proving residency. He noted instances where individuals obtained lease agreements from acquaintances to satisfy requirements and suggested implementing more stringent qualifying document requirements and actual district registration verification.

Chairman Kerbel requested that ACA Valdes address qualification requirements under state law.

ACA Valdes explained that candidate qualifications for County Commission fell within the county's home rule powers, allowing discretion to establish requirements. He stated that state law required candidates to take an oath at qualification, attesting that all necessary qualifications had been met, and that this represented a ministerial duty for the Supervisor of Elections (SOE) to accept qualification papers. ACA Valdes clarified that state law did not require the SOE to review papers or determine accuracy of representations, noting that candidates needed only to attest they met qualifications, with challenges left to others. He confirmed that no supporting documentation was required under state law beyond the candidate's oath, though the county could include additional requirements under its home rule powers.

Chairman Kerbel inquired whether the Clerk of the Board or SOE would be responsible for accepting and verifying heightened residency requirements.

ACA Valdes stated he could not determine which entity would be most appropriate but noted that current county code provided a mechanism for challenging candidate residency validity through complaints filed with the Inspector General. He explained that the Inspector General investigated such complaints and could bring action to validate allegations or challenge

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candidacy if district residency requirements had not been met. ACA Valdes further explained that while the charter could require specific documentation, the SOE was not positioned to challenge the veracity or accuracy of documents received from individuals. He stated that any dispute over documentation accuracy would require a separate challenge, typically by an interested candidate challenging an opponent's candidacy.

Mayor Pierre asked how the accuracy of a driver's license could be challenged.

ACA Valdes clarified that his reference to challenging documentation accuracy pertained to items such as lease documentation demonstrating residency, which had been subject to candidate challenges. He noted that for Mayor Losner's proposal requiring demonstration of registered voter status in the district, public records could be easily provided.

Commissioner Moss inquired whether other jurisdictions used clear standards for determining residency and requested research on documentation requirements used in other districts.

ACA Valdes stated he was not aware of clear standards used in other jurisdictions but offered to research the matter. He explained that residency challenges were common in election litigation and represented a complex area requiring courts to make fact-specific determinations. ACA Valdes noted that residency challenges had become a hallmark of election litigation, involving battles of testimony in which courts interpreted residency as typically being in the candidate's own determination of where they considered themselves resident. He provided examples including individuals with multiple properties or college students studying away from home, emphasizing that these represented complicated, fact-specific determinations.

Mayor Losner acknowledged Mayor Pierre's concerns but requested separation of the two issues, extending the residency requirement timeline versus documentation requirements, to avoid conflating his proposal to move the requirement from six (6) months to 12 months with more complex documentation questions.

Chairman Kerbel agreed to address the issues separately, directing research on the qualification documentation question for future discussion.

Mr. Granado sought clarification that the one-year requirement would apply immediately prior to qualification rather than any previous one-year period.

Mayor Losner confirmed the requirement would apply for the 12 months immediately preceding qualification, specifically measured from the first day of the qualifying period. He noted that the City of Homestead's (Homestead) charter was structured this way, providing a definite date from which to calculate the preceding twelve months.

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Mr. Granado noted that the City of Miami Beach's (Miami Beach) charter, adopted approximately four (4) years prior, included specific documentation requirements that could serve as a research reference.

Mayor Losner moved to amend the charter to extend the district residency requirement to 12 months preceding the first day of qualification and to add a requirement that candidates be registered to vote in the district for the same 12-month period, clarifying that registration must be within the district but not necessarily at the specific qualifying address.

Mayor Pierre sought clarification on whether candidates qualifying on the final day of a multi-week qualifying period would need to meet the requirement.

Mayor Losner explained that based on Homestead's experience, the 12-month calculation was measured from the first day qualifying opened, meaning candidates could qualify any time during the qualifying period provided they met the requirement by the opening date.

ACA Valdes requested clarification on the timing requirement, noting that current charter language required candidates to meet the six-month district residency and three-year county residency requirements "before qualifying," which represented a sliding scale. He sought confirmation that the intent was to establish the requirement prior to the beginning of the qualifying period.

Mayor Losner confirmed he had no intention to change the three-year county residency requirement, only the district residency requirement with the additional voter registration layer. He clarified that candidates would need to meet the 12-month requirement by the day before qualifying commenced.

Chairman Kerbel and ACA Valdes discussed whether the three-year county residency requirement would also be measured from the first day of qualification.

Mayor Losner confirmed his intention to apply the first-day-of-qualification timing to both the district and county residency requirements.

ACA Valdes confirmed he understood the direction and could make the necessary language changes. The motion passed with no recorded opposition.

Mayor Losner restated his motion to amend the charter to extend the district residency requirement to 12 months preceding the first day of qualification and to add a requirement that candidates be registered to vote in the district for the same 12-month period, clarifying that registration must be within the district but not necessarily at the specific qualifying address.

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Mayor Wagar seconded the motion and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

2. COMMISSION VACANCIES

Mayor Losner advocated for establishing a requirement that any vacancy with more than one year remaining in the term be filled by special election rather than Commission appointment. Drawing from his experience with Homestead's charter overhaul, he stated that the Commission currently possessed absolute discretion to either appoint for any length of time or call a special election, and he proposed establishing that any remaining term of more than one year, 366 days or more, be filled by special election, while terms of one year or less could be filled by appointment. Mayor Losner noted that mobilizing an election and qualifying period would consume approximately 90 days of a twelve-month term.

Ms. Escarra raised concerns about the significant costs of special elections, characterizing them as a burden on municipalities and the county. She noted that the county typically conducted elections in August with occasional November runoffs, and inquired whether a mechanism existed to consolidate elections with regularly scheduled August elections rather than conducting costly off-cycle special elections, particularly in cases of abrupt resignations as opposed to planned resignations to run for other offices.

Mayor Losner acknowledged the expense but noted that special elections would typically involve only a single commission district rather than a countywide election.

ACA Valdes explained that the charter provided the Board with two options: appointing someone within 30 days following creation of a vacancy, or if no appointment was made, calling a special election no more than 90 days thereafter. He clarified that special election winners served the full remainder of the unexpired term, while appointees served only until the next countywide election, typically in August of even-numbered years. ACA Valdes explained that whoever won that next countywide election would serve the remainder of the term.

Ms. Escarra inquired whether a mechanism existed or needed to be created to allow proactive scheduling of elections when commissioners resigned to run for other offices, noting that the county appeared unable to call a special election until after the effective date of resignation. She suggested that if someone resigned in June effective November, the county could schedule an election concurrent with that November election to achieve cost savings rather than conducting a subsequent special election.

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Mayor Losner stated that such concurrent elections were possible, noting that while it would be called a special election, it would occur concurrent with the August or November election.

Ms. Escarra referenced Commissioner Higgins's resignation announcement and suggested it would have been cost-effective to place the seat on the November ballot rather than conducting a special election in January or February, representing an additional expense.

Responding to Chairman Kerbel's inquiry as to whether such a mechanism existed, ACA Valdes explained that in 2020 the charter was amended to provide a mechanism under certain circumstances. He stated that the charter provision allowed vacancies created by irrevocable resignations to run for another office, effective after the primary or general election in accordance with state law, to be filled by election as if the officer's term were otherwise scheduled to expire. ACA Valdes clarified that this provision applied when resignations occurred in even-numbered years, allowing the county to utilize its already-scheduled countywide August and November elections by adding a special election question. He noted that the current issue involved an odd-numbered year with no countywide elections, which prevented the provision from triggering even with an irrevocable resignation. ACA Valdes stated that if an irrevocable resignation to run for another office occurred prior to August or November 2026, the vacancy could be filled by adding the question to the primary or general election ballot.

Chairman Kerbel inquired whether cost savings would have resulted from applying this provision in odd-numbered years, allowing the County Commission election for District 5 to occur in November.

ACA Valdes stated that the SOE would best address cost considerations, noting that city elections involved different ballots for different parts of cities since a county seat might extend beyond particular city boundaries. He noted that District 5 extended to the City of Miami, City of Miami Beach, and potentially unincorporated areas that might not have had elections at that time. ACA Valdes explained that the 2020 provision's rationale was based on countywide elections where everyone eligible to vote in a vacancy election would already be participating in a concurrent election.

Chairman Kerbel sought clarification on the maximum service time for appointees under current charter provisions.

ACA Valdes confirmed that assuming someone resigned immediately after winning office and appointment occurred immediately thereafter, the maximum service period would be slightly less than two years.

Mayor Losner stated that Commission appointments signaled to donors which candidate the Commission favored, providing appointees with significant fundraising advantages through incumbency. He argued that appointments removed ultimate decision-making from district

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residents, even for periods of one and a half to two years, due to implicit signals conveyed by the appointment.

Mr. Granado agreed with Mayor Losner's proposal that vacancies should be filled through elections by the people. He acknowledged election expenses but suggested that consolidating elections with the major cities within Miami-Dade County in odd-numbered years could achieve significant cost savings. Mr. Granado noted that Miami Beach's elections cost approximately \$400,000, with runoffs proving even more expensive when not consolidated with other cities. He stated that in odd-numbered years, the major municipalities, Miami, Hialeah, Miami Beach, and Homestead; conducted elections, and noted that a special election could have been held knowing Commissioner Higgins's resignation date, with machines already deployed and programmed, resulting in substantial cost savings for cities and the county.

Commissioner Moss opposed the proposed amendment, stating he did not want to remove the Board's flexibility to make such decisions. He argued that commissioners were elected officials making decisions in the public's best interest, noting that the Board would still need to approve the Task Force's recommendation. Commissioner Moss expressed doubt that this proposal would generate sufficient public support for a ballot initiative requiring 20% of signatures.

Mayor Losner responded that he stood with voters rather than politicians.

Commissioner Moss stated that elected officials came to their positions for various reasons and expressed his inclination to believe they served in the public's interest and pursued what was right. He reiterated his opposition to removing the County Commission's flexibility to determine whether to conduct an election or make an appointment. Commissioner Moss expressed skepticism that the Commission would support the proposal and questioned whether it would generate sufficient community support to meet petition signature requirements.

Ms. Escarra stated she agreed with Commissioner Moss's position but suggested adding language allowing the Commission the option to hold an election in an odd-numbered year if desired, noting potential efficiency particularly in cases like Commissioner Higgins's resignation where jurisdictional coverage facilitated such elections.

Mayor Losner noted that under current charter provisions, the Commission could call an election within 90 days and that nothing precluded calling a special election when a commissioner departed during an odd-numbered year.

Ms. Escarra clarified that her concern involved providing flexibility to conduct elections earlier than 90 days or scheduling them to avoid off-cycle timing, referencing Commissioner Higgins's situation where waiting until after the effective date before calling an election would result in a January or February special election off the regular cycle.

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Mayor Losner acknowledged political considerations but noted that some timing issues resulted from statutory requirements imposed on the SOE regarding qualifying and publishing elections. He emphasized that under resign-to-run scenarios, statutory timeframes created challenges. Mayor Losner argued that District 5 residents were subjected to political machinations by officials they could not hold accountable in the next election, as each voter could only hold accountable their single commissioner.

Mayor Pierre sought clarification that under current rules and the election calendar, appointees would serve no more than two years even after an immediate resignation, and under Mayor Losner's proposal, appointees would serve only 12 months with anything longer requiring a special election.

ACA Valdes confirmed Mayor Pierre's understanding, stating that based on the election calendar, no vacancy would have more than two years before a countywide election, making the maximum appointee service approximately 23 months even with immediate resignation after winning election. He confirmed that Mayor Losner's motion would limit appointee service to no more than 12 months, requiring a special election for anything longer.

Ms. Wakefield inquired about current law regarding effective dates of resignations, understanding these occurred within the window from election to when the office holder would enter office.

Mr. Granado stated that while the effective date was known, resignations technically did not take effect until the person actually departed. He explained that Miami Beach addressed this by having the Commission decide whether to appoint or elect once an irrevocable resignation was announced, providing the SOE sufficient time for the next election. Mr. Granado questioned when the Commission could begin taking action, noting that Miami Beach acted upon announcement.

ACA Valdes confirmed that courts had consistently interpreted that vacancies were not created until the actual effective date of resignations, and boards could not take action prior to that date to fill seats prospectively. He explained that rationale existed for this interpretation, including the question of whether soon-to-be-resigned commissioners who remained on the dais should vote on calling special elections while still serving until their resignation became effective. ACA Valdes stated that similar issues existed with appointments, as someone typically could not be appointed until the seat was vacant. He noted that the charter provision for prospective resignations aligned with even-numbered years specified exactly what occurred rather than requiring board decisions, whereas odd-numbered years involved special elections potentially aligned with municipal elections but not elections the county itself was already conducting.

Mr. Granado stated that the question of who votes represented a drafting issue.

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ACA Valdes stated he needed guidance so the Task Force could decide how language should be included to avoid creating ambiguity in the charter.

Mr. Granado requested that ACA Valdes draft language for review at the next meeting, proposing that in resign-to-run situations with known irrevocable resignations, the Commission be allowed to appoint or call for a special election prior to the person actually vacating their seat, with the departing individual precluded from voting on whether to appoint or hold an election.

Chairman Kerbel identified two scenarios: one involving known irrevocable resignations with a clearer path where cost considerations could be addressed with SOE guidance at the next meeting, and another involving unforeseen resignations where the issue would become relevant. He clarified that the pending motion addressed unexpected scenarios while a different answer might exist for certain resignations that the charter could specify.

Mayor Losner clarified that the motion under consideration addressed unforeseen vacancies rather than affirmative resignations to run, noting that Homestead's charter bifurcated these as two separate paths. He offered an amendment that the motion apply to unforeseen vacancies.

Chairman Kerbel stated that along with Commissioner Moss's position, he supported providing the Commission with maximum flexibility. He noted that voters had opportunity within the two-year period, likely shorter in practice, to weigh in on representation. Chairman Kerbel emphasized the importance of ensuring district representation as quickly as possible, stating that appointment represented the only method to achieve this and incurred lesser expense. He indicated his voting position on this basis.

ACA Valdes requested direction on motion specifics, noting that while he understood the articulated concept, the charter currently provided options for appointment within 30 days or special election call within 90 days if no appointment occurred. He stated that specifics regarding special election timing and other details needed to be determined either immediately or through work with the motion sponsor.

Mayor Losner amended his motion to require a special election when there was an unforeseen vacancy and the remainder of the term was more than one year. This motion was seconded by Mr. Granado, and upon being put to a vote, failed 4-6 (Chairman Kerbel, Commissioner Moss, Ms. Escarra, Mayor Wagar, Mayor Pierre and Mr. Fernandez voted "no"; Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

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Chairman Kerbel noted that the question of mandating elections based on resignation certainty would return as a discussion item, with the SOE requested to send a representative to the next meeting to discuss costs and other relevant issues.

Mayor Losner's third proposed topic involved having the Commission Chairman elected by the countywide electorate. He declined to pursue this issue and stated he would not advance the proposal.

3. BCC CHAIRMAN ELECTED BY THE PEOPLE

Chairman Kerbel noted that Mayor Losner's third topic involved having the Commission Chairman elected by the countywide electorate.

Mayor Losner stated that unless another Task Force member wished to advance the proposal, he would not pursue the issue. He indicated his assessment that the outcome of the previous discussion demonstrated deference to the Commission rather than prioritizing what he viewed as the people's best interests.

V. INTRODUCTORY DISCUSSION LAND USE/RESILIENCE

Chairman Kerbel introduced the topic of sea level rise, resilience, and urban development boundary, noting that staff from the Department of Regulatory and Economic Resources (RER) were present. He stated the purpose was to provide an opportunity for staff to understand what the Task Force wanted to discuss, with earnest consideration planned for the next meeting.

Ms. Escarra stated she was not a fan of land use provisions in charters and noted she had reviewed the Department of Planning - Sections 507 and 508. She identified cleanup items in Section 508, including outdated references to the City of Miami Water and Sewer Department, which the county assumed in the 1970s, and the Water and Sewer Authority. Ms. Escarra requested that staff return with suggestions for updating these sections.

Ms. Kimberly Brown confirmed that the department would review the cleanup items in Section 5.08 previously mentioned.

Mayor Pierre asked whether staff could address how the county applied surcharges to water distribution to different cities within the county, particularly when the water plant was located within city limits and the same water was sold to county residents.

Ms. Brown stated this represented a technical question requiring specific staff from the county's water and sewer department and requested to address the issue at the next meeting.

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Chairman Kerbel explained that his purpose in introducing the topic was to develop questions and facilitate a more productive discussion rather than introducing it unexpectedly at the next meeting.

Mayor Pierre sought clarification on whether the discussion addressed land use and resilience as one issue or separately.

Chairman Kerbel explained that he bundled the topics together because the Task Force was limited in what could be done in the charter regarding actual land use regulation. He noted that while there had been specific questions about the urban development boundary, in terms of land policy, resilience and sea level rise represented areas where charter provisions might be more appropriate. Chairman Kerbel stated he combined them because of the limitations on land use regulation itself, though the topics worked together and were meant to be free-flowing discussion.

Chairman Kerbel questioned whether anything could be done consistent with state law regarding the urban development boundary and the charter. He noted the current vote requirement for urban development boundary changes or expansions and stated that while he had doubts about the issue, he wanted to facilitate discussion regardless of his personal views. Chairman Kerbel identified this as a topic for the next meeting and solicited other issues relating to sea level rise, resilience, or land use policy.

Commissioner Moss inquired whether land use and resilience would be the only topics at the next meeting.

Chairman Kerbel stated the Task Force would address Mr. Granado's question and could bring up other topics if desired. He noted his intention to begin discussion of annexation and incorporation in earnest in January or February, identifying it as one of the remaining major topics, and asked whether Commissioner Moss wanted to discuss other matters.

Commissioner Moss stated he raised the question because he was uncertain how much conversation and time would be devoted to land use and resilience given the Task Force's limitations in that area, and he wanted to ensure productive use of time.

Mayor Pierre reminded the County Attorney to research the residency documentation issue.

Chairman Kerbel confirmed that two holdover issues from the structure discussion would return: odd-numbered year special elections and qualification requirements, the latter of which would be added to the first question the Task Force had approved from Mayor Losner's proposal. He stated this would constitute a second sentence addressing qualifications and invited discussion or suggestions for the next meeting.

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Ms. Wakefield raised concerns about public notice and awareness of larger land use and resilience issues. She noted that land use decisions tended to be experienced piecemeal by the public and suggested that for issues like the urban development boundary or large-scale resilience matters, better mechanisms should exist for people to understand potential impacts in plain language. Ms. Wakefield proposed that notices could be sent to HOA lists or zones where people could understand what was at stake, noting that county staff produced extensive reports that few people read. She inquired whether there was a value-added approach aimed at average people and whether such improvements had an appropriate role within the charter.

Chairman Kerbel suggested framing it as a charter question regarding whether minimum notice requirements should exist for specific topics and what such notices should contain. He noted that notices appeared appropriate for the charter but questioned the scope and how it would differ from current requirements, since the master plan, as an ordinance, already received standard ordinance notice. Chairman Kerbel asked that staff provide recommendations on whether anything beyond existing ordinance noticing warranted inclusion in the charter.

Commissioner Moss inquired whether regulating certain violations was covered under the charter or under ordinances implemented by the County Commission, providing as an example the ability to cite someone for having a trailer in their yard not being used for appropriate purposes. He asked about limitations regulators faced in verifying illegal property uses and whether this constituted a charter review matter.

Chairman Kerbel indicated that the matter appeared to involve Fourth Amendment constitutional considerations rather than charter or local law issues.

ACA Valdes explained that regarding regulations and prohibited acts and their penalties, the Home Rule Amendment specified these were typically handled by the Board passing ordinances relating to county affairs, property, and government, with suitable penalties for violations. He noted similar powers were provided to the Board under Section 1.01 of the charter for ordinance-based decisions. Regarding investigation processes for violations, ACA Valdes explained that Fourth Amendment constitutional considerations existed under both the U.S. and Florida Constitutions, which provided what he described as a floor of protections. He clarified that while the county charter could provide greater protections, it could not authorize mechanisms below constitutional protections or in violation of Fourth and Fourteenth Amendment protections regarding due process and unreasonable searches and seizures.

Commissioner Moss confirmed that limits existed under the Fourth Amendment.

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ACA Valdes confirmed that investigations for code enforcement violations could be governed by Fourth and Fourteenth Amendment protections regarding due process, unreasonable searches and seizures, and various other protections.

Chairman Kerbel stated that the Task Force could not address the matter in the charter to facilitate easier investigation, and that whether they should do so represented a separate question from whether they could.

Ms. Escarra noted that several meetings prior, the Task Force had requested that staff and legal provide a recommendation list for upcoming sections and sought confirmation that this would be received before the topic was addressed.

ACA Valdes confirmed that staff had been working with RER and the County Attorney's office on suggested changes and would be able to present them at the next meeting.

Chairman Kerbel confirmed the next meeting was scheduled for December 1st at 10:00 AM on the 18th floor. He stated the meeting would address land use, resilience, sea level rise, and related topics. Chairman Kerbel noted that he hoped to have better information on forum availability, as regional meetings in the south and west remained pending. He stated that in addition to addressing the two remaining questions and introducing new topics, the Task Force could begin considering annexation and incorporation issues, which he anticipated would generate robust discussion. Chairman Kerbel mentioned considering a western regional meeting in January or February and noted that a southern meeting, possibly in Homestead in January, was being coordinated with the mayor and district commissioner.

Ms. Escarra requested that for the annexation discussion, staff provide a recap of the last three annexation topics that went to voters, including those that passed and failed, with ballot questions to refresh members' memories, similar to information provided for other topics.

Chairman Kerbel stated this information would hopefully be distributed at the next meeting.

VI. COMMENTS/DISCUSSION BY TASK FORCE MEMBERS

A. Clerk's Meeting Minutes

Ms. Escarra moved to approve the October 10, 2025 CRTF minutes. This motion was seconded by Mr. Granado and upon being put to a vote, passed 10-0 (Vice Chairman Redondo, Ms. Daniels, Mr. Eikenberg, Mayor Dieguez and Mr. Jimenez were absent).

VII. Adjournment

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Hearing no other business come before the Charter Review Task Force, the meeting was adjourned at 10:47 am.

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The Miami-Dade Charter Review Task Force (CRTF) convened a meeting at the Stephen P. Clark Building, 111 NW 1st Street, Conference Room 18-3, Miami, Florida 33128, on December 1, 2025, at 10:30 a.m.

I. Roll Call

Prior to the roll call, Deputy Clerk Zorana Milton announced that Ms. Stephanie V. Daniels, Mr. Rafael E. Granado and Vice Chairman Michael D. Redondo were excused from today's meeting.

The following Task Force members were present at roll call:

- Senator Alexis Calatayud;
- Mr. Eric Eikenberg;
- Ms. Iris Escarra;
- Mr. Robert H. Fernandez;
- Mr. Jose Jimenez;
- Mayor Steven D. Losner;
- Mayor Andre D. Pierre;
- Ms. Rebecca Wakefield;
- Former Miami-Dade Commissioner Dennis C. Moss; and
- Chairman Dennis A. Kerbel

Mayor Crystal Wagar arrived at 11:21 a.m.

In addition to Task Force members, the following staff members were present:

- Assistant County Attorneys (ACA) Mr. Michael Valdez and Sophia Guzzo;
- Mr. Jorge Damian de la Paz, Director of Policy, Office of the Mayor;
- Ms. Samantha Jacob, Deputy Director of Policy, Office of the Mayor;
- Ms. Demetria Henderson, Director of Legislative Affairs, Office of the Mayor;
- Ms. Tivia Rouland, Deputy Director of Legislative Affairs, Office of the Mayor;
- Mr. Roy Coley, Chief Utilities and Regulatory Services Officer, Office of the Mayor;
- Mr. Oren Rosenthal, Attorney, Supervisor of Elections (SOE);
- Ms. Kimberly Brown, Chief, Planning Division, Department of Regulatory and Economic Resources (RER); and
- Ms. Zorana Milton, Deputy Clerk, Clerk of the Board

II. Pledge of Allegiance

Chairman Dennis A. Kerbel led the Pledge of Allegiance

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III. Reasonable Opportunity for the Public to be Heard

Chairman Kerbel opened the reasonable opportunity for the public to be heard and the following individuals came forward to speak:

Ms. Michelle Niemeyer, 244 Biscayne Boulevard, Miami, Florida, addressed the Task Force regarding the Board of County Commissioners' (Board) decision to appoint someone to fill District 5's vacant commission seat without holding an election; District 5 Commission seat was formerly held by Commissioner Higgins, who resigned to run for Mayor of the City of Miami. Ms. Niemeyer requested that the decision to appoint, rather than call a special election, be reconsidered. She expressed concern that within a five-year span, District 5 had three appointed commissioners, and stated that residents should have the right to choose their representative. Ms. Niemeyer further asked the Task Force to consider measures ensuring that commissioners are required to resign before running for another office. She noted that Commissioner Higgins was able to resign yet remain in office until the election date, and questioned whether a commissioner could effectively perform their duties while campaigning at the same time.

Mr. Joe Sanchez, 1684 SW 17th Terrace, Miami, Florida, requested that the Task Force focus on the requirements for elected officials who resign to run for another office and ensure that residents are given the opportunity to vote. He expressed concern that multiple commissioners had been appointed to represent District 5 over the past five years and noted that the CRTF had the ability to review this matter and help ensure a fair process. Mr. Sanchez stated that appointed officials held a significant advantage over other candidates.

Mr. Billy Corbin stated that he was a lifelong resident of Miami-Dade County and expressed concern about the Board appointing, rather than electing, someone to fill the vacant District 5 commission seat. He explained that, to avoid a citizen-led petition drive to ban appointments and require special elections, he was requesting that the CRTF reconsider its position on appointing elected officials. He further suggested that, unless an emergency required an appointment, such decisions should require either a unanimous vote or a super-majority vote of the sitting commissioners, rather than a simple majority.

Mr. Thomas Kennedy, 6601 NW 1st Place, Miami, Florida, agreed with the comments made by previous speakers regarding the appointment of commissioners rather than holding an election. He expressed concern that residents were not being given the opportunity to vote for the individual they wished to represent their district. Mr. Kennedy further noted his concern that the Commission cited a lack of funding to hold an election, yet the County had allocated substantial funds to host the Fédération Internationale de Football Association (FIFA) World Cup event.

Miami-Dade County Commissioner Oliver Gilbert III (District 1), 17988 NW 27th Avenue, Miami Gardens, Florida, spoke regarding the Water and Sewer Department (WASD) service areas. He suggested that any action taken by the CRTF should work to standardize policies rather than create inconsistencies. He expressed concern that various municipalities were able to charge any fee they chose for water service, even though they purchased the water wholesale from Miami-Dade County at a fixed price.

Commissioner Gilbert III noted that water was a necessity and that public utilities were granted the right to operate; however, because the water supply came from an aquifer and service areas effectively

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created monopolies, the County had not imposed sufficient restrictions. He encouraged the CRTF to review and regulate this issue, noting that disparities among jurisdictions could result in some residents paying significantly more for essential services.

Regarding the Board's practice of appointing individuals to vacant commission seats rather than holding an election, Commissioner Gilbert III clarified that the appointment structure was based on the State of Florida's framework for filling vacancies and was not created by the Board. He noted that if this structure were to be changed, it should be changed uniformly at the state level, not solely for the County. He further stated that Commissioner Eileen Higgins worked until her final day in office and emphasized that her work ethic should not be impugned, as she recognized the importance of avoiding gaps in service and leadership.

Seeing no one else come forward, Chairman Kerbel closed the reasonable opportunity to be heard.

IV. Continuation of Discussion on the Structure of County Government

A. Response Related to Qualifying for Election to County Commission

B. Response Related to Timing of Vacancy and Subsequent Election

Mayor Pierre inquired whether the requirement was solely a State of Florida statute or if Miami-Dade County had similar ordinances. He sought clarification regarding the Florida statute, the various processes related to resign-to-run, and the ways in which an elected official could resign to seek another office. Additionally, he questioned whether the CRTF or the Board had the authority to amend the statute, noting that several speakers had suggested making changes.

ACA Valdez clarified that the resign-to-run requirement was exclusively a State statute and that the process was governed entirely by State law. He explained that the statute prohibited an elected official from qualifying for another office while still holding their current office, unless an irrevocable resignation was submitted at least ten days before the qualifying period for the new office. He noted that the resignation could be prospective, meaning the effective date could be delayed, but it had to take effect before the new term began.

Regarding the possibility of amending the statute, ACA Valdez stated that Miami-Dade County could not modify State law through its Charter. He explained that, under the Home Rule Amendment of the Florida Constitution, Miami-Dade County had certain unique powers, including broader authority over the method of electing county commissioners. However, even within that authority, the County was still required to operate within the confines of State law. He pointed out that while the County could impose additional restrictions or regulations, it could not overrule or override State statutory requirements.

Responding to Mayor Pierre's inquiry about whether any of the 67 counties in the State of Florida were required to hold elections, ACA Valdez clarified that Miami-Dade County was the only county with a unique structure regarding the method of electing county commissioners. He explained that in all other 66 counties, any vacancy was filled through a gubernatorial appointment.

Chairman Kerbel recapped the discussion from the previous CRTF meeting regarding the timing of vacancies and subsequent elections. He noted that the discussion had been divided into two parts. The

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first concerned unexpected vacancies; during that meeting, the Trust decided not to amend the Charter to address such situations, but the matter had been left open for further discussion at today's (12/01) meeting.

The second part of the discussion focused on predictable vacancies and whether an election to fill the seat could be automatically scheduled, similar to the current Charter provision that places vacancies on the ballot during even-numbered years, when a countywide general election is already scheduled. He stated that the remaining question for the Supervisor of Elections was whether a comparable process could be implemented for elections held in odd-numbered years.

Mr. Oren Rosenthal appeared before the Trust and explained that there was no single solution to the issue because Miami-Dade County's municipal and county election systems were uniquely structured. He noted that when the Board last amended the charter in 2020, they addressed prospective resignations by allowing the affected seat to be treated as expiring prior to a countywide primary or general election. This approach aligned with the intent of former state statute 99.012 (resign-to-run). However, he emphasized that this model could not be applied in every situation, particularly when no countywide election was scheduled.

Mr. Rosenthal stated that municipal election rules varied widely among Miami-Dade's municipalities, resulting in different timelines, qualifications, costs, and preparations. Because of these differences, a uniform policy for aligning county and municipal elections was not feasible. He added that potential cost savings from conducting elections concurrently were uncertain and could fall to either the county or the municipality, depending on how the election was structured.

He further warned that aligning municipal and county elections could produce unintended consequences. For example, charter provisions and municipal codes established strict deadlines for qualifying candidates and preparing ballots; a standardized approach could make it impossible for either the municipal or county election to proceed as required. He also noted that questions could arise regarding whether a commissioner who had submitted a prospective resignation would have a conflict of interest when voting on the timing of a special election.

Mr. Rosenthal acknowledged that there was no simple solution but stated that the Trust had flexibility in crafting recommendations. He suggested that the Trust could recommend allowing the Board, in cases of prospective resignation, to work with the Supervisor of Elections (SOE) to determine whether a concurrent municipal election could be used to fill the vacancy, thus permitting the BCC to call the election prospectively rather than only after the vacancy occurred.

He cautioned, however, that any recommendation requiring the newly elected official to take office simultaneously with the outgoing official's prospective resignation could create conflicts. In some cases, the charter required the winner of an initial election to assume office before a runoff occurred, while the prospective resignation would take effect only after the runoff. This could result in two individuals holding rights to the same office, potentially triggering litigation. Mr. Rosenthal concluded by outlining additional considerations the Task Force should evaluate before making recommendations to the Board.

In response to Mr. Erick Eikenberg's inquiry about the cost of holding a special election to fill a vacant county commission seat, Mr. Rosenthal explained that the estimated cost was approximately \$1.2 million

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for a District 5 election. He noted that this estimate accounted for the printing of ballots, staffing early voting sites and polling places, processing mail ballots, and the man-hours required to administer the election.

Discussion ensued between Mr. Eikenberg and Mr. Rosenthal regarding how Congress fills vacant seats, including the applicable time frames and the length of time a seat may remain vacant, as compared to the County's process and timeline for filling a vacancy through an election versus an appointment.

Mr. Rosenthal clarified that the State statute provided flexibility, depending on when a vacancy occurs, to shorten certain time periods, particularly when attempting to conduct an election so that the seat is filled prior to a legislative session. He further explained that, with respect to MDC and its Charter, an appointment must be made within 30 days; if no appointment is made, an election must be held within 90 days, followed by a runoff election within 30 days. He emphasized that the seat would not remain vacant for eight months and noted that, if filled by appointment, the seat would be up for election at the next countywide election.

Mr. Jose Jimenez raised the issue of coordinating municipal and county elections and questioned whether preemption by the State of Florida to align all municipal elections would resolve the issue.

In response, Mr. Rosenthal explained that such preemption would address the root cause of the problem rather than merely the symptoms, noting that holding municipal elections at separate times created the issue. He stated that if all municipal elections were held in even-numbered years during the primary and general elections, costs for municipalities would be significantly lower, voter turnout would be higher, and the issue would not arise. He further noted that the existing Charter provision allowed a term to be treated as if it had otherwise expired, making the election automatic and eliminating the need for ambiguity regarding what could or could not be done during a municipal election.

Mr. Jimenez clarified that he was not suggesting that MDC coordinate its elections with municipal elections. He stated that there had been discussions among legislators in Tallahassee on this matter and that his inquiry was focused on the possibility of state preemption of municipal elections.

Mr. Rosenthal suggested, as a potential or alternative solution, that once the municipal analysis was received, it should be reviewed to determine whether the aforementioned suggestion should be presented to the voters.

Chairman Kerbel asked whether, in order to avoid a "one size fits all" approach, the Charter would need to be amended to grant the County Commission the authority to adopt an ordinance establishing such a process.

In response, ACA Valdez explained that one option would be to provide the Board with the authority to call an election in coordination with the Supervisor of Elections. He described the challenges associated with a "one size fits all" approach, noting that under the current Charter, the election is automatically triggered and scheduled to occur within a specified timeframe. He cited the most recent election involving the four largest municipalities, Hialeah, Homestead, Miami, and Miami Beach, all of which held elections on November 4, 2025, but had different candidate qualifying periods. As a result, candidates holding office would have been required to resign at different points in the process.

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ACA Valdez reviewed the varying qualifying dates for each municipality and explained that complications could arise if a municipality selected a qualifying period that was in close proximity to the election date. In such circumstances, if the Board were required to act within a specific timeframe, there might not be sufficient time to call and properly coordinate the election with other municipal elections. He provided additional details regarding why a uniform approach could prove difficult and highlighted the challenges associated with synchronizing county and municipal elections.

Additionally, ACA Valdez advised that an amendment to the Charter would be necessary to authorize such action.

Following further discussion regarding synchronizing municipal and county elections and the potential issues that such alignment could present, ACA Valdez clarified that the Charter could be amended. He explained that the Home Rule Charter and the Florida Constitution grant Miami-Dade County unique authority, including authority related to the method by which municipalities may amend their charters. Accordingly, if the Board were to amend a municipal charter by changing election dates, Miami-Dade's Charter would need to clearly and specifically authorize that action. He emphasized that the change could not merely appear to be accomplished by ordinance, but instead must expressly reflect that the amendment of the municipal charter was authorized, as this authority is one of the exclusive powers set forth in Miami-Dade's Charter.

Former Miami-Dade Commissioner Dennis Moss expressed concern that imposing the Board's will on municipal governments by requiring them to amend their charters to change election dates was problematic and constituted an overreach. He asked ACA Valdez to explain the process used throughout the State of Florida to fill vacant commission seats and to clarify whether the Governor of Florida had the authority to call an election to fill a vacant commission seat.

Responding to Mr. Moss' comments, ACA Valdez explained that, by virtue of the Home Rule Amendment, the Board was able to establish methods for the election of county commissioners that distinguished Miami-Dade County from state law. He noted that the other 66 counties in Florida did not have this authority; therefore, in those counties, the manner in which county commissioners were elected or appointed, and how vacancies were filled, was governed uniformly by the Florida Constitution and state law.

ACA Valdez referenced Florida State Statute Chapter 114.04, which provides that the Governor of Florida fill vacancies in state, district, or county offices, other than seats in the State Legislature, by appointment. He further explained that, in Florida's other 66 counties, a vacancy on a county commission is filled by gubernatorial appointment. Only in Miami-Dade County are vacancies filled by action of the Board, either by calling an election or making an appointment.

Responding to Ms. Iris Escarra's inquiry regarding whether the Task force could make a recommendation that the qualifying dates for municipal elections occur on a consistent date with the county and all other municipal cities. Mr. Rosenthal advised that the trust could make a recommendation that provided that the qualifying dates be no sooner than a certain number of days prior to an election. However, this could prove difficult and problematic because all of Miami-Dade county's municipalities have different qualifying and election dates. Additionally, Mr. Rosenthal stated that the Task force could consider a

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qualification window, similar to the one in the county's charter, but suggested weighing the policy choice of whether or not that would be considered a heavy-handed approach to this county issue.

Responding to Ms. Iris Escarra's inquiry regarding whether the Task Force could recommend that qualifying dates for municipal elections be standardized to coincide with county and other municipal elections, Mr. Rosenthal advised that the Task Force could make a recommendation requiring that qualifying dates occur no sooner than a specified number of days prior to an election. He cautioned, however, that such a recommendation could be difficult and problematic, as municipalities throughout Miami-Dade County currently had differing qualifying periods and election dates.

Mr. Rosenthal further stated that the Task Force could consider establishing a qualification window similar to the one set forth in the county's charter, but he advised weighing the policy implications of whether such an approach might be considered overly heavy-handed in addressing this countywide issue.

Subsequently, Chairman Kerbel asked whether the Charter could be amended to authorize the Board to effectively prohibit late qualifying periods. In response, ACA Valdez stated that he would need to review how qualifying dates were addressed in municipal charters, noting that changing municipal qualifying dates could constitute an amendment to those municipalities' charters.

ACA Valdez cautioned Trust members that altering municipal qualifying dates could give rise to potential litigation, particularly due to issues such as changes to resignation-to-run requirements, the need to provide adequate notice to prospective candidates that qualifying dates had been modified, or the risk of excluding individuals who had planned to run based on previously established qualifying periods. He requested additional time to review the recommendation and to identify any unintended consequences associated with the Board's amending qualifying dates.

Following further discussion regarding the possibility of changing qualifying dates, Mayor Losner expressed concern that the issue was becoming overly complicated and stated that he was uncomfortable with altering the qualifying dates of municipal elections. He pointed out that the larger issue here was that under the current charter, the Board did not have the ability to set an election until after the vacancy actually occurred. Mayor Losner inquired if this were to move forward, would this be the best way to amend the charter.

Mayor Losner expressed concern that the issue of amending municipal election dates was being complicated. He noted that the core issue revolved around the setting election dates for Board vacancies, which is currently restricted by the County's charter because it does not allow the Board to set the election date until a vacancy occurs, leaving only 75-90 days to coordinate, advertise, and conduct a special election. To address this issue, Mayor Losner proposed amending the charter that upon receipt of an irrevocable resignation, the Board could immediately set the election date, allowing the SOE sufficient time to organize and include the special election on the ballot.

ACA Valdez responded to Mayor Losner's comments and explained that the Charter could potentially be amended to allow elections to be synchronized by taking action upon the submission of a resignation, rather than waiting until the resignation's effective date.

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ACA Valdes confirmed that Mayor Losner's proposed solution, amending the charter to allow the Board to act upon the submission of the resignation rather than waiting for its effective date, could effectively synchronize the election process.

Chairman Kerbel agreed with ACA Valdez's suggestion, in addition to amending the charter by moving up the qualifying period to allow sufficient time to synchronize elections and streamline the process for filling vacancies.

ACA Valdez outlined the qualifying dates for the four major cities within Miami-Dade County with the City of Miami having the latest qualifying period of September 5th through September 20th.

Mayor Losner stated that given the late September qualifying date, the Supervisor of Elections could print the ballots and conduct elections, including early voting within the necessary timeframe.

Mr. Rosenthal pointed out that the success of Mayor Losner's proposal largely depended on the number of voters participating in the election, as managing election timing and programming was a significantly simpler for smaller municipalities with tens of thousands of voters to larger districts with hundreds of thousands. He made several suggestions that included giving authority to the Board to set the qualification period to match election timing and setting the time to take office on the officer's resignation date, eliminating the "resign to run" issue.

Mr. Rosenthal identified the main challenge as run-off elections because it would be conducted within one week for smaller cities, three weeks for larger municipalities, and up to 30 days for countywide elections. He recommended the Board the flexibility to set qualifying dates, synchronizing elections to prevent confusion from multiple vote by mail ballots.

Mr. Jack Freedman of the League of Cities agreed that municipality charters were complex because municipalities frequently modified its qualifying dates via charter amendments, the SOE was responsible for establishing qualifying and election dates for special elections rather than these being directly coordinated by the municipalities.

Mr. Robert Fernandez, with his experience in elections law litigation, noted that the Task Force's desires was to move away from Board appointments and suggested making appointments more difficult by requiring a supermajority of the remaining commissioners, rather than amending the charter regarding special elections, which involves various complex considerations.

Ms. Rebecca Wakefield agreed with Mr. Fernandez and proposed stricter appointment requirements by requiring a voluntary pledge from the appointed Commissioner not to seek election for the seat to which they were appointed. She noted that this proposal would reduce the incumbent advantage in a subsequent special election.

Mr. Jose Jiminez recalled instances within other municipalities that attempted to use the pledge to prevent an incumbency advantage and had been advised by the attorneys that the person cannot be held to that pledge. He suggested establishing an objective qualification requirement, much like a residency requirement, rather than relying on voluntary pledges that could be deemed unenforceable.

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Chairman Kerbel questioned the legality of imposing a condition of appointment that would prevent an appointee from qualifying for the next election of that seat. He suggested that these three components, appointment conditions, qualification timing, and election scheduling be combined into a clear legal question, directing the attorneys to review the concepts, draft a legal opinion and bring their findings back to the Task Force for further discussion.

ACA Valdez noted that the Task Force had previously discussed a duration of residency requirement and suggested that, under home rule powers that govern the method of election, incorporating a condition of appointment could be permissible. He expressed that further research of this topic would focus on identifying other jurisdictions where similar qualifications have been implemented, assessing the legality, practicality and enforcement of such a requirement to determine if this approach is a viable option for consideration.

Mr. Jiminez raised concerns about amending election dates was a political issue and should only be addressed through a referendum or preemption by the state. He clarified that amending the qualifying dates was reasonable and non-political given it could be based on treating an irrevocable resignation as the official vacancy date without forcing municipalities to modify its election dates.

Chairman Kerbel suggested that the qualifying date should be "no later than" a certain date, proposing July as a potential cutoff, with ACA Valdez agreeing with this approach.

Mr. Jiminez noted that setting a "no later than" date could solve the issues currently facing elections, to which Chairman Kerbel asked Mr. Rosenthal to confirm this was a potential resolution.

Mr. Rosenthal recommended following the current charter's approach for qualifying dates, which provided a range within which dates should occur, suggesting that the last qualifying date could be set as "no earlier than" a certain date. He proposed amending the term limit provisions to apply to full four-year term and appointed term, restricting appointed commissioners to only serve their appointed term plus one additional term which would reduce incumbency advantages.

Chairman Kerbel clarified that the agreed-upon term limit provision is three terms in a lifetime, not necessarily consecutive, and outlined two possible options: 1) pledging not to run for election again, or 2) considering time served as an appointee as one full term, allowing only two additional terms.

Commissioner Moss discussed the appointment procedures within other Florida municipalities including the Miami Gardens, Miami and Homestead.

ACA Valdez noted that the way in which many vacancies were filled was outlined by the charter provisions of the municipality. Upon reviewing the Governor's Power of Appointments, he indicated that the governor's power to appoint was extended to state, county and judicial offices and found no similar language as it related to municipalities.

Commissioner Gilbert III clarified that Miami Gardens mirrored Miami-Dade County in that appointments were made by the city council with the appointee running in the next general election. He explained to Mayor Pierre that if a vacancy occurred with three and a half years of the remaining term, the appointee would serve until August where they would run for re-election to serve the remainder of that term, unless the term was expiring. Responding to Chairman Kerbel's inquiry, Commissioner Gilbert

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III confirmed that Miami Gardens' charter included a provision to hold special elections, which mirrored that of Miami-Dade County.

Ms. Escarra mentioned that the City of Miami (Miami) handled vacancies the same as the City of Miami Gardens (Miami Gardens). She reiterated that the City Council had the option to appoint, same as Miami Gardens, the City Council could appoint or hold a special election if an appointment was not made within the specified timeframe outlined in the city charter.

Mayor Losner referenced the City of Homestead's (Homestead) stating that a special election must take place if more than one year is remaining in the term and the mayor can appoint, with the City Council's approval, if the less than one year. He questioned whether the Task Force would limit the Board's power thereby proposing that a special election is held for vacancies with more than one year remaining in the term and allowing appointments for those with less than one year remaining in the term.

In response to Chairman Kerbel's inquiry whether the suggestions could be applied to unexpected vacancies, Mr. Rosenthal explained that if a vacancy occurred due to a candidate resigning to run, the special election could be synced with the next available election rather than holding a separate election within the same time-frame.

Chairman Kerbel clarified that prohibiting appointed commissioners from running in the next election would address incumbency concerns, regardless of how or why the appointment occurred.

Ms. Escarra moved that the County Attorney's Office study two items: (1) establishing consistency in qualifying dates; and (2) allowing the County Commission to act upon receipt of an irrevocable resignation rather than when it becomes effective. Mr. Jimenez seconded the motion; and proposed a friendly amendment to add a third item: (3) prohibiting appointees from qualifying for the subsequent election. Ms. Escarra accepted the friendly amendment, and upon being put to a vote, passed 10-1 (Commissioner Moss voted no; Ms. Daniels, Mr. Granado, Mr. Redondo and Ms. Dieguez were absent).

ACA Valdez confirmed these three items would be prepared independently and in consultation with the SOE office, with Ms. Escarra designated as the point person for any clarifications.

Commissioner Gilbert III corrected his previous comments by explaining that in Miami Gardens, if a vacancy occurred with more than six (6) months remaining in the term, the mayor shall nominate, and the council must appoint within 90 days. He further explained that if the council could not agree on an appointment, the city would hold an election to fill vacancy.

Mr. Eikenberg moved that the County Attorney's Office study a scenario wherein appointments were eliminated from the charter and all vacancies were filled by special election, regardless of the time remaining in the term. Mayor Pierre seconded the motion and upon being put to a vote, passed by 11-0 (Ms. Daniels, Mr. Granado, Mr. Redondo and Ms. Dieguez were absent).

Later during the meeting, Chairman Kerbel introduced Ms. Kimberly Brown to add additional comments.

With respect to residency requirements for elections, Ms. Brown explained that the County's Planning Division, which supports redistricting efforts, faced logistical challenges in extending residency requirements from six months to one year. She noted that the timing of receiving redistricting data from

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the federal government, typically in August, and the requirement to adopt new boundaries by December made such an extension difficult. She further explained that extending the residency period would complicate the process during election years following a census, as candidates must qualify 70 days prior to the election. Chairman Kerbel noted that the Board would consider this information, but the task force was unlikely to revisit its recommendation.

V. New Topic: Continuation of Discussion on Land Use/Resilience

A. Response Related to County Water & Sewer Department Services Areas

Chairman Kerbel requested Mr. Roy Coley to explain how service area issues were handled concerning water services provided by municipalities outside of their municipal boundaries.

Mr. Coley explained that within Miami-Dade County there were multiple water and sewer utility providers and that, historically, municipalities agreed upon designated service areas. He reported that when a municipality lacked the capacity to serve its designated area, service rights were transferred to a neighboring utility that was capable of providing service. Mr. Coley stated that current service rights were based on this longstanding framework and noted that state law authorized a municipality to charge up to 25% for providing services to customers located outside its municipal boundaries.

In response to Mr. Kerbel's inquiry, Mr. Coley clarified that the 25% surcharge was applied in addition to the rate paid by customers within the municipal boundaries. Chairman Kerbel then questioned whether the 25% surcharge was an issue that could be addressed through the charter.

ACA Valdez indicated that addressing matters already established by state law was more challenging. He explained that the County had authority under the charter to establish minimum standards or regulate services, and that this could be accomplished through charter amendments allowing for the takeover of municipal services if those standards were not met.

At Chairman Kerbel's request, Commissioner Oliver Gilbert III explained that, under the current County Charter, the County could regulate minimum service standards; however, regulation beyond that authority was governed by state law. He noted that state law required municipalities providing services outside their boundaries to have agreements in place. Commissioner Gilbert III stated that, historically, the 25% surcharge was based on the expectation that municipalities would incur additional costs when serving areas outside their boundaries and allowed cities to recoup some of those expenses.

Commissioner Gilbert III emphasized that surcharges applied to arbitrarily determined service areas increased over time without adequate controls, resulting in disparities. He explained that the proposed ordinance, which was later adopted, required transparency and Interlocal agreements for such charges, while clarifying that the County itself did not impose and could not impose surcharges. Commissioner Gilbert III further stated that the County's Charter was expansive and cautioned additional regulations could conflict with the authority of the Board to protect customers from excessive charges.

Mayor Pierre inquired whether Miami-Dade County charged a 25 % surcharge to municipalities that purchased water from the County, and whether those municipalities then passed the surcharge on to

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residents in unincorporated Miami-Dade County. He highlighted concerns regarding the disparate impact of the surcharge on different communities.

Mr. Coley explained that Miami-Dade County's wholesale customers were primarily municipalities that purchased water from the County. He stated that, under the agreements between the County and the cities, the County charged only the actual cost of production, with no profit included. Mr. Coley further explained that the rate of \$2.40 per 1,000 gallons was calculated by an independent third-party consultant who evaluated production costs and established the wholesale rate, which most municipalities then marked up when billing their customers.

Mr. Coley explained that most municipalities, such as Miami Beach, purchased water from Miami-Dade County primarily to serve their own residents and, in emergency situations, might assist neighboring cities. He noted, however, that in some unincorporated communities adjacent to municipal boundaries where County utility services were not available, residents received service through a neighboring city. In those circumstances, he explained that the city was permitted to apply the 25 percent surcharge to residents receiving service, regardless of whether they lived inside or outside the city's municipal boundaries.

Mr. Coley clarified that while a municipality had the legal authority to impose a surcharge of up to 25%, it was not required to do so. He explained that the statute merely permitted municipalities to apply the surcharge at their discretion, and that any revenue collected from the surcharge, remained with the municipality and was not remitted to Miami-Dade County.

Commissioner Dennis C. Moss inquired whether there were any limitations on the surcharges municipalities could impose and whether Miami-Dade County would intervene and assume control of infrastructure in instances where a municipality was unable to provide services to its residents.

Mr. Coley stated that the County had assumed control of a municipality's infrastructure when the municipality ceased local operations and opted to join the regional system, which consolidated 40 smaller utilities. He explained that an appraisal of the municipality's assets was conducted, after which the County compensated the municipality for the value of its system and began providing services to its residents.

Commissioner Oliver Gilbert III emphasized that nothing in the state statute specified how water rates were calculated. He explained that the County sold water at a base rate, and municipalities then applied their own markups, including a 25% surcharge on the rate they set, which was intended to reflect actual costs plus infrastructure and other expenses. Commissioner Gilbert III noted that the 25% surcharge was often deposited into city general funds rather than being used to support water production, particularly in municipalities such as North Miami Beach. He described this practice as a "grift," stating that it allowed cities to charge residents significantly more without proper oversight, creating an inequitable system for residents relying on a basic necessity. He stressed that the County neither supported nor benefited from this surcharge and noted that the arrangement permitted cities to generate revenue for their general funds under the guise of water service charges, contrary to the intent of the County's charter.

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Chairman Kerbel asked whether the County could impose additional qualifications or restrictions on the 25% surcharge. He suggested that the minimum standards could potentially include requirements specifying that the surcharge meet certain criteria or fee standards, which might help regulate or limit how municipalities applied these surcharges.

ACA Valdez explained that the 25% surcharge was dictated by state law, which complicated legal matters because it was considered a fee for services rather than a tax, and therefore did not require a rational nexus between the fee charged and the services received. He noted that the state statute assumed that providing services outside city boundaries incurred greater costs and required the system to be self-sustaining. ACA Valdez further explained that the County's charter provided authority to establish minimum standards, and failure to meet those standards could result in consequences, including the County taking over the service if issues were not remedied or initiating referendums for municipalities to turn over services if standards were not met.

Mayor Wagner questioned how the current discussions regarding surcharges aligned with the existing statute and whether an ordinance addressing the matter was already in effect. She requested clarification as to whether a review or amendment of the County Charter was necessary if a valid ordinance had previously been adopted, and sought to determine whether any additional changes were required.

ACA Valdez explained that the ordinance referenced by Commissioner Gilbert III established a minimum standard, requiring municipalities that imposed a surcharge to provide proof of their agreements with the County, thereby ensuring compliance with specified conditions, including reinvestment of surcharge revenues into the water system or demonstration that ratepayers had consented to the terms. He noted that compliance could be demonstrated through the submission of the agreement itself or through financial records that evidence the proper use of the funds. He further stated that the County's authority to enforce these standards already existed under the minimum standards provision of the Charter, and therefore no Charter amendments were necessary, as transparency and accountability could be enforced through existing regulations.

Commissioner Gilbert III responded to Senator Catalyud's inquiry regarding his suggestion that the CRTF should not consider additional structure and instead leave the framework as is. He stated that the County Charter did not need to be amended to address the surcharge due to the constraints of State law; however, he agreed with Chairman Kerbel that the fee could be more clearly defined in relation to the services provided. He advised that the Board had elected not to impose additional restrictions and was instead focused on ensuring transparency. He emphasized that most water providers partnering with the County were effectively serving residents and businesses, with only a limited number of outliers that were being brought into compliance. Commissioner Gilbert III further noted that while overregulation was not desired, the County had an obligation to protect residents' access to water, recognizing it as an essential necessity.

Mr. Eikenberg inquired whether Miami-Dade County purchased water from the C51 Reservoir in Palm Beach County or from the Biscayne Aquifer, and asked whether the additional 20 million gallons of capacity was related to the project itself or to a consumptive use permit. He reiterated that Dade County had invested \$10 million in the construction of the C51 Reservoir and questioned whether this

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investment resulted in an increased consumptive use permit from the Biscayne Aquifer, or whether the County was instead purchasing water from the reservoir in Palm Beach County.

Mr. Coley explained that Miami-Dade County's \$10 million investment in the C51 Reservoir was justified by an increase in the County's consumptive use permit, allowing the County to withdraw up to 20 million gallons of water per day based on recharge of the aquifer by C51 or R51 Reservoir. He stated that this investment effectively increased the County's withdrawal capacity from the Biscayne Aquifer at no additional cost. He further emphasized that the return on investment would be substantial, as it eliminated the need to develop an alternative water supply to meet the increased consumption limits, resulting in significant cost savings.

Commissioner Moss raised concerns regarding the impact of Artificial Intelligence (AI) related facilities on Miami-Dade County's water resources, questioning how the construction and operation of such facilities could result in increased water consumption. He inquired about the measures or strategies in place to manage or mitigate their impact on water availability, and emphasized the importance of monitoring and addressing the potential strain on resources associated with extended water use by these facilities.

Mr. Coley highlighted that the water utility had historically operated on outdated systems, but was currently undergoing a technological refresh that incorporated advanced information technology solutions, including automated water quality, volumetric, and pressure monitoring, to improve operational efficiency. He further emphasized that residents of Miami-Dade County historically used significantly more water than residents anywhere else in the country, averaging approximately 130 gallons per person per day compared to the national average of 75 gallons. He noted, however, that water usage had improved over the past five years as a result of the County's water conservation initiatives.

Ms. Niemeyer emphasized that water was a finite resource that must be carefully allocated and protected. She expressed concern that the substantial water consumption of data centers, including those supporting AI operations, posed significant challenges, particularly given their reliance on public water resources for cooling. She stated that Commissioner Moss was seeking to raise awareness of these concerns by referencing data centers, such as a facility in Indianapolis that was halted due to water usage of approximately one million gallons per day, and noted that the construction of such facilities could impose significant costs on residents.

Ms. Niemeyer suggested that the issue warranted consideration within the County Charter due to its potential impact over the next two to five years. She questioned whether the County had sufficient water resources to support these high-demand operations and for how long. She further inquired whether the County differentiated between residential and commercial water use, and whether data centers or similar facilities should be required to implement their own water management solutions or pay substantial surcharges. She concluded that the central issue was the County's capacity to sustainably support such high-demand operations over the long term, emphasizing the need to evaluate water availability and overall viability.

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Commissioner Moss emphasized that data centers constituted a national issue and were often located in minority communities, where their impacts were disproportionately felt. He stated that such facilities placed significant strain on local resources and adversely affected residents. He suggested that the County Charter could serve as a mechanism to address these concerns, and questioned why data centers were not charged at a different rate or scale than residential users, given their substantial water consumption. Commissioner Moss noted that the excessive water usage by these facilities further stressed already limited water resources and negatively impacted the surrounding communities.

Chairman Kerbel noted that the County had limited staff and resources and suggested that the County's attorneys might be able to provide recommendations for addressing resilience concerns related to data centers. He indicated that this could potentially include a review of the State's consumptive use permitting process and rate-setting authority. He also acknowledged that the County Charter imposed limitations on the actions that could be taken to address this issue.

Mr. Coley clarified that the State Water Management District, not Miami-Dade County, was responsible for managing consumptive use permits. He emphasized that the County served as a facilitator for a water reuse project in which 300 million gallons of wastewater were treated and converted into industrial cooling water. He noted that the continued efficiency of this project positioned the County as the single largest user of industrial coolant derived from wastewater on the eastern seaboard, thereby alleviating pressure on the drinking water supply.

Mr. Eikenberg highlighted Miami-Dade County Mayor Levine Cava's support for the Everglades Restoration, the key project that recharges the aquifer relied upon daily. He expressed gratitude for the millions of dollars allocated by the federal and State governments to various projects aimed at increasing and improving the water supply and extended thanks to Mayor Cava for her leadership on the issue.

Mr. Coley added that Mayor Levine Cava's administration had completed \$2.7 billion in water and sewer infrastructure improvements. He noted that water resources remained a priority and that the administration would continue to invest at that level.

Regarding Mayor Pierre's question about what documentation was needed to prove residency, ACA Valdez explained that candidates were only required to demonstrate that they had been registered voters for at least one year prior to qualification. This could be verified through voter registration records and a statement of residency, and no additional documentation was required.

B. Regulatory and Economic Resources Department (RER) Staff Recommendations

Chairman Kerbel introduced the topic of land use and resilience and invited Ms. Kim Brown to present the staff's recommendations on the matter.

Ms. Brown shared that there had been discussions about improving public engagement by expanding notification methods beyond newspapers, making land use reports more user-friendly, and increasing avenues for residents to receive updates on land use amendments. However, no specific charter amendments beyond the current discussions were identified.

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VI. Comments/Discussion by Task Force members

A. Clerk's Meeting Minutes

Mr. Fernandez moved that the Charter Review Task Force approve the October 27, 2025 minutes. This motion was seconded by Mayor Pierre, and upon being put to a vote, passed 10-0 (Senator Calatayud, Ms. Daniels, Mr. Dieguez, Mr. Granado, and Mr. Redondo were absent).

B. Other Discussion Items

Chairman Kerbel announced that the January 2026 meeting would be a regional session to be held at the City of Homestead's City Hall, 100 Civic Court, Homestead Florida.

Following discussion regarding the proposed dates, Task Force members decided to schedule the next CRTF meeting on January 15, 2026, at 5:30 p.m. and a second meeting to be held on January 27, 2026 at the Stephen P. Clark Center, Conference Room 18-3 at 10:00 a.m.

Mr. Eikenberg moved that the first meeting in January be held on January 15, at the City of Homestead's City Hall, 100 Civic Court, in Homestead Florida at 5:30 p.m. This motion was seconded by Ms. Escarra, and upon being put to a vote, passed 10-0 (Senator Calatayud, Ms. Daniels, Mr. Dieguez, Granado, and Mr. Redondo were absent).

Mr. Jimenez moved that the second meeting in January would be held on January 27, 2026 at the Stephen P. Clark Center, Conference Room 18-3, in Miami Florida at 10:00 a.m. This motion was seconded by Ms. Escarra and upon being put to a vote, passed 10-0 (Senator Calatayud, Ms. Daniels, Mr. Dieguez, Granado, and Mr. Redondo were absent).

Commissioner Moss inquired about a report that was to be provided to the Board

Chairman Kerbel responded that the report had been provided at the November 17, 2025, Board meeting, where it was accepted without comments. He further noted that he had requested the Task Force sponsor, Commissioner Cohen Higgins, to extend the end-point by one month.

Ms. Demetria Henderson emphasized the importance of Task Force members completing surveys and providing their availability. She explained that this information aided in guiding discussions and setting calendars for publishing meeting dates. She noted that this process had been effective, as evidenced by the increased participation and engagement observed during the meeting.

Commissioner Moss commended Chairman Kerbel for his effective facilitation of the meeting and discussions. He recommended that the name placards on the tables also include names on the back of the tents, allowing all attendees to more easily identify who was seated where.

VII. Adjournment

Hearing no further business come before the Charter Review Task Force, the meeting was adjourned at 12:44 pm.