

# **City of Miami**

*City Hall  
3500 Pan American Drive  
Miami, FL 33133  
www.miamigov.com*



## **Meeting Minutes**

**Monday, August 6, 2018**

**2:00 PM**

**Special Meeting**

**City Hall**

**(Meeting recessed and reconvened on Tuesday, August 14, 2018 at 10:00 AM)**

## **City Commission**

*Francis Suarez, Mayor  
Keon Hardemon, Chair  
Ken Russell, Vice Chair  
Wifredo (Willy) Gort, Commissioner, District One  
Joe Carollo, Commissioner, District Three  
Manolo Reyes, Commissioner, District Four  
Emilio T. Gonzalez, City Manager  
Victoria Méndez, City Attorney  
Todd B. Hannon, City Clerk*

**INVOCATION AND PLEDGE****2:00 PM***On Monday, August 6, 2018**Present: Vice Chair Russell, Commissioner Gort, Commissioner Carollo and Commissioner Reyes.**Absent: Chair Hardemon***10:00 AM***On Tuesday, August 14, 2018**Present: Chair Hardemon, Vice Chair Russell, Commissioner Gort, Commissioner Carollo and Commissioner Reyes.**On the 6th day of August, 2018, the City Commission of the City of Miami, Florida, met at its regular meeting place in City Hall, 3500 Pan American Drive, Miami, Florida, in special session. The Commission Meeting was called to order by Vice Chair Russell at 2:11 p.m., recessed at 4:08 p.m., reconvened at 5:44 p.m., recessed at 6:06 p.m., to reconvene on Tuesday, August 14, 2018 at 10:00 a.m., reconvened on August 14, 2018 by Chair Hardemon at 10:27 a.m., and meeting adjourned at 1:04 p.m.***ALSO PRESENT:***Emilio T. Gonzalez, Ph.D., City Manager  
Victoria Méndez, City Attorney  
Todd B. Hannon, City Clerk**Vice Chair Russell: Welcome to the August 6, 2018 special meeting of the City of Miami City Commission in these historic chambers. The members of the City Commission are Wifredo "Willy" Gort, Joe Carollo, Manolo Reyes, Ken Russell; and Keon Hardemon, Chairman. Also on the dais are Emilio T. Gonzalez, City Manager; Victoria Méndez, the City Attorney; and Todd Hannon, City Clerk. The City -- special meeting will be opened with a prayer by Commissioner Gort, and pledge of allegiance will be led by Commissioner Reyes. All rise, please.**Invocation and pledge of allegiance delivered.***ORDER OF THE DAY***Vice Chair Russell: We will now begin the special meeting. The City Attorney will state the procedures to be followed during this meeting.**Victoria Méndez (City Attorney): Thank you, Vice Chairman. Any person who is a lobbyist, including all paid persons or firms retained by a principal to advocate for a particular decision by the City Commission, must register with the City Clerk and comply with related City requirements for lobbyists before appearing before the City Commission. A person may not lobby a City official, board member, or staff member until registering. A copy of the Code section about lobbyists is available in the City Clerk's Office or online at [www.municode.com](http://www.municode.com) [sic]. Any person making a presentation, formal request, or petition to the City Commission concerning real property must make the disclosures required by the City Code in writing. A copy of the Code section is available in the City Clerk's Office or online at*

*wwwunicode.com [sic]. The material for each item on the agenda today is available during business hours at the City Clerk's Office and online 24 hours a day at [wwwmiamigov.com](http://wwwmiamigov.com) [sic]. Any person may be heard by the City Commission through the Chair for not more than two minutes on any proposition before the City Commission, unless modified by the Chair. If the proposition is being continued or rescheduled, the opportunity to be heard may be at such later date before the City Commission takes action on such proposition. The Chairman will advise the public when the public may have the opportunity to address the City Commission during the public comment period. When addressing the City Commission, the member of the public may first state his or her name, his or her address, and what item will be spoken about. A copy of the agenda item titles will be available at the City Clerk's Office and at the podium for your ease of reference. No cell phones or other noise-making devices are permitted in chambers; please silence those devices now. No clapping, applauding, heckling, or verbal outburst in support or opposition to a speaker or his or her remarks shall be permitted. Any person making offensive remarks or who becomes unruly in Commission chambers may be barred from further attending Commission meetings and may be subject to arrest. No signs or placards shall be allowed in Commission chambers. A video of this meeting may be requested at the Office of Communications or viewed online at [wwwmiamigov.com](http://wwwmiamigov.com) [sic]. Any person with assistance -- requiring auxiliary aids and services for this meeting may notify the City Clerk. The meeting will end at the conclusion of the deliberation of the agenda item being considered at 10 p.m. or at the conclusion of the regularly scheduled agenda, whichever occurs first. Thank you.*

*Vice Chair Russell: Thank you, Madam City Attorney.*

#### **PUBLIC COMMENT PERIOD FOR "SP" ITEM(S)**

*Vice Chair Russell: We have two items on today's agenda; SP.1, and SP.2. I'd like to open the floor for public comment for anyone who's come to speak on either of these two items; if you could please approach either of the two lecterns; state your name; you may state your address, if you wish, and just let us know how you feel. Mrs. Solares.*

*Grace Solares: Thank you, Mr. Chair. Grace Solares. I am here, not to oppose the strong Mayor, even though I am totally opposed to it, but I recognize that 20,000 signatures that the committee has actually gathered, and the issue is before you today to actually take the language on the ballot, and it's to that that I'd like to speak to. It says here -- this is a copy of what was circulated and was brought to my front door, and I refused to sign it -- that says: "This ordinance would change to strong Mayor Commission form of government; replace City Manager with the Mayor; make the Mayor the Chief Executive and administrative head and Chair, but not member of the City Commission, without a vote; grant Mayor the power to appoint and remove the City Manager -- the City Attorney, the City Clerk, the Police and Fire Chief." There's a semicolon after that, and it says, "Provide other powers." That is my greatest problem with this form. What is "other powers"? You have to actually state what other powers will the Mayor have that are not being identified in this document. You cannot give, in my personal opinion, broad power to anyone to do anything. That has to be. Another thing that has in here is filling a vacancy in Mayor for rightful recall of Mayor and City Managers. I picked up the Charter of the City of Miami right now, and in Section 4, it says, "The Mayor and all of the members of the City Commission shall be subject to recall, and vacancies shall be filled as provided in Section 12." So why these things are here, I have no idea. We already have the process here in the actual Charter that we have right now. Also, it*

says, "Changes Mayor's salary, and make changes effective immediately." That's fine, except for the fact that -- what is the change of the Mayor's salary? Will the Mayor's salary have a cap; or the following Mayor that comes after Mayor Suarez will ask for another raise in his salary? There's no capping here. My question is, when the matter comes back -- let us assume for the moment that this passes. Will this matter come back for specifications? Will this matter come back to tell me what are the powers you're giving the Mayor of the City? Will this matter come back to tell me how the filling will be, even though we already have it in the Charter, for replacement of vacancies? I am totally opposed to these changes -- I mean, to this thing. However, with respect to these changes, I'd like someone here, please, to respond to these questions that I have on this thing, because I think the citizens of the City of Miami deserve the response to these questions. Thank you so much.

Vice Chair Russell: Thank you very much. Would anyone else like to speak on this item; either of the two items? Mr. Crespo.

Al Crespo: Good afternoon. How is everybody? Grace, maybe one of those other powers might be the Director of Off-Street Parking. So one thing that nobody -- none of you here or anybody else out here -- has spoken about is if the Mayor --

Commissioner Carollo: Excuse me, excuse me, excuse me, excuse me.

Mr. Crespo: Yes, sir.

Commissioner Carollo: Can you begin with our procedures, with your name?

Mr. Crespo: Oh, I'm sorry. Al Crespo.

Commissioner Carollo: Okay.

Mr. Crespo: 689 Northeast 92nd Street, Miami Shores. I don't live in the City, but I see you from my window. So one thing that none of you have said or discussed is this: If the Mayor's going to become the Chief Executive, if he's going to take over the duties of not only being the Executive Mayor, but also, the Chief Administrator, and do the duties of the City Manager, that seems like that would be a full-time job. But yet, nobody has raised the question of the Mayor's part-time job of working for a law firm.

Commissioner Carollo: You know why? Because you got to speak before me.

Mr. Crespo: Well --

Commissioner Reyes: I was going to add that, too.

Mr. Crespo: -- see there, like minds -- Joe, we might not always agree, but sometimes, we do. So that's a really important question, because if he's not going to give up his part-time job as a lawyer in a law firm, then he's robbing citizens of the City from all of his time and effort in being a full-time Mayor. If, on the other hand, he wants to do that, I think you guys got a problem. You might want to put in a provision somewhere where the Mayor has to give you his tax returns, and see whether he wants to do it the right way, or he wants to do it the Donald Trump way. Anyhow, think about that. Is he going to be a full-time Mayor; or is he going to be a part-time Mayor, claiming to be a full-time Mayor? Thank you.

Vice Chair Russell: Thank you, Mr. Crespo. Is there anyone else from the public like to speak on this; either of these two items, SP.1 and SP.2? Please approach the

lectern. Anyone else? Feel free to come on and line up at either of the lecterns, anyone who'd like to speak on these items.

*Tomas Soltano: Hi.*

*Vice Chair Russell: Thank you, sir.*

*Mr. Soltano: My name is Tomas Soltano (phonetic). I live in the Brickell area, part of the City of Miami, of course, and I just want to -- here as a young guy and an entrepreneur in the City -- acknowledge the importance and the pertinence of this proposal. I'm in favor of it, and I just want to have it in the records that I think he would be a great performer -- or a great Mayor on this new position; that I hope it will come with all the support from the majority of the electorate. So that's my position. And I think I reflect the idea and the perspective of most of the people in the City at this time. I want to say that.*

*Vice Chair Russell: Thank you very much.*

*Commissioner Carollo: Mr. Chairman?*

*Vice Chair Russell: Yes, of course, Commissioner.*

*Commissioner Carollo: Can I ask him a question before you go, sir? By any chance, were you one of the petition-gatherers, a circulator that collected signatures?*

*Mr. Soltano: No.*

*Commissioner Carollo: Okay. Thank you.*

*Vice Chair Russell: Good afternoon.*

*Terry Elliott, Sr.: Good afternoon. Terry Elliott, 6849 Northwest 15th Avenue. I really believe that in this situation with Mayor Francis Suarez having the power that he's going after, I think it's a great thing to do, because if it was Joe Carollo, Russell, Commissioner Alfredo [sic], I would say the same thing for you guys. We choose you to be Commissioners for a reason: because you do what you have to do. But I think that it -- until you have -- be put in a position to do your job -- if he got -- like Joe said a few minutes ago -- Al said a few minutes ago -- he's a part-time this or that, lawyer, what have you -- but he deserve an opportunity; I think all of you do. Each one of you would have the chance to be a strong Mayor if it's your turn. Be responsible, be held accountable for what you do. And, no, I don't collect signatures or anything like that. I came on my own today; me and Liberty City came out today. I do a lot in the City. My accountability on things that I do, you can check my track record. Terry Elliott, Sr., and that is where I'm from, Liberty City. We would love to have a strong Mayor, but I want to hold him accountable for what he do. Let him get his opportunity. Let him get his try, and we'll see what he do; can't be for long when he going to be there, but he'll be -- he'd be able to do what we need done. He have shown in the past the things he have done, working on the side of you guys, also. And I think the City deserve to have a strong Mayor. We need to have somebody that we can hold accountable; not just be limited to his power and his position. That's what we going to fight for, and that's what I'm looking for. I haven't even spoke to him about this; not looking for it, but I know what he did in the past. And I want to thank you for giving me the opportunity. From the Liberty City and what we believe in, he deserve to have that chance as strong Mayor. And thank you. Any questions?*

*Vice Chair Russell: Thank you very much.*

*Mr. Elliott: And it's good that you all doing a great job as Commissioners. Joe Carollo, Manolo, Wifredo, Ken, y'all doing a great job as Commissioners. Y'all keep up the great work. Y'all have our support, also. Thank you.*

*Vice Chair Russell: Thank you. Is there anyone else from the public like to speak on Items SP.1 and SP.2? Grace, you'd like to speak again?*

*Ms. Solares: Just to make -- I want to make something very clear. My opposition to this issue is not an indictment of the Mayor of the City. I know him since he was little. I know he has a great heart. He's a good, good man; a great father. I understand that. But what we're changing is not just for him; it's who -- for whomever comes after him that is going to have awesome powers; could be Jack the Ripper, and we're giving him all kinds of powers. So this is definitely, Mr. Mayor, not an indictment on you at all; it's just because of the reasons I've stated. Thank you.*

*Vice Chair Russell: Thank you, Grace. Seeing no further folks who'd like to comment from the public, I'll close public comment at this point, and I'll open it up to the dais.*

## **RESOLUTIONS**

**SP.1**

**4615**

***Commissioners  
and Mayor***

### **RESOLUTION**

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CHARTER"), FOR CONSIDERATION AT A SPECIAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, PROPOSING, UPON APPROVAL OF THE ELECTORATE, TO CHANGE TO A STRONG MAYOR-COMMISSION FORM OF GOVERNMENT; REPLACE CITY MANAGER WITH THE MAYOR; MAYOR SERVES AS NONVOTING, NON-MEMBER COMMISSION CHAIR; GRANT MAYOR POWER TO APPOINT AND REMOVE CITY ATTORNEY, CITY CLERK, POLICE AND FIRE CHIEF, DEPARTMENT DIRECTORS AND EMPLOYEES; CHANGE FILLING MAYORAL VACANCY AND PAY FORMULA; ADOPT STATE RECALL PROCEDURE; PROVIDE OTHER MAYORAL AND COMMISSION POWERS AND CHANGES; AND MAKE EFFECTIVE IMMEDIATELY; MORE PARTICULARLY BY AMENDING SECTIONS 4, 12, 14, 15, 16, 17, 20, 21, 24, 25, 26, 27, 29A, 36, AND 51 OF SAID CHARTER.

**ENACTMENT NUMBER: R-18-0354**

<b>MOTION TO:</b>	<b>Adopt</b>
<b>RESULT:</b>	<b>ADOPTED</b>
<b>MOVER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>SECONDER:</b>	<b>Manolo Reyes, Commissioner</b>
<b>AYES:</b>	Russell, Gort, Reyes
<b>NAYS:</b>	Carollo
<b>ABSENT:</b>	Hardemon

*Note for the Record: For directives referencing Item SP.1, please see Items NA.1 and NA.2.*

*Note for the Record: For additional minutes referencing Item SP.1, please see "Public Comment Period for 'SP' Item(s)," Item NA.1, and Item NA.2.*

*Vice Chair Russell: Mr. Mayor, you want to address the Commission?*

*Mayor Francis Suarez: Yes. Thank you, Mr. Chair. Approximately a week ago, at 3 p.m., I received a memo from the City Clerk, advising me and all of you that nearly 20,000 Charter reform petitions have been submitted by our residents -- our bosses -- and had been certified by the Miami-Dade County Division -- Department of Elections as having met the threshold to necessitate submission to a voter referendum. Having seen that and been given that, I called for a special meeting for today, the very next day, to ensure that the City meets the County's deadline to submit ballot questions for the November 6, 2018 ballot, which is tomorrow, August 7. Placing this measure on the November 6, 2018 ballot is the only way to guarantee that our residents participate in the process to determine whether they want a strong Mayor form of government, as general elections, such as that one, traditionally see a very large voter turnout. More importantly, if the City Commission does not place this measure on the November 6, 2018 ballot, the City, by law, would be required to hold a special election that would cost our residents -- our bosses -- approximately \$1.1 million. And so, having received that memo, I called this special meeting for that purpose, and it's up for the Commission to decide whether they want to put this ballot referendum, which was certified by the Division of Elections, to a tune of more than 20,000, on the November ballot, or on some other ballot, which could have financial consequences to the City. Thank you.*

*Vice Chair Russell: Thank you, Mr. Mayor.*

*Later...*

*Vice Chair Russell: We have two items that we can entertain a motion for both, together.*

*Commissioner Carollo: First question, Mr. Chair, if I may?*

*Vice Chair Russell: Commissioner Carollo.*

*Commissioner Carollo: Is there anyone from the committee that presented the signatures here today? Who represents the committee? Okay.*

*Jennifer Blohm: Yes. Hi. I'm Jennifer Blohm, and I am one of the co-counsels for the committee.*

*Commissioner Carollo: Okay, ma'am. I'm glad you're here; that's very good. What is your address?*

*Ms. Blohm: Pardon?*

*Commissioner Carollo: Your address.*

*Ms. Blohm: It is 727 East 6th Avenue, Tallahassee, Florida.*

*Commissioner Carollo: Okay. So you're from Tallahassee, Florida?*

*Ms. Blohm: Yes.*

*Commissioner Carollo: Okay.*

*Ms. Blohm: Ben Kuehne is our co-counsel, but he was unable to be here today.*

*Commissioner Carollo: Okay. But I'm asking you; you're here.*

*Ms. Blohm: Yeah.*

*Commissioner Carollo: And Mr. Kuehne came a little later in the process. You were there from the beginning, so you know it all much more. I want to make sure before I proceed that I understand what you are filing. And from everything that I'm seeing, I get the impression that you gathered these petitions and you followed the process of 12-23, the County, because we don't have a process for -- to gather signatures to have a Charter amendment. Am I correct, or wrong in that?*

*Ms. Blohm: Well, we got the basis first from Section 6.03 of the Miami-Dade County Charter, which is how you amend a City Charter, because you do not have a formatting for amendments.*

*Commissioner Carollo: Exactly; that's what I said.*

*Ms. Blohm: Yes. We do -- we did look into Section 12 point -- dash -- 23.*

*Commissioner Carollo: So you're -- what you're filing and the process that you followed, then, was based on Section 20-23 of the County Code, correct? This is what is signed all over the place, even by the people that circulated your petitions. I thought it was an easy one.*

*Ms. Blohm: I'm -- I'll be honest. I don't have the County provision right in front of me. I --*

*Commissioner Carollo: Go ahead.*

*Ms. Blohm: -- think it's 12-23.*

*Commissioner Carollo: I'll give it to you, sure.*

*Ms. Blohm: Yeah. Yes.*

*Commissioner Carollo: Okay. So this is what you're going on, 12-23 --*

*Ms. Blohm: This was --*

*Commissioner Carollo: -- and this is what you followed?*

*Ms. Blohm: -- the process that we based the petition from.*

*Commissioner Carollo: So you based the petition on 12-23, and you followed that whole process?*

*Ms. Blohm: And actually -- I -- this does not look like the most recent section of --*

*Commissioner Carollo: This is the --*

*Ms. Blohm: This is the most recent?*

*Commissioner Carollo: -- most recent section that --*

*Ms. Blohm: Then, yes.*

Commissioner Carollo: -- they have. I would not give you an old one, trust me.

Ms. Blohm: No, no, I --

Commissioner Carollo: Okay.

Ms. Blohm: -- understand that.

Commissioner Carollo: Okay. So that's -- the whole process you did was based on 12-23, following that, because, as you said, you looked at the County Section 6.03, and the City does not have a process to do a Charter amendment, so you have to follow the County?

Ms. Blohm: Well, we -- I will say that that was the blueprint, but we also had to take into account Section 2-112 of your ordinances --

Commissioner Carollo: Of course, yeah, yeah, sure.

Ms. Blohm: -- and also, take into account the Section 6.03 to -- so, yeah, to --

Commissioner Carollo: Well, that's the one that -- yeah, that --

Ms. Blohm: -- that -- so the County's process --

Commissioner Carollo: Yeah, yeah.

Ms. Blohm: -- is an exact --

Commissioner Carollo: Yeah. But the County, in 6.03, gives you the roadwork that if the City has something, then you follow the City. But, as you stated, the City did not have a process. The only thing the City has is that once you follow the County process, then we have Section 2-112, that tells you, then, once they've been certified, the process you have to follow to get it on the ballot, correct?

Ms. Blohm: Correct.

Commissioner Carollo: Right. Okay. So I wanted to establish that; that the attorney stated -- and you are the attorney for the group, right? And you're authorized to speak for them?

Ms. Blohm: Well, I am the attorney for the group, and I will say that, like I said, this is the blueprint of the process we followed, and --

Commissioner Carollo: Well, based on what you have before there, Section 12-23 of the County?

Ms. Blohm: Yes.

Commissioner Carollo: Okay.

Ms. Blohm: Well, that was part of it, yes. We looked at all of it.

Commissioner Carollo: Well, the only area that you would have to follow in the City is Section 2-112, which only applies if and after you collect signatures that are enough, that are certified. And then, it talks about that the Commission -- or should I say the City Attorney -- has up to 120 days, based upon a resolution of the Commission to draft the wording. And then, after that, the City Commission has up to 120 days to put it on the ballot.

*Ms. Blohm: I think the City Attorney does it automatically, but because the 120 days on the resolution is actually for one proposed by the City, if it's --*

*Commissioner Carollo: Well --*

*Ms. Blohm: -- but if the --*

*Commissioner Carollo: -- I'm not going to get into that part.*

*Ms. Blohm: -- well, right.*

*Commissioner Carollo: -- it would have to be argued, but --*

*Ms. Blohm: But after certification --*

*Commissioner Carollo: -- the City Attorney has up to --*

*Ms. Blohm: -- the City Attorney --*

*Commissioner Carollo: -- 120 days.*

*Ms. Blohm: -- then drafts the ballot language.*

*Commissioner Carollo: Yes. She does have up to 120 days. I think we could agree on that, right?*

*Ms. Blohm: Right, to --*

*Commissioner Carollo: Okay.*

*Ms. Blohm: -- draft --*

*Commissioner Carollo: Right.*

*Ms. Blohm: -- the ballot language.*

*Commissioner Carollo: And then, the Commission has up to 120 days, once we get that back; from the point we get it, it has up to 120 days to place it on the ballot.*

*Ms. Blohm: Yes.*

*Commissioner Carollo: But that's the only process that you're following from the City's side, correct?*

*Ms. Blohm: That is the only process that the City has directly on --*

*Commissioner Carollo: Okay.*

*Ms. Blohm: -- amendments.*

*Commissioner Carollo: All right. Do you have any of the people that circulated the signatures here today?*

*Ms. Blohm: Not that I am aware of, no.*

*Commissioner Carollo: Is anybody here that gathered signatures or circulated them? Okay. Nobody? Okay. Well, let me -- counselor, I mean, I got so much, and I want to stick to the main things, but there's so much here that this might take a while. It's not as simple as some might think. Let's see, where do I start; from the top, from the bottom, or in the middle? Let's start from one from the top. The County Code that you have before you there -- that's the one you said, and from everything that's been signed and sent, it was clear that it was being followed, so you are correct; that's what you were following -- in Section 12-23, it says, "Initiative, referendum and recall petitions, verification of signatures, disqualification of non-compliant petitions, prohibition and improper signature-gathering practices." That's the title, basically, of 12-23. Could you, if I may ask, counselor, read the first one for me; 1, what it says?*

*Ms. Blohm: "No person may circulate a petition or solicit signatures unless he or she is a registered elector in Miami-Dade County."*

*Commissioner Carollo: Okay. Was that certified by the County Elections Department, that all the individuals that collected signatures were, in fact, registered electors of Miami-Dade County?*

*Ms. Blohm: Well, I think we're getting way beyond what the agenda is here today and --*

*Commissioner Carollo: No, no, no. This is part of it all. I'm sorry. This is part of the certification. This is part of the process.*

*Ms. Blohm: I think that there's two agenda items. One is the drafting of the language and then --*

*Commissioner Carollo: Ma'am, I well know what's in the agenda, but --*

*Ms. Blohm: I mean, we would be happy to --*

*Commissioner Carollo: -- this is part of it.*

*Ms. Blohm: -- talk to you in private and go over --*

*Commissioner Carollo: No --*

*Ms. Blohm: -- these things, but I just -- I'm not --*

*Commissioner Carollo: -- I don't want to speak to you in private. I'd like to speak to you in public, and this is the time to do it, at a public meeting. You read to me what's the number-one thing on 12-23; that it says that those that solicit signatures have to be registered elector of Miami-Dade County. And again, I'll read it. "No person may circulate a petition or solicit signatures unless he or she is a registered elector of Miami-Dade County."*

*Ms. Blohm: Well, the one thing I will say is that, as far as being an elector and having to be registered to vote in order to collect signatures has been held unconstitutional.*

*Commissioner Carollo: Well, that --*

*Ms. Blohm: And that is nothing the County even --*

*Commissioner Carollo: -- that's fine; that's you saying it. It's another thing for a court to say it. In the meantime, unless a court tells us otherwise, we are bound to follow this Section 1 of 12-23 that further recent -- hear more. Now, I'm going to --*

*Ms. Blohm: I don't know that you are bound. I mean --*

*Commissioner Carollo: Oh, absolutely, because it's part of the certification. You are bound to certify something that is truthful. That's the first thing that's being asked here. For instance, the so-called people's petition, the only batch that I was able to go through, because I got it late, around 6 p.m. on Friday, Batch 4 had 1,460 signatures. It had 55 individuals that circulated Batch 4. Out of those 55 individuals, 43 percent of them are in question. People could not find for me 20 of those individuals. They didn't appear to be registered to vote in the address that they gave, nor could they find any other information on those addresses. Three were confirmed that definitely weren't registered here. In fact, one of those, I believe, is registered in a foreign country to vote. But when you have 43 percent of people that cannot be easily found, like your name or my name, or most other people's names that they're put through, this has to be verified. In fact, further into 12-23, it goes into 3, and this goes right into the qualifications and certification in this process. "Disqualification of forms," Number 3. "Within 30 days, excluding weekends and legal holidays, of the date of filing a petition of initiative or referendum, the Supervisor of Elections, or in the case of recall, the Clerk of the Circuit Court shall disqualify the following petitions: 'B,' those that do not comply with any one or more of the provisions related to the circular set forth in Section 1 hereof." Again, "'B,' those that do not comply with any one or more of the provisions relating to the circulator set forth in Section 1 hereof." And "Section 1 hereof" is the one that we were just going over that the -- "No person may circulate a petition or solicit signatures unless he or she is a registered elector in Miami-Dade County." Now, at least, I want to make something clear: That based on what I'm beginning to find out here, very few people -- when you have five out of 55 in one batch that only lived in the City of Miami, this is not the City of Miami voters that were just running into the streets, wanting to sign this petition. If I could go further on something else that was happening, and at the same 12-23-5, it says, "Prohibited signature-gathering practices. It shall be unlawful for any person, entity, or elector, intentionally to make or cause to be made any false statement concerning the contents or effect of any petition for initiative, referendum, or recall submitted, pursuant to Article 7 of the Miami Dade County Home Rule Charter, to any person who is requested to sign any such petition or make an inquiry with reference to any such petitions, and who relies on such statement." Counselor, I submit to you this happened. This happened, not once, not twice; many, many times. Maybe it happened because a lot of these petition-gatherers were not from here; some, maybe because they had only been living here for two, three, four, five, six months, or less. But the whopper of the story is that they were telling people why this is being circulated, violated this permission, and this is why the past fathers of Miami went with the only part in a Charter amendment that we have in our Code -- the rest, we follow the County's -- Section 2-112, that we just discussed, that we have up to 120 days for the City Attorney to draft a letter -- in wording, rather -- and then for us to decide in another 120 days, max, when we're going to put it on the ballot. So a lot of this could be discovered, could be looked at, and something's not decided in a few minutes. Now, I submit to my colleagues that there were two things that needed to be certified by the County; one was the signatures. They did that. Even though I have a lot of questions on that, that's not for here today. But the other part that was not certified was Section 1 of the County's Code, 12-23, that was being followed in gathering these petitions. In fact, I'm going to read to you what was being signed by the circulators. "I" -- whatever the name is -- "residing at" -- the address -- "am a resident of Miami-Dade County." Maybe they are, maybe they're not. Maybe they came on a tourist visa here for a couple of months so they can make some money, and then, what they make*

here in two months, they could live off in their country for a couple of years. I don't know. Or maybe they came from California, Illinois, New York; they were offered a job to make some quick bucks in gathering signatures. But it says, "Am a resident of Miami-Dade County, an am the circulator of the foregoing document containing one petition signature, obtained on the date of" -- "I personally circulated this petition, witnessed the signature as it was being written. As to the best of my belief and information, the signature is the genuine signature of the person whose name it purports to be. I certify to the truthfulness and correctness of the certificate set forth in Section 12-23 of the Code of Miami-Dade County, hereto under penalty of perjury, under the laws of the State of Florida on this date and at this notary location," and they signed it under oath. Now, some might think -- and I don't know; I think this is a question for additional attorneys -- that by them signing this, they're signing to the truthfulness of the whole process of what they did, and, in fact, that they were -- that they had met the provisions of Section 1; that they were a registered voter here. I don't know if, you know, this is what they did or not. But why would they put "resident" and not put "registered voter," when this is what is being required by the County? And as you heard the counselor state, they were following that whole process; until she had a change of heart and said, "Well, that was unconstitutional." So I submit to you that we have plenty of time, based upon what our laws are, to ask the Supervisor of Election to verify and certify to us that Section 1 of Section 12-23 of the County Code was met, and for her to verify that all these petition-gatherers are registered voters in Miami-Dade County.

Ms. Blohm: I would like to respond, if I may?

Commissioner Carollo: Certainly, ma'am.

Ms. Blohm: I think if you contact the County, they will tell you that they do not require registered voters, because it is unconstitutional to require circulators to be registered voters, so I do not believe that the County even applies that standard. So -- and I think we're here today on the agenda items, and if you're moving beyond --

Commissioner Carollo: But the agenda item has to do with what I am talking about.

Ms. Blohm: And the committee --

Commissioner Carollo: It's part of what we're certifying.

Vice Chair Russell: Through the Chair, please; one at a time.

Ms. Blohm: The committee's position is that we have followed the process and have met all legal requirements and --

Commissioner Carollo: Well, that's what you stated; that you had followed Section -- of the County Code -- 12-23. But then, when I started getting into specifics, "Oh, not that one; that one is unconstitutional."

Ms. Blohm: Well, I can't help the fact that it's still on the books, regardless of the fact that it is unconstitutional.

Commissioner Carollo: This is a fairly new ordinance. Your first statement to me was that you thought when you saw that that I'd given you something different, something old. No. This is the one that's in the books, and this is the one they're following. In fact, I'm going to go even further in what they're filing that you did not follow. The County -- and Christina White herself told me this -- but I know the County's Attorney's position is the same as hers. Their position is that, according to Section 8.01 of the County Code, it says, on 2, "The person or persons circulating

*the petition shall, within 120 days of the approval of the form of the petition obtain the valid signatures of voters." 3, "The signed petition shall be filled [sic] with the board, which shall have" -- "which shall, within 30 days, order a canvass of the signatures thereon, to determine the sufficiency of the signatures," and so on. Their position is that signatures under the County rules that you said you were following had to be brought in all at one time. You did not do that. And since the County doesn't get into seeing what the City Code says or not, I'm sure they assume that that's what our Code said; that we could do it that way, and we were going on our Code. But as you stated, we do not have anything to that effect on our Code, on our Charter; therefore, you were bound to go by the process of the County, and you further didn't do it.*

*Ms. Blohm: Section 6.03 does not require a turn-in of all the forms.*

*Commissioner Carollo: Well, this is the position that the --*

*Ms. Blohm: And I think we're getting beyond --*

*Commissioner Carollo: -- Supervisor of Elections --*

*Ms. Blohm: -- you know --*

*Commissioner Carollo: -- and the County Attorney has taken.*

*Ms. Blohm: -- if someone wants to take exception to our process, that's one thing, but I don't think that's here before you. I don't think this is the proper forum for that. But --*

*Commissioner Carollo: Well, it -- I'm sorry, but it is, and particularly, the one that we were talking before, 1, because that's the heart of 12-23. That's the first point that, in what you told me that you were following, says --*

*Ms. Blohm: And I --*

*Commissioner Carollo: -- "No person may circulate a petition or solicit signatures unless he or she is a registered elector in Miami-Dade County."*

*Ms. Blohm: And this is why we would be happy to meet with you privately, and I can show you the case law on why that is not a valid provision.*

*Commissioner Carollo: Well, again, ma'am, I -- like to repeat it to you. Maybe you didn't understand me. I will be happy to talk to you and for you to show me anything publicly, but not in private. So if you have it here, I'll be happy to engage you with it; but otherwise, I am of the opinion that this is not finalized for us. I'm of the opinion that the Supervisor of Election did not certify, and she needs to certify if all the petition-gatherers were, in fact, registered voters of Miami-Dade County.*

*Vice Chair Russell: Thank you, Commissioner Carollo. Mr. Clerk, could you help out a little bit here with regard to the process of certification of how these ballot -- of how these petitions were received? What is the process through which they are brought to the County, and then to you?*

*Todd B. Hannon (City Clerk): Essentially, in my ministerial capacity, I received the petitions. I did not review the petitions to make sure that the format was correct or anything. Upon receiving the petitions, I did then make sure that I logged them, then I sent them to the County. The County reviewed them to make sure that the voters were registered voters within the City of Miami, and it was pretty much that simple.*

*Vice Chair Russell: And then they certify those petitions and notify you of how many certified petitions passed the test?*

*Mr. Hannon: Correct.*

*Vice Chair Russell: And did you receive notification from the County that enough had passed that had been certified by them; that it's their job to do the diligence of whether or not the petitions are valid or not; is that correct?*

*Mr. Hannon: Under the criteria given to them, which was to make sure the voter was a registered voter in the City of Miami; that the signature matched; that there weren't any duplicates of the petitions being submitted; and that they were currently a registered voter, I guess is the best way to put it.*

*Vice Chair Russell: And they did so? It was certified that --?*

*Mr. Hannon: Yes; under that criteria, yes.*

*Vice Chair Russell: Thank you very much. Mr. Mayor, did you want to address the question?*

*Mayor Francis Suarez: Yes. I had a couple of -- sort of points to discuss. I'm not an elections lawyer, and I will caveat anything that I say with that. But I will say that the concern that I have is more of a practical nature, and the practical concern is that this is the last opportunity for the Commission to put this item on the ballot --*  
*Commissioner Carollo: I disagree with you, Mr. Mayor.*

*Mayor Suarez: -- tomorrow.*

*Commissioner Carollo: I disagree with you.*

*Mayor Suarez: Okay.*

*Commissioner Carollo: I disagree with you; fully disagree with you --*

*Mayor Suarez: I haven't finished --*

*Vice Chair Russell: Can we speak one at a time, please? Mr. Mayor --*

*Mayor Suarez: Go ahead. No, no.*

*Vice Chair Russell: -- if you could finish and then --*

*Mayor Suarez: I'll let him disagree with me before I --*

*Vice Chair Russell: I'd rather not go back and forth, if we can.*

*Mayor Suarez: -- finish my statement.*

*Vice Chair Russell: Commissioner Carollo, please continue.*

*Commissioner Carollo: Mr. Mayor, I believe, upon what I'm seeing here, that's not going to be an issue, because there are so many areas that there are at fault here. You had a real resident and registered voter of Miami -- Grace Solares -- get up here and asked a lot of questions; some of which, I have answered; some I don't know if I have answered and that I have to proceed. But here, even in the -- what the petitions say -- In English, it says, "We, the undersigned," and it talks about that the*

powers granted to the Mayor to appoint or remove the City Attorney, City Clerk, Police, Fire Chief, et cetera. In Spanish, it says -- (COMMENTS MADE IN SPANISH NOT TRANSLATED). We do not have a City prosecutor. So in Spanish, we're telling people that you're going to name a prosecutor. Maybe they think you're going to get rid of the State Attorney, you're going to name our own prosecutor, but this is what it says in Spanish. It's wrong. It was translated wrong. And the majority of the people that signed these petitions, I have to believe are Spanish-speaking. So that's one alone that is extremely wrong there, and is faulty into itself, and it's a major one. Whatever we have in -- or have had, should I say -- in the City about the City Attorney being able to prosecute were in the days when the City of Miami had its own Circuit Court, and we had our own judges back then; no more, it's the County. And I think rightly so, it should have been that way. But back then, the City Attorney did serve, when needed, as a prosecutor, per se, for those courts. But that's not the case. We do not have a prosecutor. We have a City Attorney. But in Spanish, it says that you're going to have the right to name a prosecutor, not a City Attorney. Now --

Ms. Blohm: I would like to answer just --

Commissioner Carollo: Sure, absolutely.

Ms. Blohm: -- on that, that we did use the translators that do the City of Miami's translations. It was (UNINTELLIGIBLE) translation service.

Commissioner Carollo: Well, you shouldn't have. You should have called me on that one. The -- this is major faulty; not only that, but what was brought up by Grace, by others here were some of the points that I'm bringing that are major.

Vice Chair Russell: Commissioner Gort.

Commissioner Gort: Let me ask a question. The question that Solares asked, here in the petition, it says, "Changes made effective immediately, more particularly, amending section" -- I want a concrete explanation. What are those changes? Because that's one of the questions that was asked. And the other question that was asked, is there a full-time -- would the Mayor be receiving additional business?

Ms. Blohm: How the petition -- of course, we are limited to 75 words when you're talking about a summary of a Charter amendment, so we can't, of course, put everything in there, so the "effective immediately" does -- it is effective immediately, upon approval of the voters, and he will assume those duties, and he asked to be -- and that's -- and he will become and will have to fulfill his duties as the strong Mayor, and that's what the petition says.

Commissioner Gort: No, but at the same time, it talks about the changes it's going to make in amending sections -- all the way from 4 to 27.

Ms. Blohm: Yeah, you --

Commissioner Gort: I'd like to know what are -- the changes are.

Ms. Blohm: -- because a lot of those were -- we have to -- any time it said "City Manager," you change it to "Mayor." Most of the powers are in Section 4(g), and the effective date is in 4(j). The effective date says, "Notwithstanding any other provision of this Charter, the strong Mayor Commission form of government is effective and implemented immediately, upon approval by a majority of the electors voting in the election. The current elected City officials constitute the initial Mayor

and City Commissioners." It also, of course, provides that he takes over for -- that whoever the Mayor is would be from the powers of the City Manager.

Vice Chair Russell: Mr. Mayor?

Mayor Suarez: Yeah. I -- again, the concern that I have is -- I'm not necessarily taking issue with anything the Commissioner has said. He has every right to make whatever legal arguments he wants to make concerning the validity or lack of validity of the petition. The concern that I have is more practical in nature. If we don't put this on the November ballot and this is -- this travels legally, pursuant to some other time frame, then this is going to be on a special election, and will cost the citizens of the City of Miami \$1.1 million. So what I'm getting at is you could put this on the ballot, pursuant to the process, and it's still a challengeable process. In other words, someone can challenge and say, as the Commissioner said, that Section 12-23 of the County Code was not adhered to. It doesn't say here that that has to be validated; and obviously, there's some discussion as to whether that's constitutional or not, but those are all legal arguments. Whether or not someone, according to the Commissioner, violated Section 5(a), it's a legal argument, and any elector of the City, I presume, can file suit and say that that was violated. So there are legal rights that are available to anyone who does not feel that this process was done properly. The concern that I have from a practical perspective is that if we don't put it on the November ballot, this will cost residents \$1.1 million, and I just want to be clear about that. That is what I believe is before us today. What I believe is before us is the option of putting this on the ballot based on the certification, and it being put on timely, which does not waive the City's rights or anyone's rights, personally, to challenge it; or waiting for some other processes to play out somehow, and this could potentially cost the citizens \$1,100,000.

Vice Chair Russell: Thank you, Mr. Mayor.

Mayor Suarez: Thank you.

Vice Chair Russell: Commissioner Gort, you were asking some questions with regard to the other powers and the full-time job.

Commissioner Gort: All the changes in the backup material where it explains, but taking this motion, what would be changing within the Mayor's office and what would be changing within the City Commission, also. It's not that much change in the City Commission itself. Now, something I want to discuss, which I think is very important, we talked about the strong Mayor. The strong Mayor can be very strong without being a strong Mayor by having the right Manager. He appoints the Manager. We confirm it, but the Mayor -- the Manager listens to what the Mayor wants him to do, and so on. So I don't have (UNINTELLIGIBLE). I don't have any problem. I understand there's a lot of challenge you can make. And knowing the City of Miami, the way people in the City of Miami are, there'll be challenges, I can assure you of that. At this time, we took the -- two or three weeks ago, we sent to the voters an issue, which -- that was not consulted with the people itself that was going to be most affected, so for that reason, I wouldn't have any problem making a motion.

Vice Chair Russell: There's a motion for -- is this for SP.1 and SP.2, together?

Commissioner Gort: SP.1.

Vice Chair Russell: Or you can do them all -- we can do them at the same time or you can do them separately. Would you like to make a motion for SP.1 or SP.1 and SP.2?

*Commissioner Gort: SP.1 and SP.2.*

*Vice Chair Russell: There's a motion on the floor. Is there a second?*

*Commissioner Reyes: Second.*

*Vice Chair Russell: Seconded --*

*Commissioner Reyes: Before I --*

*Vice Chair Russell: Commissioner Reyes, let's hear -- Are you seconding the motion, sir?*

*Commissioner Reyes: Before I make a decision, I need some clarifications here. You know, Francis, you know -- Mr. Mayor -- you know how I feel about this. I think it's an overreach of power. This is not a strong Mayor; this is an -- almost a Mayor with absolute powers, you see. I am a firm believer on balance of power, and I think that our founding fathers, they were very careful to draft a Constitution that provides for balance of power, and in this case, we don't have any. But I have a couple of questions. First of all, how are you going to determine the salary that you are going to receive? It says 78 percent of what the Mayor of -- the County Mayor makes.*

*Ms. Blohm: Right. So --*

*Commissioner Reyes: That's right. The -- How much does the County Mayor makes now?*

*Ms. Blohm: I actually do not have that figure in front of me, but I --*

*Commissioner Reyes: Yes. Well, you should have it, because since you were one of the drafter, you should have that. And let me tell you this: The County Mayor at this time is receiving a hundred and some thousand dollars, because out of his own goodwill, he lowered the -- his salary. But the real salary is close to 340-some-thousand dollars. If Francis -- I mean the Mayor is going to have 78 percent of that, that is a substantial, substantial increase in salary. And another thing that I think that Mr. Crespo, he made a valid question here: Are you going to be a full-time Mayor or are you going to be a part-time Mayor? You see, are you going to receive both of them; yes or no? And I have a real, real, real question on the language. I think that this language does not enumerate the amount of power; although it says, "I will do this, I will do that," but I'm very concerned with that additional power that Mr. Gort was referring to. I don't have any question -- I mean I don't have any problem on placing it on a ballot in November. As a matter of fact, I want to get it over with, you see. I want to get it over with, and I would second, Mr. Gort. But I think that the citizens of Miami, the voters of Miami should be informed. They're not informed; they're misled. They don't know that the -- what entails for the Mayor to appoint the City Attorney, which is not the -- ethical, which is -- Mr. Carollo is right. You see, I'm not super challenge, also, in court, but that entails a lot, because, supposedly, the City Attorney should be totally -- should be appointed by the Commission, which is the one that appoints it now, and they should be the watchdog of the -- of our Constitution or our Charter, you see. Once you appointed them, you will be able to fire it, they -- the pressure --*

*Commissioner Gort: Mr. Chair?*

*Commissioner Reyes: -- that you can place on that person, it is unlimited.*

*Commissioner Gort: Mr. Chairman?*

*Commissioner Reyes: It is unlimited, you see.*

*Vice Chair Russell: There has been a -- thank you, Commissioner Reyes. There has been a -- on SP to -- There has been a motion and a second to approve Items SP.1 and SP.2.*

*Commissioner Carollo: Okay.*

*Vice Chair Russell: We'll continue discussion.*

*Commissioner Carollo: Can --?*

*Vice Chair Russell: Commissioner Gort.*

*Commissioner Gort: Under discussion. I want to ensure that people understand. The Mayor might be the strong Mayor. The Mayor might want to appoint the Attorney, might want to appoint the Clerk, but they need the vote from the City Commission to be approved. The Mayor, I don't care how strong he is, if he wants to pass his budget, it's got to be voted by the Commission. The Commission is the one that can vote for that. And a lot of the changes they take there, we have the power to do "sí" or "no."*

*Commissioner Reyes: With all due respect, Mr. --*

*Vice Chair Russell: Commissioner Reyes.*

*Commissioner Reyes: -- Gort, the powers of the Commission are substantially being diminished; and therefore, the power of the district substantially being diminished. And if you read all the literature about strong Mayor, not even as strong as it is being proposed, the districts has -- well, that's one of the complaints -- district have lost -- they lose power, because everything has to go through the Mayor, you see.*

*Commissioner Carollo: And --*

*Mayor Suarez: Mr. Chair, if I may?*

*Vice Chair Russell: Yes, Mr. Mayor.*

*Mayor Suarez: I'll be very brief. I just want to address one comment that Commissioner Reyes made, or two. The first is that I don't have any issue with the Commissioner or with Commissioner Carollo having --*

*Commissioner Carollo: No, this is nothing personal here.*

*Mayor Suarez: Yeah, I know. I don't have any issue with them disagreeing with the draft or with the reform. That's -- you know, I think reasonable people can differ. I think people have the right to their perspective. I think -- even people who may have signed a petition -- that does not obligate them to vote in favor of this. And I think if this is put on the November ballot, certainly, I think that everyone is going to come out and express their perspective on what they think is the right thing for the citizens of the City of Miami to do or not to do, and I think that's an obligation we all have. The concern that I have is more practical. The concern that I have is, I feel strongly that if we don't put this on the November ballot, this could cost the citizens \$1,100,000, and that's why I called the special meeting; not because I agree with every single component of this particular draft or of any particular draft. I've seen*

many different drafts of what a strong Mayor can look like. And I think, as a voter, I have to make up my mind as to whether or not I want to vote for it or not. And I think every voter has to make up their mind as to whether they want to vote for it or not. What I think is simply before us is, do we put this on the November election and save the City over a million dollars, or not, and cost the City? That does not waive - - and I'll just say again for the Commissioner's benefit -- that does not waive anyone's right -- anyone, including citizens -- from challenging this based on a variety of different allegations that have been made here today.

Commissioner Reyes: I do agree with you, and I think that if the residents decide that they want a Mayor with so much power -- because this is not anything personal, Francis. You see, the -- what we're doing here, we are changing the system. We're changing a system that is going to give anybody that comes behind you a lot of power; a lot of power. And another thing, Mr. Mayor, another thing is that -- now I'm going to refer -- address the press. It is your duty, it is your duty to keep the voters of Miami informed on the pros and cons of this substantial change in power. There is not a single Mayor in Dade County --

Commissioner Carollo: In America.

Commissioner Reyes: -- or in America that will hold as much power as the Mayor of the City of Miami will be able to hold if this thing passes, you see. It's a very, very serious decision. And I do agree with my fellow Commissioner, Joe Carollo, if there is grounds for a legal challenge, I think that we should go right ahead with it, and I'm ready to vote.

Commissioner Carollo: If --

Vice Chair Russell: Thank you, Commissioner.

Commissioner Carollo: -- I could have the floor?

Vice Chair Russell: Commissioner Carollo, you'd like to add?

Commissioner Carollo: Thank you. Mr. Manager, you've been really quiet today. Could I ask you a small question or two?

Emilio T. Gonzalez (City Manager): Yes, sir.

Commissioner Carollo: Mr. Manager, do you have any outside employment? Do you have any other outside employment out of being the City Manager?

Mr. Gonzalez: I do, sir, yes.

Commissioner Carollo: Oh, I'm surprised. I thought I was going to get "no." I'm sorry. Maybe I shouldn't go there. But how many hours a week does it take?

Mr. Gonzalez: Minimal. It's on my own time; it's not during work time.

Commissioner Carollo: Oh, okay. That's going to be your answer, right? Okay. Well, let me not go there, because I -- you know -- thought I was going to get a simple answer, but that -- my intention is not to, you know, beat you --

Commissioner Gort: This is the first time you asked him a question and he don't have the answer.

Commissioner Carollo: -- over -- yeah, you're right. And look what happened. So then let me leave that one for now.

*Commissioner Reyes: You should have been an attorney.*

*Commissioner Carollo: -- and -- but, look, the only person up here that's not only been a Mayor, but has been a City Manager is myself. And I can tell you, when I was Executive Mayor, the same position that Francis has; in fact, the position that I asked the voters to have created back when, and I had no problems in being able to function within an Executive Mayor. I will tell you that as an Executive Mayor, I had no time for anything else. That was a double full-time position, and more. This is a seven-day position. You never put less than 10 hours a day -- and usually more, but certainly, no less than 10 -- on a Monday through Friday; and then on weekends, you put more, depending what was happening. As Manager, even in a small city, but a feisty city that I was Manager of, the same thing. Now, this new position would give the Mayor the additional powers of -- or should I say the responsibility, because -- I don't want to get in that and get anybody upset. But -- so I'll say the additional responsibilities of the Manager. So I don't see how in the world anyone that would hold this new super -- duty of a super strong Mayor, unlike any other Mayor in America would have -- would be able to have any outside employment; it would be impossible. And therefore, as been pointed out by one of our registered voter citizens, that's one of the key components that should have been part of the amendment. If this is supposed to be a new position that we're not even going to be able to elect, then the voters should know that, hey, this is not going to be a full-time position. There could be outside employment; and frankly, outside employment that will pay the Mayor at the time, who it -- whatever Mayor -- it might be an attorney, or depending what kind of businessman -- more than they earn in the position that's supposed to be full time. So that's a big, big missing link that you have there. And, of course, a prosecutor -- unless he was thinking of naming me the prosecutor. I don't know. But, you know, he'll negotiate, but in private, right?*

*Vice Chair Russell: Commissioner, you -- thank you.*

*Commissioner Carollo: But -- no, I'm not done, I'm not done. I need to answer what the Mayor stated eight, 10, 12 times and I'm sure he'll state again, the \$1.1 million it's going to cost us if we don't take care of this today. Well, the person that was in charge of this whole operation was none other than you, Francis. It's your money that paid for all these outsiders to come -- the fine attorney from Tallahassee, the fine petition-gatherers that don't live in the City of Miami; the fine Chairman of -- the spokesperson for the committee that doesn't live in the City of Miami, and doesn't want a strong Mayor in the city that he lives in, in Miami-Dade County, that doesn't have one -- it's been some \$800,000 that have been spent on this so-called people's petition. If you have so much concern that you're going to -- not going to sleep at night because of this 1.1 million that it will cost, you claim, the City in a special election, then, since you're the one that wanted this, you should pay for it from the -- at least one and a half million or more that you have in political action committees, just like you paid for the gathering of the signatures and everything else, and that would be fine. If this is, indeed, the people's petition, you don't need to spend \$2 million in getting it passed in advertising. But I will say this to you: I feel pretty confident, pretty confident -- extremely confident -- that this won't happen; that the residents of Miami won't have to spend a penny.*

*Commissioner Reyes: Can I add something to what Carollo --*

*Vice Chair Russell: Commissioner Reyes.*

*Commissioner Reyes: -- Commissioner Carollo said? This -- also, that money could be saved by not placing it in the ballot.*

*Commissioner Carollo: Well, for instance --*

*Commissioner Reyes: You see?*

*Commissioner Carollo: -- here's another prime example: The people of Miami deserve to vote, if we're going to go that route, for other possibilities of -- in the change of their government, or are we only going to have government by money?*

*Commissioner Reyes: Yeah.*

*Vice Chair Russell: Thank you.*

*Commissioner Carollo: I mean, is this what we're going to have? I -- and this is where we're heading to. So I would like the opportunity to place other possibilities of a change of government together at one time. And by rushing through this again, like everything that we do up here -- it's one after another that it's got to be done now -- I won't be able to do that. The people of Miami won't be able to have other opportunities to vote for other different types of government. But the bottom line is that, I submit to all of you again, that we have not received the full certification that we require, because we require to have and to know if the circulators were registered voters of Miami-Dade County or not, like the Code of the County that they were following and we have to follow says that they had to be.*

*Vice Chair Russell: Thank you. I believe that's been brought up a few times and resolved.*

*Later...*

*Vice Chair Russell: Mayor Suarez.*

*Mayor Suarez: Thank you, Mr. Chair. Again, you have every right to seek outside advice, whether it be from the City Attorney or from some outside agency, or attorney, for the reasons that you specified. I have absolutely nothing against that. I think the concern that I have is practical. Yes, there are timelines that can be extended or can -- not extended, but can be followed insofar as it could take up to 120 days, and it could take up to 120 additional days. The problem is practical in nature, and the practical problem is -- let me just finish. The practical problem is that if you take the 120 plus 120, it's going to create a special election that's going to cost \$1,100,000. This is the only opportunity that you have not to do that. Now, that does not prejudice your right, as a body, or individually, or as citizens of the City of Miami to contest, make whatever allegations you think are substantiated or substantiate-able in court; everybody has a right to do that. Our job as stewards of the citizens' money and taxpayers is to protect them, and this is the only opportunity we have to do that. If we don't do it now, and -- Let's say, for example, outside counsel is hired, and they sue, and they lose. What happens? This is going to come back here, and we're going to have to put it on a ballot. It's going to cost \$1,100,000.*

*Commissioner Carollo: No, it won't.*

*Vice Chair Russell: Madam City Attorney --*

*Commissioner Carollo: No, it won't.*

*Commissioner Reyes: What --*

*Vice Chair Russell: Stop speaking past each other for a little bit, please, gentlemen. I --*

*Commissioner Carollo: Mr. Chairman --*

*Vice Chair Russell: If I may -- no. I've offered very broad discretion for discussion on this item, because it is so important to the City, and perhaps it goes beyond the scope of the two items on this ballot, some of the issues that are being discussed, but they're very important, and this is our only opportunity on the dais with each other, and the public to say how either we feel about it, or what we're concerned about; concerned about the process. So that's why I've granted, definitely, all this leeway for the questions, concerns, challenges, accusations, and everything. But at the end of the day, we have a job to do today, and I respect very much that Commissioner Gort, with whatever reservations, has placed the motion, similar to Commissioner Reyes; although, clearly having issues with it, is willing to second this, and possibly put it toward the voters for them to decide.*

*Commissioner Reyes: Yes.*

*Vice Chair Russell: But I do believe we have a job here, and the questions we should be asking are to our City Attorney, and that will help us clarify some of the things. So some of the questions that have been raised today: If this is not placed on a ballot today, does that trigger a special election, by your interpretation of the counter? The trigger -- if I understand correctly, the trigger that starts the days counting for the special election, or toward a regular -- toward what we're doing today -- is whether or not the final petition, when certified, which starts the trigger -- is that the first trigger? Could you walk us through that, please? What is the trigger that starts the counter that leads to 120 days, plus the potential in a second 120 days? And what happens if we do not place this on the ballot? Because one suggestion was we would just save the City money if we do not place it on the ballot. And my other question is, can a political action committee pay for one of our elections, or is it always the responsibility of the City, if there's a special election forced that the City must pay for its elections? Those are my two questions, please.*

*Ms. Méndez: With regard to a political action committee paying for that, I will defer to Ms. Blohm, because she is an elections attorney, and she can explain what a PAC (Political Action Committee) can or cannot do.*

*Commissioner Carollo: I'm sorry --*

*Vice Chair Russell: Then if we could just --*

*Commissioner Carollo: -- Ms. Blohm's got a conflict of interest.*

*Vice Chair Russell: Well, I don't believe we're -- okay, let's just answer the one on --*

*Ms. Méndez: There's -- there could be problems with a PAC actually paying for it, but again, I don't have all that information right now.*

*Mayor Suarez: Mr. Chair, may I just answer that question? Again, I am not an elections lawyer. I have consulted, because I've heard in the press that there have been desires for a political committee -- by the way, not the political committee that is currently involved in this, because that political committee does not have the money to pay for the special election. But there has been talk about another political committee that I have registered to raise money for, which does have funding -- by the way, still not enough to pay for this election. And I've been advised by elections*

*counsel that that political committee cannot pay for a special election, under State law; cannot -- that is just not one of the things that a political committee can do.*

*Ms. Méndez: However, I can research further --*

*Mayor Suarez: Sure.*

*Ms. Méndez: -- and get back to you on that answer. I just cannot answer right now. I know that there are some constraints with regard to PACs, but it may be that they can pay for it. I just have to get back to you on that. And then, with regard to the timetables, there -- the Commission has up to 240 days with the -- both timelines to be able to place this on a ballot, after it's certified.*

*Vice Chair Russell: And the last petition was certified, and that was another one of the issues brought up. There are questions with regard to whether or not the -- those circulating the petition were residents or registered voters; whether or not the solicitors were misrepresenting; whether there were -- bad translation within the petition. These -- are these -- these are issues for the certification, and if it's passed the muster of certification, we, as a Commission, are to assume that this is legally correct; this is sound?*

*Commissioner Carollo: No.*

*Ms. Méndez: So we -- Todd -- the Clerk did not certify everything that came. The certifications came from the County.*

*Vice Chair Russell: From the County. But if they certified it, we are to assume that they did their job, and that these are certified and correct; this petition number is legal and sound?*

*Commissioner Reyes: It can be challenged.*

*Vice Chair Russell: Of course, anyone can challenge. And if they're wrong, it gets thrown out.*

*Commissioner Gort: Challenge it.*

*Vice Chair Russell: If they -- if -- what Commissioner Carollo has alleged, that they were non-residents, even, and non-registered voters gathering petitions, and that they were misrepresenting, and et cetera, et cetera, someone can challenge. But our job is not to be the -- necessarily the finder of fact today and start counting petitions, and deciding whether or not people were registered. We must assume that the County did their job in certifying the petitions. It has come to us that over 19,000 have been certified, which puts our job before us today, and that started the counter, which says up to 240 days before this is -- be -- has to be voted on by our electors, and that puts us where we are today. So I think I understand. You're unsure on whether or not a PAC can pay for it, if there were a special election. So the urgency issue is, I think, secondary to what we are doing here today, which is studying whether the process was followed appropriately, because I never believe that we're just a rubber stamp, or that we're just here ministerially, so I really sincerely appreciate the questions that were asked. They may be valid. They may be valid and they will be challenged, and if those accusations are true, this will obviously be thrown out. But our vote today is with regard to the ballot language and whether or not we put this on the ballot at this point.*

*Commissioner Carollo: Right.*

*Vice Chair Russell: So --*

*Commissioner Carollo: Mr. Chairman, can you humor me one more time? This is the last one on this one; on this one, before we get into the next one.*

*Vice Chair Russell: You can --*

*Commissioner Carollo: Okay.*

*Vice Chair Russell: You're a Commissioner. You have the right to say whatever you like.*

*Commissioner Carollo: I appreciate it. Mr. Mayor, you kept talking about the people, and the people, and the people. You believe strongly that we should follow what the people stated in this petition here, right?*

*Mayor Suarez: I'm not involved in the collection of the petition, or the drafting of the petition, so --*

*Commissioner Carollo: But --*

*Mayor Suarez: -- my --*

*Commissioner Carollo: -- you just helped pay for the collection and the payments?*

*Mayor Suarez: -- I raised money for the organization, yes.*

*Commissioner Carollo: Okay. All right. All right. But you believe strongly that what the people ask for here, we should follow?*

*Mayor Suarez: Again, I'm not involved in the drafting of the petition, so --*

*Commissioner Carollo: It's not having to do with whether you're involved or I'm involved, or not. You had made statements before that we had so many people to sign this that we should listen to the people, so --*

*Mayor Suarez: I'm of the opinion that we should have a strong Mayor in the City of Miami. I've been very clear about that. I tried to do it in 2011 --*

*Commissioner Carollo: But that's not --*

*Mayor Suarez: -- and in '16, I supported the efforts of the committee --*

*Commissioner Carollo: I understand that, I understand that, and that's not the --*

*Mayor Suarez: -- so I'm not understanding your question.*

*Commissioner Carollo: My question is -- well, the language was here that the people that signed it want it. You believe that this is what -- I'm sorry, you don't have a copy of it there. Here, you want me to get you one -- or does he have one? Okay.*

*Mayor Suarez: Can you be specific as to your question?*

*Commissioner Carollo: Thank you. I thought you would have remembered by now. "We, the undersigned qualified electors of the City of Miami, Florida," and that's -- it goes on, and what they want. I mean, do you believe that what was placed in here,*

*we have an obligation, after being certified, that we should listen to the people and put it in the ballot?*

*Mayor Suarez: I think that the City Code is very clear as to what happens after this petition is certified, and it says it in Section 2-112 --*

*Commissioner Carollo: Right.*

*Mayor Suarez: -- of the City Code --*

*Commissioner Carollo: Yeah, yeah, we got what --*

*Mayor Suarez: -- that the City -- let me finish, because you asked me a question, so I'm going to -- let me answer it.*

*Commissioner Carollo: Sure.*

*Mayor Suarez: So I think it's very clear what the City's duties are in the City Code where it says once -- and I'll read it to you verbatim -- "The City Attorney shall" -- not may --*

*Commissioner Carollo: Shall, yeah. Shall, yeah.*

*Mayor Suarez: -- "shall draft" --*

*Commissioner Carollo: Means it must.*

*Mayor Suarez: -- "a Charter amendment" --*

*Commissioner Carollo: It must.*

*Mayor Suarez: -- "within" --*

*Commissioner Carollo: Yeah.*

*Mayor Suarez: -- "120 days" --*

*Commissioner Carollo: Yeah.*

*Mayor Suarez: -- "or after the certification of a petition of 10 percent of the qualified electors of the City of Miami." I feel that we have received a certification from the County of a petition of 10 percent of the qualified electors of the County [sic]. So I do feel that the Code has been met, and that's why I called this special meeting --*

*Commissioner Carollo: Okay.*

*Mayor Suarez: -- because if we do it today, then we have the chance to save a million dollars.*

*Commissioner Carollo: Okay. Well --*

*Mayor Suarez: If we don't do it today, we can -- you can challenge whatever you want to challenge.*

*Commissioner Carollo: No, no, no. I want to show you. I want to show you how easily we don't have to spend the \$1.1 million that you're so concerned about.*

*Counselor, can I get you up here for this go around? It's the last time, I promise. Do you agree that the language that was placed in this petition, how it was drafted, that once someone signs it, that's what they want, correct; that we should listen to them, because that's the voice of the people; they want that?*

*Ms. Blohm: Well, I think when they sign this that they are signing it to petition their government, yes.*

*Commissioner Carollo: Yeah.*

*Ms. Blohm: But as far as whether they end up voting for it, that --*

*Commissioner Carollo: No, no, I understand it. But you do believe that government should listen to its people in a democracy?*

*Ms. Blohm: Well, our power is in hearing the people, according to our Constitution.*

*Commissioner Carollo: Yeah, that's right. Okay. Well, that's what -- I think you said something similar to that when you started today. Well, guys, let me show you how easy is this, how simple. Let me begin by the petition that I suspect you drafted, with the help of others. And it says, "We" -- it begins by saying, "We, the undersigned qualified electors of the City of Miami, Florida, petition the City of Miami Commission to place a Charter amendment on the next available ballot, in accordance with Section 2-112 of the City of Miami Code of Ordinance." You just went over the City Code of Ordinance. We've gone through it at least four, five, six times. It is 120 days that the Attorney has to draft. Once she gets it to us, we have another 120 days to place it on the ballot. So if we're to follow this process, like a normal democracy, a normal, civilized city would, not to do it in an hour or so to get it on the ballot, and take the time that our City fathers thought that we should have -- and we do need -- to draft it -- after all, we even have one member of this Commission, an important member of this Commission, because he represents the majority of the African-Americans in this community in his district that's not here, that should have a say-so in making sure that the wording is acceptable to him that -- and he's also an attorney, by the way, which I am not, an nobody else in this Commission is. So here, Section 2-112 again talks about 120 days for the City Attorney, 120 days for us to decide. Let me read to you again what the people -- the people's petition says, so you could understand what the people really want. The people are telling you and telling us, "We, the undersigned qualified electors of the City of Miami, Florida, petition the City of Miami Commission to place a Charter amendment on the next available ballot, in accordance with Section 2-112 of the City of Miami Code of Ordinance," which means --*

*Mayor Suarez: November 8.*

*Commissioner Carollo: -- if we does [sic] not approve this today and we follow our process that we just went through, the next available ballot after this process would be November 2019, and it can't be any clearer than that.*

*Ms. Blohm: I strongly --*

*Mayor Suarez: I strongly disagree with that point.*

*Ms. Blohm: -- I --*

*Mayor Suarez: Vehemently --*

*Commissioner Carollo: Well, then show me in plain English where --*

*Mayor Suarez: I think it is in plain English.*

*Commissioner Carollo: -- is it wrong?*

*Ms. Blohm: In accordance with Section 2-112 --*

*Mayor Suarez: Right.*

*Ms. Blohm: -- which says it has to be a special election, it has to be within this time frame.*

*Mayor Suarez: Right.*

*Ms. Blohm: That is what the ordinance requires.*

*Commissioner Carollo: But the people --*

*Mayor Suarez: Mr. Chair, if I may, after him?*

*Commissioner Carollo: -- but the --*

*Ms. Blohm: That is what the --*

*Commissioner Carollo: I'm sorry, I'm sorry --*

*Ms. Blohm: -- Constitution requires.*

*Commissioner Carollo: No. Yeah, but see, this is another point that you're making, because I knew you were going to tell me that. So here's another example why this petition is faulty, because the people are asking for the next available election, but you're telling me that what -- want to talk to -- about a special election. So you should not have drafted it in this way for the people to sign it.*

*Mayor Suarez: Mr. Chair, if I may?*

*Vice Chair Russell: Mr. Mayor.*

*Mayor Suarez: I think I could not disagree more with Commissioner Carollo on this. I think, if anything, your argument is reinforcing what we're doing here today.*

*Commissioner Carollo: No, sir.*

*Mayor Suarez: No, let me finish, because I let you finish.*

*Commissioner Carollo: Sure.*

*Mayor Suarez: So it says that -- and I'm reading this here. It says, "For the next available election." The next available election --*

*Commissioner Carollo: Ballot.*

*Mayor Suarez: -- the next available ballot. That is in November; that is the next available ballot. Wait, let me finish. Let me finish. So the 120 days is a range of days. It says it cannot take any longer than 120 days, and that it has to take between 60 and 120 days. So that is -- those are ranges. The reason why those ranges are in -- put in, I presume, is because this is a citizen-led petition, and they don't want to*

leave it up to elected officials, because it's citizen-driven; and therefore -- let me finish -- there are ranges. If you don't do it within a certain period of time, the citizens can come back and say, "This needs to be done within another 60 to 120 days"; that's why it's not just some blanket -- it could be done whenever we want to do it. So I think the language that you read actually reinforces what we're trying to do here today, and I will caution you again that if we don't do it, we will potentially cost the citizens \$1,100,000. And listen, it's -- that's the beauty of democracy. You guys have the right to vote in favor of it. You have the right not to vote in favor of it. I'm telling you that we may be here at some future point if you don't vote in favor of it, and putting it on a special election, which is going to cost \$1,100,000; that simple.

Commissioner Carollo: It's very clear by this ballot language that you drafted that if the citizens did not mean "the next available ballot," they would have put "the next available ballot or special election." They did not put "special election" here; they put "ballot"; meaning, they didn't want a special election. Now --

Mayor Suarez: That's not true.

Commissioner Carollo: -- well, otherwise, it would have said this here. And, in fact, it says --

Mayor Suarez: That's not accurate.

Commissioner Carollo: -- "In accordance with Section 2-112" --

Mayor Suarez: Exactly, which calls for a special election.

Commissioner Carollo: -- that gives us a process.

Ms. Blohm: Which reading?

Commissioner Carollo: So if they reference that, that we go through the process, it's obvious that we are being asked at the next available ballot, once that process is met on Section 2-112; otherwise, we're not following what the citizens are asking us to do.

Ms. Blohm: Well, under your interpretation, you're not following what it says, with accordance with Section 2-112, which has specific time frames in it. You wouldn't be acting in accordance with 2-112.

Commissioner Carollo: We would. The only thing that would --

Vice Chair Russell: Commissioner Gort.

Commissioner Carollo: -- to your second point -- is that in Section 2-112, it talks about a special election, and the -- it conflicts with the wording of how this was put out.

Mayor Suarez: At all.

Vice Chair Russell: Commissioner Gort.

Mayor Suarez: Not at all.

Commissioner Gort: I think --

Commissioner Carollo: Therefore, it makes it even more so --

*Vice Chair Russell: Please, Commissioner Carollo. Commissioner Gort has the floor.*

*Commissioner Gort: -- Commissioner Carollo brought a lot of points that can bring challenges, and we can see a lot of challenges, but we can be here discussing the different challenges all night long. This is not a decision. I'd like to call the question.*

*Vice Chair Russell: There's been a motion to call the question; seconded by the Chair. All in favor of calling the question, say "aye." Aye.*

*The Commission (Collectively): Aye.*

*Vice Chair Russell: Any opposed? So we'll call the question; no further discussion. All in favor of Items SP.1 and SP.2, please indicate by --*

*Commissioner Carollo: No, no, no, no. It's got to be one at a time. The motion was for one, not for both.*

*Vice Chair Russell: No, it was for both.*

*Commissioner Carollo: No; for one, because you can't do both like this, because you got to do one before you get to the other.*

*Commissioner Gort: Correct.*

*Commissioner Carollo: Read it. Read it.*

*Vice Chair Russell: Commissioner --*

*Commissioner Carollo: You got to do one before you do the other.*

*Vice Chair Russell: -- the motion and the second was for both SP.1 and SP.2. Mr. Clerk, Madam City Attorney, is that a legally sound procedure? Can we look at both of the items at -- under one motion --*

*Ms. Méndez: I'll defer to the Clerk --*

*Vice Chair Russell: -- and vote?*

*Ms. Méndez: -- on this one.*

*Mr. Hannon: I have no reservations about voting both -- on both at the same time.*

*Mayor Suarez: That's how we did it for Melreese.*

*Vice Chair Russell: Well, thank you.*

*Commissioner Carollo: No, no, no. You do --*

*Commissioner Gort: Vote for one.*

*Commissioner Carollo: -- you absolutely do, because the -- One is asking -- directing the City Attorney to prepare an amendment to --*

*Commissioner Gort: Yeah.*

*Commissioner Carollo: -- the Charter of the City of Miami, as amended, so this could be put in the ballot. The other one is saying to put it on the ballot.*

*Vice Chair Russell: Yes.*

*Commissioner Carollo: Well, how can we instruct you to put something on the ballot if we haven't even seen it?*

*Vice Chair Russell: We have it right here.*

*Commissioner Carollo: Yeah?*

*Mayor Suarez: That's the same way you did it with Melreese.*

*Mr. Hannon: Yes.*

*Commissioner Carollo: No, no, no.*

*Mayor Suarez: Yeah.*

*Commissioner Carollo: It's quite different --*

*Mayor Suarez: No, no, it's exactly the same.*

*Commissioner Carollo: -- and that was done in that fashion, like this.*

*Mayor Suarez: It was exactly the same, and by one motion.*

*Commissioner Carollo: So I don't believe that you could do these both at one time. You need to do it separate.*

*Commissioner Gort: Okay. SP.1, motion on SP.1.*

*Vice Chair Russell: No, no. We have a motion and a second on both items, unless there's a withdrawal, because --*

*Commissioner Carollo: So then let me put this on the record.*

*Commissioner Reyes: Now, if the one that presented the motion, which is Commissioner Gort, he wants to -- I mean, go back and --*

*Vice Chair Russell: The Clerk has advised it is --*

*Commissioner Reyes: -- I will withdraw my second, and I will second SP.1.*

*Vice Chair Russell: -- legally sound -- or procedurally sound, either way; that we're not mandated one way or the other. We have, by precedent, put many items on the ballot on the same day and in the same motion as the drafting of the language, and the language drafted is in the backup here. We can have the City Attorney read the ballot language into the record if it makes those more comfortable, but it's completely up to the mover on how he'd like to proceed.*

*Commissioner Gort: Mr. Chairman, I would like to withdraw the motion, and I'd like to do the SP.1, and I want to call the roll on both of them afterwards. SP.1.*

*Commissioner Reyes: I will second SP.1.*

*Vice Chair Russell: Okay. We have a motion and a second on SP.1. Roll call, please.*

*Mr. Hannon: A roll call vote on SP.1. Commissioner Reyes?*

*Commissioner Reyes: Yes.*

*Mr. Hannon: Commissioner Carollo?*

*Commissioner Carollo: No.*

*Mr. Hannon: Commissioner Gort?*

*Commissioner Gort: Yes.*

*Mr. Hannon: Chair Russell?*

*Vice Chair Russell: Yes.*

*Mr. Hannon: The resolution passes, 3-1.*

SP.2

**RESOLUTION**

4616

**Commissioners  
and Mayor**

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING, SETTING FORTH AND SUBMITTING TO THE ELECTORATE A PROPOSED CHARTER AMENDMENT AMENDING THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CHARTER") TO CHANGE TO A STRONG MAYOR-COMMISSION FORM OF GOVERNMENT; REPLACE CITY MANAGER WITH THE MAYOR; MAYOR SERVES AS NONVOTING, NON-MEMBER COMMISSION CHAIR; GRANT MAYOR POWER TO APPOINT AND REMOVE CITY ATTORNEY, CITY CLERK, POLICE AND FIRE CHIEF, DEPARTMENT DIRECTORS AND EMPLOYEES; CHANGE FILLING MAYORAL VACANCY AND PAY FORMULA; ADOPT STATE RECALL PROCEDURE; PROVIDE OTHER MAYORAL AND COMMISSION POWERS AND CHANGES; AND MAKE EFFECTIVE IMMEDIATELY; MORE PARTICULARLY BY AMENDING SECTIONS 4, 12, 14, 15, 16, 17, 20, 21, 24, 25, 26, 27, 29A, 36, AND 51 OF SAID CHARTER; CALLING FOR AND PROVIDING THAT THE CHARTER AMENDMENT BE SUBMITTED TO THE ELECTORATE AT A SPECIAL ELECTION TO BE HELD ON NOVEMBER 6, 2018; DESIGNATING AND APPOINTING THE CITY CLERK AS THE OFFICIAL REPRESENTATIVE OF THE CITY COMMISSION WITH RESPECT TO THE USE OF VOTER REGISTRATION BOOKS AND RECORDS; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA, NOT LESS THAN FORTY-FIVE (45) DAYS PRIOR TO THE DATE OF SUCH SPECIAL ELECTION; PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR THIS RESOLUTION.

**ENACTMENT NUMBER: R-18-0355**

<b>MOTION TO:</b>	<b>Adopt with Modification(s)</b>
<b>RESULT:</b>	<b>ADOPTED WITH MODIFICATION(S)</b>
<b>MOVER:</b>	<b>Keon Hardemon, Chair</b>
<b>SECONDER:</b>	<b>Wifredo (Willy) Gort, Commissioner</b>
<b>AYES:</b>	Hardemon, Russell, Gort
<b>NAYS:</b>	Carollo, Reyes

*Note for the Record: A motion was made by Commissioner Gort, seconded by Vice Chair Russell, which failed by the following votes: AYES: Commissioner Gort and Vice Chair Russell; NAYS: Chair Hardemon and Commissioners Carollo and Reyes; to adopt item SP.2 with modifications to the ballot language.*

*Note for the Record: For directives referencing Item SP.2, please see Items NA.1 and NA.2.*

*Note for the Record: For additional minutes referencing Item SP.2, please see "Public Comment Period for 'SP' Item(s)," Item SP.1, Item NA.1, and Item NA.2.*

*Commissioner Gort: SP.2. There's a motion in favor. Call the question.*

*Commissioner Carollo: Discussion. This is a different one that has one additional item that I got to bring up.*

*Commissioner Gort: Sure.*

*Vice Chair Russell: I'm sorry, we have a calling of the question on SP.2. Is there an -- a second on SP.2?*

*Commissioner Reyes: Let me ask the City Attorney a question. This SP.2, the language that's going into the ballot, can it be changed? Because I have my problem with the bal -- with the language. I don't think it's specific enough, and it is sort of misleading.*

*Ms. Méndez: Technically, the case law says that it cannot be changed, but there can be, obviously, competing -- but I don't -- we don't have time for that right now, but there can also be other ballot language in a separate one, but this one technically cannot be changed.*

*Mayor Suarez: Because of the notice?*

*Ms. Méndez: No, not because of notice; just because of -- technically, it's what the people --*

*Vice Chair Russell: Was the ballot language included in the petition that the people signed?*

*Ms. Méndez: I was not there.*

*Vice Chair Russell: It is not, I don't believe.*

*Ms. Méndez: I'm sorry?*

*Vice Chair Russell: I believe that the drafted language is separate from the petition --*

*Commissioner Reyes: Because --*

*Vice Chair Russell: -- is that correct?*

*Commissioner Reyes: I agree with placing it on the ballot, but I don't agree with the language. I think the language should be more specific, and will determine and make some sort of -- and it said how much the Mayor is going to make, if -- according to the statute of the County that has the salary of the County Mayor on 340-some-thousand dollars.*

*Mayor Suarez: That's not accurate.*

*Commissioner Reyes: 78 percent of that; that you could make up to that amount, okay? And also, I want -- oh, it's to enumerate the powers, one by one, okay?*

*Vice Chair Russell: So --*

*Commissioner Reyes: I have a problem with the language.*

*Vice Chair Russell: So that's understood, Commissioner Reyes. I believe if the petition that was signed included the ballot language, we are bound to that ballot language. I think if --*

*Commissioner Reyes: If we are bound --*

*Vice Chair Russell: -- it's not, then I believe we have the discretion to alter that ballot language today. And that would have been SP --*

*Commissioner Carollo: Here is the problem that I'm seeing; that's why I wanted to have dealt with this separately: Again, Section 2-112A: "The City Attorney shall draft, with the assistance of any individual the City Attorney deems necessary, a Charter amendment, within 120 days after the City Commission adopts a resolution directing the City Attorney to prepare such amendment.*

*Commissioner Reyes: That was my complaint on --*

*Commissioner Carollo: Or --*

*Commissioner Reyes: -- Melreese.*

*Mayor Suarez: Or, or, or --*

*Commissioner Carollo: When did we draft this resolution?*

*Mayor Suarez: Mr. Chair, or after the certification of a petition of 10 percent of the qualified electors of the City of Miami requesting such amendment. So the --*

*Commissioner Carollo: But my point is that --*

*Mayor Suarez: -- you know, the second part is important --*

*Commissioner Carollo: -- yeah, but it is --*

*Mayor Suarez: -- because this is a different scenario.*

*Commissioner Carollo: Mr. Mayor --*

*Mayor Suarez: And by the way, you already passed SP.1, so.*

*Commissioner Carollo: -- it is, and I'll grant you that when you're correct on something, but that goes to what I was saying originally. I don't believe this petition was duly certified, because the certification that the County requires, in the number-one request that they made that you have to follow, and that the attorney said that that's what they went on, until she had a change of heart and said it was unconstitutional, it said that you had to be a registered voter of Miami-Dade County to circulate. And as I pointed out, just in a small batch of 1,400, 1,500 signatures, where 55 people collected them, we're finding 43 percent that are questionable whether they're registered voters or not; at least three were found not to be registered voter, and those three have more than a couple of hundred signatures between them. So this is the point that I'm making. I don't believe this was followed.*

*Vice Chair Russell: That's been brought up. The Clerk has settled the issue of whether or not the County certified these, and that -- and whether or not they're --*

*Commissioner Carollo: Did the County certify the signatures of the petition-gatherers?*

*Mr. Hannon: No, sir; of the people signing the petition.*

*Commissioner Gort: Mr. Chairman --*

*Mayor Suarez: And there's no requirement that the petition-gatherers be certified; is that -- is there a requirement?*

*Ms. Blohm: Right. The Supervisor's duty is to certify the signatures.*

*Commissioner Gort: Mr. Chairman?*

*Vice Chair Russell: Yes, Commissioner Gort.*

*Commissioner Gort: My understanding, the Melreese amendment was very similar to that, was very -- fast done, and we had approved on it, so --*

*Mayor Suarez: Yeah, that's correct that was done.*

*Commissioner Gort: -- for this reason, call the question.*

*Vice Chair Russell: So SP -- well, what I'd like an answer from, though, specifically -- and I need it from either one of the attorneys in here -- is whether or not the ballot language was included in the petition that residents signed?*

*Commissioner Carollo: No, it was not.*

*Vice Chair Russell: I don't believe it was.*

*Commissioner Carollo: No, it was not.*

*Vice Chair Russell: And so, I believe we do have the discretion at this point to alter ballot language. We cannot alter the powers suggested within the petition --*

*Commissioner Reyes: No.*

*Vice Chair Russell: -- but the ballot language itself --*

*Commissioner Reyes: Absolutely.*

*Vice Chair Russell: -- we do have that discretion.*

*Commissioner Carollo: Well, then --*

*Commissioner Reyes: Then we have to enumerate the ballot -- everything that we been questioning, including the additional powers that it is requesting.*

*Vice Chair Russell: Well, within 75 words.*

*Commissioner Reyes: Within 75 -- that's for our City Attorney to determine.*

*Vice Chair Russell: Madam City Attorney, could you read the ballot language that's currently drafted, please?*

*Ms. Méndez: "Shall the Miami Charter be amended to change to a strong Mayor Commission form of government; replace City Manager with the Mayor; Mayor serves as non-voting, non-member Commission Chair; grant Mayor power to appoint and remove City Attorney, City Clerk, Police and Fire Chief, department directors and employees; change filling mayoral vacancy, and pay formula; adopt State recall procedure; provide other mayoral and Commission powers and changes; and make" --*

*Commissioner Reyes: That should be defined.*

*Ms. Méndez: -- "effective immediately?"*

*Vice Chair Russell: How many words?*

*Mayor Suarez: 72.*

*Vice Chair Russell: 72. And --*

*Mayor Suarez: By the way, that enumerates --*

*Vice Chair Russell: -- what specifically would you like to make more specific?*

*Commissioner Reyes: I agree with Ms. Solares that -- what are -- what do you mean, you have additional powers? You see, additional powers, what are those additional powers? Because that's very broad.*

*Vice Chair Russell: "Other mayoral and Commission powers and changes, and make effective immediately."*

*Ms. Blohm: If I may?*

*Vice Chair Russell: Please.*

*Ms. Blohm: Under Section 101.161, what the summary is, is that it is basically the -- it is a summary of the amendment, and it's an explanatory statement of the main points in the amendment. It doesn't cover everything, because in 75 words, you can't cover everything; and so, that's what the case law goes over and over again. As far as when we say, "other powers," it's because of things like the Mayor may appoint administrative aides. I think that the main substance, which is the change in the -- to the strong Mayor -- is incredibly spelled out, as well as the major power change in who appoints or removes City Attorney and City Clerk, as well as the employees. So it's more of a -- the problem is more in the 75-word limit, but as the legal cases, there's case law -- for case law that not every point has to be put in there.*

*Mayor Suarez: Mr. Chair?*

*Ms. Blohm: It is a explanatory statement of the main purpose.*

*Vice Chair Russell: It's legally sound, I would agree, but what we're looking for is, politically, at this point, is a potential swing vote on this issue, who is not satisfied with the specifics of the wording.*

*Commissioner Reyes: And I --*

*Vice Chair Russell: So if he has an amendment he'd like to offer, I think --*

*Commissioner Reyes: Okay.*

*Vice Chair Russell: -- the dais is open already.*

*Commissioner Reyes: Unless you define what "additional power," I cannot make an amendment. But I want something to be included, which is very clear, that the salary of the Commission -- of the new Mayor shall be no less than 78 percent of the salary of the County Mayor; in parentheses, 340 -- how much?*

*Unidentified Speaker: 320.*

*Mayor Suarez: Mr. Chair?*

*Commissioner Reyes: 320 --*

*Mayor Suarez: That's not accurate.*

*Commissioner Reyes: -- thousand dollars.*

*Mayor Suarez: Mr. --*

*Ms. Blohm: Well, right now, it's 175,000.*

*Vice Chair Russell: Just a moment, please. Mr. Mayor.*

*Mayor Suarez: Yeah. That's just not accurate, and I think that's the problem. It's not accurate.*

*Vice Chair Russell: What's not accurate?*

*Mayor Suarez: It's not accurate that the County Mayor's salary is 300 and -- whatever.*

*Commissioner Reyes: The maximum, the maximum, according to --*

*Mayor Suarez: No, there's no maximum. It's just the County Mayor --*

*Commissioner Reyes: No, no, no. According to the Charter -- according to the County Charter, this is the salary. Mr. Gimenez -- Mayor Gimenez, out of his own will --*

*Mayor Suarez: Right.*

*Commissioner Reyes: -- he lowered his salary, but the salary -- next Mayor --*

*Mayor Suarez: Right.*

*Commissioner Reyes: -- let's say that another Mayor comes in.*

*Mayor Suarez: Sure.*

*Commissioner Reyes: And next Mayor, he wants to receive --*

*Mayor Suarez: Right.*

*Commissioner Reyes: -- the Mayor -- which has been stated.*

*Mayor Suarez: Right.*

*Commissioner Reyes: Okay? Which is 320,000. Yours will change immediately --*

*Mayor Suarez: Mr. Chair, if I may?*

*Commissioner Reyes: -- to 78 percent of that.*

*Ms. Blohm: It's 75 percent.*

*Commissioner Carollo: Okay.*

*Commissioner Reyes: Of 75, of 75 percent. I'm sorry. That's not correct, then. I stand corrected.*

*Mayor Suarez: So when my predecessor, Commissioner -- Mayor Regalado reduced his salary when he became Mayor in 2009 from his predecessor, Mayor Diaz, who had a salary of 150,000, he reduced it to whatever it is right now. And I became Mayor. I didn't change that. So the Commission -- I don't know how the -- you know -- County Charter reads --*

*Commissioner Reyes: It's the budget -- it's stated in the budget in this -- and the Commission --*

*Vice Chair Russell: Please, one at a time.*

*Mayor Suarez: -- (UNINTELLIGIBLE) finish, Mr. Commissioner. So in -- currently, in our Charter, there is no limit, downward or upward, in what the Mayor can make; that is set by the Commission. So, to your point, there is no limit right now. The Mayor can make whatever amount of money the City Commission wants to pay the Mayor. I'm not asking for a raise; let me be very clear, I'm not.*

*Commissioner Reyes: And listen --*

*Mayor Suarez: So -- wait, wait, wait. So --*

*Commissioner Carollo: You're not?*

*Mayor Suarez: No, I'm not.*

*Commissioner Carollo: Well, in this petition, you're going to get one, so.*

*Mayor Suarez: I don't necessarily agree with that.*

*Commissioner Carollo: Oh, okay. So you had nothing to do with it. All right.*

*Mayor Suarez: I have no -- I'm not -- I don't agree with that calculation.*

*Commissioner Carollo: All right. Okay.*

*Commissioner Reyes: But --*

*Mayor Suarez: Right.*

*Commissioner Reyes: -- we are not dealing here with Francis Suarez, only.*

*Mayor Suarez: I understand.*

*Commissioner Reyes: We are changing --*

*Mayor Suarez: I understand.*

*Commissioner Reyes: -- the system that -- forever.*

*Mayor Suarez: Right.*

*Commissioner Reyes: I mean, for -- until somebody changes it again. We are changing the system --*

*Mayor Suarez: I agree, Commissioner.*

*Commissioner Reyes: -- and whoever becomes Mayor -- either you or -- if you decide -- I don't know if you're going to do it or not -- or anybody that comes behind you. You see, the salary --*

*Mayor Suarez: Right now, it's not that far.*

*Commissioner Reyes: -- the County Mayor's salary, it is -- I mean, the appropriation in the County budget is \$320,000. That's the salary. Now, out of that \$320,000 -- that's the official salary -- the Mayor decides out of his own goodwill to reduce his salary to 100 and some thousand. But according to the way that it reads in your proposal, it is 75 percent of the County's --*

*Vice Chair Russell: It's a valid concern, so it could be -- through misinterpretation, it could actually double.*

*Commissioner Reyes: Absolutely, and we --*

*Vice Chair Russell: So here's what we're going to do -- here's what we're going to do: I would like you to -- you've been very clear on that specific concern in the ballot language -- to please give clarity on the Mayor's salary, and how it's calculated. Are there other concerns? And here's what we're going to do: We're going to get your list of concerns for the ballot language. We're going to go to recess for about 30 minutes, so that you and/or any other Commissioner that wants to work with the City Attorney --*

*Mayor Suarez: Right.*

*Vice Chair Russell: -- on the ballot language. The City Attorney will come back with new draft ballot language within 75 words that does or does not address your concerns, and then we will take a vote.*

*Commissioner Reyes: Thank you, sir.*

*Commissioner Gort: That's it.*

*Commissioner Carollo: Can I leave something for the record while we do this? The reason that the Supervisor of Election, in her conversation with me, stated that she did not go through to certify the petitioners' signatures was that she was not requested to do so. So I would imagine that they assumed that we had something in our Charter that was different than what they had, and we were going through our Charter; but if it would have been a County Charter amendment, that they would have done that. So part of the problems here are that because the County doesn't go beyond what their Charter is, and cannot, if we have a difference, if they're not asked by us, they have -- they assume that it's because we have something different in our Charter. But the fact is, since we don't, they needed to have done that as part of the certification, and we should ask that question of Christina White before we come back, because that's part of the certification. And I'll say it again. That's part of the certification.*

*Vice Chair Russell: It's either valid or it isn't. And through that process, if we want to ask them to do that, or whatever, they will, and it'll come back. But --*

*Commissioner Gort: Mayor -- I mean Mr. Chairman.*

*Vice Chair Russell: Yes, Commissioner Gort.*

*Commissioner Gort: The thing I would like to remove is the -- and I will save some words -- appointment of the Attorney and City Clerk. I think the appointment of City Clerk has always been the City Commission, and the City Manager does approve the Fire Chief -- department Chief, and all the other directors.*

*Mayor Suarez: Mr. Chair?*

*Vice Chair Russell: Mr. Mayor.*

*Mayor Suarez: You can't. You can't do that.*

*Vice Chair Russell: Yes, understood. So --*

*Mayor Suarez: You can't.*

*Vice Chair Russell: -- we can change the wording of the ballot language, but we cannot change the powers that are granted under the petition.*

*Mayor Suarez: Which are --*

*Commissioner Carollo: Well --*

*Vice Chair Russell: So the petitioners signed what --*

*Mayor Suarez: Right.*

*Vice Chair Russell: -- changes to the powers of the Commission and the Mayor --*

*Mayor Suarez: Look --*

*Vice Chair Russell: -- and the Manager should be.*

*Commissioner Carollo: In the Spanish --*

*Vice Chair Russell: Our job is on the wording, and it should be accurate to those -- to the petition.*

*Commissioner Carollo: -- but in the Spanish version of the petition -- I don't know what the Creole is -- but in the Spanish version -- we might even find a third -- but in the Spanish version, you're bound to put "prosecutor," because --*

*Vice Chair Russell: You brought that up.*

*Commissioner Carollo: -- that's what was put down, and that's what the people signed; "prosecutor." So how do you fix that?*

*Vice Chair Russell: So are there other concerns to be raised, Commissioner Reyes, in terms of any changes --*

*Commissioner Reyes: So far --*

*Vice Chair Russell: -- substantively to the ballot language?*

*Commissioner Reyes: -- that I am going to read it again, and I'm still concerned about the additional powers. I'd like -- you see, one of the biggest concern that we have every time we take anything to the ballot is that it's confusing --*

*Vice Chair Russell: Yeah.*

*Commissioner Reyes: -- see? It's confusing. And I want people to know what they're voting for, and know what they're getting into --*

*Vice Chair Russell: That's very fair.*

*Commissioner Reyes: -- you see, and be as clear as -- I'm going to go back to my office and anybody that has any additional concern, just want it be placed on the ballot, please.*

*Vice Chair Russell: Could you address the "other powers" concern? How -- why is it left vague to say, "other powers," and not listed, specifically?*

*Ms. Blohm: We put in that because it is things that are not the material portion of it, but there are changes, like I said to the Mayor, that he can appoint administrative aides; that the Commission can -- the part about communicating with -- making written inquiry to the administrative services is a little different; you know, it's things of that nature that are the other powers that we're talking about.*

*Vice Chair Russell: So this is the issue that Mrs. Solares brought up, which, of course, leaves the potential concern that if it's left vague in the ballot language, or if it's left vague otherwise, it could be interpreted to mean --*

*Commissioner Carollo: Anything.*

*Vice Chair Russell: -- very large differences in other powers.*

*Mayor Suarez: It can't.*

*Ms. Blohm: Right. And that's why --*

*Vice Chair Russell: But it --*

*Ms. Blohm: -- I mean, we do have a website that has all of it, and voters can go and see exactly what it is. But if we -- you know, it is more of to let you know that there are additional issues that, you know, someone might be interest -- but I can't list them all, because I don't have up -- I mean, I only have 75 words.*

*Mayor Suarez: Mr. Chair, may I?*

*Vice Chair Russell: I understand it, and I believe it is sound. It reflects the backup.*

*Mayor Suarez: Right.*

*Vice Chair Russell: So, really, it's -- at this point, it's about finding comfort with Commissioner Reyes on the wording of the ballot. So --*

*Mayor Suarez: And I'm okay with that. I'm okay with trying to create ballot language that it conforms to the -- I'm not necessarily okay with what he suggested, per se, but I'm okay with him trying to find ballot language.*

*Commissioner Reyes: I'm not suggesting anything.*

*Mayor Suarez: Okay.*

*Commissioner Reyes: I am trying to protect --*

*Mayor Suarez: I got it.*

*Commissioner Reyes: -- the people of Miami --*

*Mayor Suarez: As am I.*

*Commissioner Reyes: -- so they know what they're voting --*

*Mayor Suarez: I agree with you, (UNINTELLIGIBLE).*

*Commissioner Reyes: -- and how much they will be paying the super strong Mayor.*

*Mayor Suarez: No more than they pay the current Mayor.*

*Vice Chair Russell: Madam City Attorney, how much time do you need?*

*Ms. Méndez: Enough time to meet with whoever wants to meet.*

*Commissioner Carollo: Well, you need more than half hour.*

*Vice Chair Russell: It doesn't sound --*

*Commissioner Carollo: You might need that just with me, alone.*

*Vice Chair Russell: Commissioner Reyes, 30 minutes?*

*Commissioner Carollo: Can -- well -- Can I suggest the following, gentlemen? Can we get on the phone with Christina White and see if tomorrow is truly the drop-dead deadline; if we -- maybe we'll get a few more days or a week? And if we get a week, I suggest that we come back maybe next Monday or Friday, depending when the Chairman gets back, so that we could take a little more time, be able to breathe, be able to think a little clearer. And if we're going to put wording down, put at least wording that reflects really more of what's there. And maybe between now and then, we could get by some of these other little hiccups that we have. But, you know, only in Miami. The attorney -- the fine attorney that drafted the petition, she's from Tallahassee. The people that gathered the petition, hardly any are from the City of Miami.*

*Commissioner Reyes: Yeah.*

*Commissioner Carollo: And \$800,000, so that the people can speak.*

*Vice Chair Russell: Mr. Mayor.*

*Mayor Suarez: Look, I don't know what the Division of Elections Supervisor will say if we talk to her. I've spoken to her. She told me the deadline is firm, and the reason why it's firm is because there --*

*Commissioner Carollo: Well, I --*

*Mayor Suarez: -- can I finish, please?*

*Commissioner Carollo: Yes, please, Mayor.*

*Vice Chair Russell: Commissioner, let the Mayor finish.*

*Mayor Suarez: Because there are 34 other municipalities, not just the City of Miami, and they rely on getting that information. They have timelines involved. They have a ton of different elections, including the August primary, et cetera. That's what she told me.*

*Commissioner Carollo: Okay.*

*Mayor Suarez: I'm not saying that that's not what she would say now.*

*Commissioner Carollo: Well --*

*Mayor Suarez: I'm just telling you what she told me.*

*Commissioner Carollo: -- we're not doubting that, and I'm not doubting that.*

*Mayor Suarez: Right. I'm not saying you are.*

*Commissioner Carollo: Let me say it on the record.*

*Mayor Suarez: I'm not saying you are.*

*Commissioner Carollo: What I'm saying is differently. What I'm saying is that we could ask our City Attorney, our City Clerk to call her up and see what would be the maximum time she could give us; the maximum time. And you might be surprised. We might be able to get another five days, or a week, and --*

*Mayor Suarez: I'll be here.*

*Commissioner Carollo: Okay.*

*Vice Chair Russell: I'd like to table this till 4:30. I'd like to come back in 30 minutes with ballot language addressing Commissioner Reyes' concerns and --*

*Commissioner Carollo: Well, it's 4:07, so it's not even 30 minutes. Can we do it at 5 so that we could at least be able --?*

*Vice Chair Russell: If you need an hour, then we'll --*

*Commissioner Carollo: Well, 50 --*

*Vice Chair Russell: -- 53 minutes.*

*Commissioner Carollo: Yeah.*

*Vice Chair Russell: All right.*

*Commissioner Carollo: 52 now.*

*Vice Chair Russell: We'll meet back at 5 p.m., then; new ballot language, concerns about the deadline, and we'll finish up. Thank you.*

*Later...*

*Vice Chair Russell: Calling back to order. Got some feedback. Are we better? All right. Mr. Mayor, you're recognized; mike on. When we left off -- Mr. Mayor, you want to be recognized?*

*Mayor Suarez: Have you seen this?*

*Vice Chair Russell: Do we have an active motion on the floor?*

*Nicole N. Ewan (Assistant City Clerk): Yes, we do. We have a motion by Commissioner Gort that was made around 5:43.*

*Vice Chair Russell: Who seconded?*

*Ms. Ewan: There was no seconder at the moment.*

*Vice Chair Russell: Okay. We have a motion without a second on SP.2 at the moment?*

*Ms. Ewan: That is correct.*

*Vice Chair Russell: All right. And when we left off, Commissioner Reyes had concerns prior to bringing onboard a second for this motion. So where are we now?*

*Commissioner Reyes: Well, I (INAUDIBLE).*

*Vice Chair Russell: Is your microphone on?*

*Commissioner Reyes: Hold on.*

*Vice Chair Russell: Thank you.*

*Commissioner Reyes: That's my bad. You have given some language, and I think that Commissioner Carollo is also coming; I don't know. Is he coming?*

*Unidentified Speaker: He's walking in the room now.*

*Commissioner Reyes: Okay.*

*Commissioner Gort: Will you tell about the extension?*

*Commissioner Reyes: Okay. And just wait until he gets here. And I would like to see some -- this language be placed in the ballot. It's more specific, and we can -- the public that -- and the voters -- that they will have a clear picture of -- more clear picture than what they had before of what this vote is going to entail.*

*Commissioner Carollo: Thank you for giving me additional time. I guess I was the last one to meet with the City Attorney, so.*

*Mayor Suarez: I didn't meet with the City Attorney, so you got me there.*

*Commissioner Carollo: Well, you had plenty of time before. Anyway --*

*Vice Chair Russell: All right. So.*

*Later...*

*Commissioner Carollo: Secondly, most important, from what I understood that I was told, the only date that Commissioner Hardemon can be with us is on the 14th, and we have until the end of the day on the 14th, which is next Tuesday, I believe, to give the Clerk anything final to go on the ballot. If we can call now a special meeting to finalize the wording that's going to go on the ballot with Commissioner Hardemon here on the 14th, in the morning, and this way, it gives us all time, because it's a lot of things that are complicated in figuring out the wording and so on. And each of us are going to have different ideas, and he's going to have different ones, so it gives him the opportunity before he comes to do that so that we could work through the City Attorney on final wording that each of us would like, and that gives us plenty of time. We meet in the morning. We'll be on time to -- before the end of the business day, on Tuesday, the 14th, to give to the County the wording for the ballot, if it's what the Commission wills.*

*Vice Chair Russell: Thank you, Commissioner. We have a motion on the floor from Commissioner Gort. Commissioner Reyes is potentially proposing amendments.*

*Commissioner Reyes: Yes, there is --*

*Vice Chair Russell: So are you interested in seconding the motion so that you can proffer an amendment?*

*Commissioner Reyes: That I -- well, if I misread that, what Commissioner Carollo and he -- What do you want? Do you want to call a special meeting?*

*Commissioner Carollo: Yeah.*

*Commissioner Reyes: Another meeting?*

*Commissioner Carollo: Yeah, and we take our time --*

*Commissioner Reyes: Or you want to continue this meeting until --?*

*Commissioner Carollo: Well, if you want, you could continue this meeting, this special meeting, until -- Well, I'd like to call a special meeting. I'd like to call a special meeting, because I think it'd be cleaner if we do that. And then, you know, we could set what we want to discuss on that day.*

*Vice Chair Russell: We have to deal with the motion on the floor at the moment. And so, there's a motion. Chair will second the motion. This puts us in your hands, Commissioner Reyes. Commissioner Carollo, you've been very clear of everything that you have an issue with in this -- with this -- with the process, with the ballot language, and such, so I believe it's really, at this point, in Commissioner Reyes' hands, if he feels he's ready to put this on the ballot. I spoke with the -- when we were first starting this meeting, whether the Chairman was going to be joining us by telephone, or anything, and his Chief of Staff said just to continue on without him at that point. So I really believe, Commissioner Reyes, this is up to you at this moment, if you are comfortable.*

*Commissioner Reyes: But if we are going to deal with this motion, you see, we are only going to be dealing with the language.*

*Vice Chair Russell: Yes.*

*Commissioner Reyes: You see, we're going to be dealing with the language.*

*Vice Chair Russell: And placing it on the ballot.*

*Commissioner Reyes: And placing it on the ballot.*

*Vice Chair Russell: Yes.*

*Commissioner Reyes: And we already voted to place it on the ballot. I don't know if --*

*Vice Chair Russell: Just to correct, we voted to direct the City Attorney to draft the ballot language.*

*Commissioner Carollo: Yeah.*

*Commissioner Reyes: But we haven't -- we have -- we didn't vote on --*

*Commissioner Carollo: Yeah. This is to place it on the ballot once she comes up with the final version. And what this gives is us all the time to work on a final version, and we deal with it on Tuesday --*

*Commissioner Reyes: Well, can --*

*Commissioner Carollo: -- with Commissioner Hardemon here.*

*Commissioner Reyes: -- we just -- I mean, I don't know. I gave you this language, which is going to be -- it's going to change, because it is not 243; it's 320. And -- but --*

*Commissioner Carollo: Doesn't the County Mayor makes that?*

*Commissioner Reyes: Well, that's what it is on -- that is the official.*

*Vice Chair Russell: That's what he has the potential to make by the Charter.*

*Commissioner Carollo: Oh, oh, oh, by the Charter.*

*Commissioner Reyes: By the Charter. That it hit him, because he was making some cuts --*

*Mayor Suarez: That's inaccurate.*

*Commissioner Reyes: -- cut the salary himself.*

*Vice Chair Russell: Okay.*

*Mayor Suarez: That's inaccurate.*

*Vice Chair Russell: So I think the intention of it is to track the County Mayor's current salary; at no less than 75 percent of what the County Mayor currently makes --*

*Commissioner Reyes: That's right.*

*Vice Chair Russell: -- not to track with the maximum potential of the County Charter.*

*Commissioner Reyes: That's right. But --*

*Mayor Suarez: That's not in the County Charter, so that's inaccurate, as well.*

*Commissioner Reyes: No. The thing is, what it is now in the budget, it is budgeted, and I take that as a potential salary that he could make.*

*Mayor Suarez: Commissioner --*

*Commissioner Reyes: Yes.*

*Mayor Suarez: You can budget the salary at whatever -- you can budget my salary at a million dollars.*

*Commissioner Reyes: Absolutely.*

*Mayor Suarez: It can't change unless the Commission decides to change it. So you can budget my salary at two mill -- whatever you want to budget it at. You -- it -- what -- they're two things. One thing has nothing to do with the other. The Commission's salary -- the Mayor's salary in the City -- I can't speak for the County -- is set by the Commission.*

*Commissioner Reyes: Yes, it is. So it could be up to \$500,000.*

*Mayor Suarez: It could be whatever the Commission wants.*

*Commissioner Reyes: Whatever they want. But I -- what I want people to know is, as the Mayor's salary -- County Mayor's salary increases, so your salary have the potential of doing it.*

*Mayor Suarez: I would agree with that. That can be --*

*Commissioner Reyes: That's right. And then -- I mean, you can say now, "Well, I'm not going to take that. I'm just going to" -- "I'm not going to do it." But that is going to be set on the books --*

*Mayor Suarez: Right.*

*Commissioner Reyes: -- and it's going to be set here, and whoever becomes Mayor after you will be able to -- I mean, get 75 percent of the salary that the Mayor -- Dade County Mayor is going to be receiving at the time, you see.*

*Commissioner Carollo: I'm curious. What does the County Mayor make now? Now.*

*Mayor Suarez: I don't know what the County Mayor makes now.*

*Commissioner Carollo: I don't either; that's why I was asking.*

*Commissioner Reyes: It is a hundred and something; that he reduced his salary by half.*

*Mayor Suarez: Right. And so --*

*Commissioner Reyes: By half.*

*Mayor Suarez: -- did the other Mayor --*

*Commissioner Reyes: But it's about 160, 170.*

*Mayor Suarez: Yeah.*

*Commissioner Reyes: He reduced it by half.*

*Mayor Suarez: I agree with that.*

*Commissioner Reyes: But that's his salary. That's his -- but the official salary, it is 324 that he could -- he could go up to that now.*

*Mayor Suarez: No. He could go up to whatever the Commission gives him.*

*Commissioner Reyes: No. The Commission makes, but the Commission has given him the right to do that.*

*Mayor Suarez: No, no, no. The Comm -- he can go up to whatever the Commission allows him to go.*

*Unidentified Speaker: Absolutely, absolutely.*

*Mayor Suarez: The point is not that. The point is that you have a Charter change that has been voted on, or has been signed and certified by the residents, and you have to stay faithful to that. So I'm not an elections lawyer. I don't know if the elections lawyer for the County -- committee wants to --*

*Commissioner Reyes: Listen, what I'm trying to say --*

*Mayor Suarez: I don't know.*

*Commissioner Reyes: -- what I'm trying to give the elect -- the people, the voters, it is an estimate of how much it could go --*

*Mayor Suarez: It can't.*

*Commissioner Reyes: -- right now, you see, as it is.*

*Mayor Suarez: It can't.*

*Ms. Blohm: This is -- May I speak, please? As written, I mean, it's in the Charter amendment. It's 75 percent of the salary of the County Mayor, so that is what he currently earns, which is, I believe, around 150,000.*

*Commissioner Reyes: But you --*

*Ms. Blohm: I realize -- I do understand your point, but that is not what he -- it's not based on what he could earn. That's not what the Charter amendment is based on.*

*Commissioner Reyes: But you -- then you ought to be specific. You said, "Currently what he is making now."*

*Ms. Blohm: Well, it's --*

*Commissioner Reyes: What he is receiving now; his current salary --*

*Ms. Blohm: Well, it --*

*Commissioner Reyes: -- not other salary.*

*Ms. Blohm: Well, what other salary does he --?*

*Commissioner Reyes: I mean, it is -- what it says, the way it reads, it's 75 percent of the County Mayor's salary.*

*Ms. Blohm: Right. And right now, his salary is 150,000.*

*Commissioner Reyes: You see, it doesn't say "currently." It is open. It's open to anybody that comes and the Commission allows them to make \$100,000, the City of Miami Mayor is going to be 75 percent of that.*

*Mayor Suarez: He's right, which is why it's deceitful to put in the current --*

*Ms. Blohm: Right.*

*Mayor Suarez: -- salary in the ballot question, because you are deceiving voters to thinking that this is what the salary is going to be, when that is not the case; it could be more, it could be less. It's up to the County Commission. It's not a number. You cannot put a number where a number does not exist in the ballot amendment.*

*Commissioner Carollo: Well, how much is the -- our top prosecutor makes? That's what I'm interested in right now, because you might name me that, right?*

*Commissioner Reyes: The prosecutor?*

*Commissioner Carollo: Yeah. That's what the people voted for, in Spanish.*

*Commissioner Reyes: It's the prosecutor.*

*Commissioner Carollo: That he gets to name the potential prosecutor.*

*Ms. Blohm: Right now, as written, the -- this would be misleading to the voters.*

*Commissioner Reyes: I think it -- I think, with all due respect, I think it's misleading to voters now, as it is, because there is not a number; there is not a number. The voters deserve to know how much it's going to make.*

*Ms. Blohm: But the reason --*

*Commissioner Reyes: You see, either you write the actual salary, or you just keep that 75 percent away, because you have to -- it is misleading.*

*Vice Chair Russell: Just a moment, please. I'd like to direct to the City Attorney a question. You've studied both -- this new draft that Commissioner Reyes has proffered just now? Have you seen this, as well as the --?*

*Ms. Méndez: I have seen it, and maybe to clarify everybody's concerns, "up to"; does that resolve the issue?*

*Vice Chair Russell: Up to what?*

*Ms. Méndez: Up to --*

*Mayor Suarez: To what?*

*Ms. Méndez: -- 75 percent of the budgeted --*

*Mayor Suarez: No, no. It --*

*Commissioner Carollo: No; minimum, minimum.*

*Mayor Suarez: -- the minimum is --*

*Vice Chair Russell: No. Here's what I would like to hear from --*

*Commissioner Carollo: Once the super --*

*Vice Chair Russell: Please.*

*Commissioner Carollo: -- strong Mayor twists it --*

*Vice Chair Russell: Please. What I'd like to understand from the City Attorney is, did you address Commissioner Reyes' concerns and draft new ballot language which would address those concerns?*

*Ms. Méndez: The draft that has been given to you was the draft that my office worked on with Commissioner Reyes --*

*Commissioner Reyes: That's right.*

*Ms. Méndez: -- and that is his proposal.*

*Mayor Suarez: But it doesn't make it legal. It's not legal ballot language.*

*Vice Chair Russell: What is illegal about this?*

*Mayor Suarez: Well, there's several things about it. And I'm not an elections lawyer. You could chime in on this. But from a -- first of all, you're talking about a budgeted salary of the County Mayor. So that's deceitful.*

*Commissioner Reyes: So it's deceitful (UNINTELLIGIBLE) 75 percent.*

*Vice Chair Russell: The budgeted salary of the County Mayor?*

*Mayor Suarez: That's deceitful.*

*Vice Chair Russell: Correct. So you would recommend taking out the word, "budgeted," so that it's "minimum 75 percent salary of the County Mayor" --?*

*Mayor Suarez: I think the second part is saying, "currently, 240." I mean, that could be changed tomorrow; that could be changed the day after. So it's deceitful, because that's not in the --*

*Vice Chair Russell: Right.*

*Mayor Suarez: -- amendment.*

*Vice Chair Russell: We clearly don't have a meeting of the minds here on --*

*Mayor Suarez: Right.*

*Vice Chair Russell: -- the ballot language at this point, unless you have a proposed draft that answers his concerns, because if not, we're going to recess this meeting so*

*you all can work on it amongst yourselves, because there's nothing for us to discuss here. If we're trying to draft ballot language on the fly, that's irresponsible. I think - - that's what I gave the hour for us to do; for anyone who had concerns to get together with those who could offer the potential changes and accept them so that we could address Commissioner Reyes' concerns, and vote. But if we don't have that, we need to recess for another day.*

*Ms. Blohm: If you took out "budgeted" and took out "currently 243," I would have no problem.*

*Vice Chair Russell: From his current language?*

*Ms. Blohm: Mm-hmm.*

*Vice Chair Russell: Commissioner Reyes, that would change it -- let me just -- taken the word, "budgeted" and "currently" --*

*Mayor Suarez: I have one additional issue with that. It's put as number one on the priority list, and that's --*

*Vice Chair Russell: Easy enough to change.*

*Mayor Suarez: Yeah.*

*Vice Chair Russell: So the change to "strong Mayor" is probably the more --*

*Mayor Suarez: Of course.*

*Vice Chair Russell: -- umbrella --*

*Mayor Suarez: That's what this is, exactly.*

*Vice Chair Russell: -- statement of the title.*

*Mayor Suarez: So if that --*

*Commissioner Reyes: If you don't like the order of it --*

*Mayor Suarez: Yeah.*

*Commissioner Reyes: -- we leave the salary to the last of it --*

*Mayor Suarez: Okay.*

*Commissioner Reyes: -- but we give them a number.*

*Mayor Suarez: You can't. That's -- the thing is you can't.*

*Commissioner Reyes: Well, the -- it --*

*Mayor Suarez: It's illegal.*

*Commissioner Reyes: I don't think --*

*Mayor Suarez: It's illegal.*

*Commissioner Reyes: Why it is illegal?*

*Mayor Suarez: Because that --*

*Commissioner Reyes: Is it illegal, Madam City Attorney?*

*Mayor Suarez: -- because it's deceitful, because it's deceitful.*

*Commissioner Reyes: No, it's not deceitful.*

*Mayor Suarez: It is.*

*Commissioner Reyes: What is deceitful is to say, "I'm going to make 75 percent of a salary that somebody else is making without saying how much the other person is making.*

*Mayor Suarez: Because you don't know what the other person is going to make; it could change tomorrow.*

*Commissioner Reyes: Well, you just said it could be a hundred, \$500,000.*

*Mayor Suarez: It could be whatever it is. You can't put a number in there.*

*Commissioner Reyes: Well, then, it will be whatever it is that your salary will be --*

*Mayor Suarez: It could be \$5.*

*Commissioner Reyes: Then you make 5 percent of \$5 --*

*Mayor Suarez: Right.*

*Commissioner Reyes: -- 75 percent.*

*Mayor Suarez: Exactly.*

*Commissioner Reyes: But as Gimenez leaves office, somebody else is going to come in there, and the person could decide to go back to the original salary, and that person will be making -- let's say three, \$400,000.*

*Mayor Suarez: (UNINTELLIGIBLE).*

*Commissioner Reyes: Then you're going to be making 75 percent of that. Why don't you give a number?*

*Mayor Suarez: What is the next person --?*

*Ms. Blohm: Because the number changes, that's why.*

*Mayor Suarez: Whoa, whoa. What if the next person is a multimillionaire and decides they want to do it for a dollar?*

*Ms. Blohm: And by putting in a number -- by giving a number --*

*Commissioner Reyes: That is what is deceitful. That is deceitful.*

*Ms. Blohm: Well, no. You're telling them that it's going to be 75 percent of the salary of the County Mayor. So whatever the County Mayor makes --*

Commissioner Reyes: Now --

Ms. Blohm: -- he gets 75 percent of.

Commissioner Reyes: -- if you know that, how much would it be five years from now, three years from now?

Ms. Blohm: Of course, we -- well, that's why you don't put just a --

Commissioner Reyes: The people that are voting for the strong -- I mean, this form of government, they should know how much the Mayor is going to be making.

Ms. Blohm: And they do. It's going to be 75 percent --

Commissioner Reyes: They don't, they don't.

Mayor Suarez: That's a minimum, by the way; it's not the actual amount.

Commissioner Carollo: Commissioner, I agree with what you're trying to accomplish, but this is the point that I was making before. It was impossible for us -- and this is what our forefathers gave us sufficient time to work through something like that. Now, I think I have gotten us some extra time, until Tuesday of next week. Our Chairman is going to be here on that day. And what is the problem if we meet again on Tuesday? I need additional -- more time, because I got a lot of questions on the wording, how to do it in different ways; the Chairman's going to have more; our colleagues might have others. So what is the problem of reconvening again on Tuesday?

Vice Chair Russell: There is none.

Commissioner Gort: No problem.

Vice Chair Russell: There is no problem with that. We are just checking to see if there is the will of the majority of this Commission to move forward today.

Mayor Suarez: Yeah.

Vice Chair Russell: If there's not, that's perfectly a good option. So, Commissioner Reyes?

Commissioner Reyes: I'm fine.

Vice Chair Russell: Which way?

Commissioner Reyes: As long as we can get the clear language that people know what they're voting for.

Vice Chair Russell: "Do you feel we can get that today?" is the question. And --

Commissioner Reyes: I don't know. It's (UNINTELLIGIBLE).

Vice Chair Russell: Well, it seems like the only sticking point -- because we were able to change the order, which makes sense --

Commissioner Carollo: Well, his sticking point; I got --

Vice Chair Russell: -- is the amount; the amount of the salary.

*Commissioner Carollo: -- sticking point.*

*Commissioner Reyes: (UNINTELLIGIBLE).*

*Mayor Suarez: You can't put it in there; you can't.*

*Vice Chair Russell: Just wait.*

*Mayor Suarez: Yeah.*

*Vice Chair Russell: Are you satisfied if the percentage makes a clear equation of a minimum salary?*

*Commissioner Reyes: It has to be -- it has -- we have to have a number. I don't know why -- listen -- (UNINTELLIGIBLE).*

*Vice Chair Russell: The Commission decides that number.*

*Commissioner Reyes: That's right.*

*Vice Chair Russell: Right? Because that's why the first draft shows "approved by Commission" (UNINTELLIGIBLE).*

*Commissioner Reyes: They say it was 75 percent. But then, I want to know what it is, 75 percent of the salary.*

*Vice Chair Russell: Of what, right.*

*Commissioner Reyes: 75 percent of what?*

*Mayor Suarez: Mr. Chair, let me finish this.*

*Commissioner Reyes: Of what?*

*Vice Chair Russell: Mr. Mayor.*

*Mayor Suarez: Thank you. I'll give you an example. We're about to enter into the budget in September. So we don't know what the County Commission is going to budget for the Mayor's salary. We don't know what the Mayor's salary will be. We don't know if it changes; it could go up, it could go down. What has been proposed by the committee is a formula for a floor, and that has to be faithfully explained in the ballot language. I have no issue with that, whatsoever. You cannot put a number, because, by its definition, it is not a number. It would be deceitful to put a number, period.*

*Vice Chair Russell: He's trying to give an example to say, "Currently, it's this amount," so the voters have an idea --*

*Commissioner Reyes: And that --*

*Vice Chair Russell: -- and that could change, even by ballot time.*

*Mayor Suarez: Of course.*

*Commissioner Reyes: That's right.*

*Mayor Suarez: So what if you say, "currently," and then in September, they pass the budget, and the number changes?*

*Commissioner Reyes: But they should --*

*Mayor Suarez: You're deceiving the voters.*

*Commissioner Reyes: -- at least they know how much they're paying. Let me tell you, what it is deceiving, Francis, is to say, "75 percent of the salary."*

*Mayor Suarez: That's --*

*Commissioner Reyes: 75 percent of the salary could be 500,000, 400,000, 300,000. 75 percent of what?*

*Mayor Suarez: And that's why --*

*Commissioner Reyes: We want to -- what? 70 percent -- 75 percent of what? As you just said -- you said, "It could change." It could change --*

*Mayor Suarez: Of course.*

*Commissioner Reyes: -- for more.*

*Ms. Blohm: You're letting them know it's changed.*

*Commissioner Reyes: Or it could change -- and then, the salary of our Mayor, the City Man -- the City of Miami Mayor, it is tied to the salary of the County Mayor, and as it increases, it is going to be increasing, according to what their Commission -- not our Commission -- is going to decide.*

*Commissioner Gort: Continue the meeting.*

*Commissioner Reyes: I mean, that's --*

*Ms. Blohm: And that's what they're told, is that it's going to be the minimum of 75 percent of the County, so they know that it's going to change.*

*Commissioner Reyes: See, that's deceiving, you know.*

*Mayor Suarez: I think he's confusing two issues. And, I mean, look, we can leave it at that. I think he's confusing two issues. I think he doesn't like the fact that a formula is in the draft, and he has every right not to like it. He has every right to think that it's the wrong way of doing it. I have no problem with that. What is important here is that the ballot language has to be faithful --*

*Commissioner Reyes: Doesn't matter.*

*Mayor Suarez: -- to what the reform is. That's what the reform says. That's what 20,000 people signed and got certified.*

*Commissioner Reyes: That's right.*

*Mayor Suarez: So it's not changeable.*

*Commissioner Reyes: Okay, listen, listen. I just want to bring clarity so people should know. Mayor Gimenez is not going to change his salary next year, but how about the next guy that comes in?*

*Mayor Suarez: We don't know --*

*Commissioner Reyes: You see? Hey, listen. We are not here dealing with Francis Suarez --*

*Commissioner Carollo: All right.*

*Commissioner Reyes: -- strong Mayor. We're dealing with a system --*

*Mayor Suarez: Commissioner --*

*Commissioner Reyes: -- that is going to be changed --*

*Mayor Suarez: -- Commissioner --*

*Commissioner Reyes: -- for future generations.*

*Mayor Suarez: -- I understand. But right now, the power to change the Mayor's salary is completely on the Commission. They can change it to whatever they want tomorrow, in the next meeting, and you could change the salary up or down, or whatever; the -- currently, the current system.*

*Commissioner Reyes: I mean, why don't you -- why -- instead of saying that, gave -- you should have given the Commission -- your Commission -- the right to set your salary.*

*Mayor Suarez: They do have that right.*

*Ms. Blohm: The committee made the --*

*Commissioner Reyes: They don't.*

*Mayor Suarez: But they have.*

*Ms. Blohm: -- Charter language, and that's what was signed, which is 75 percent of the salary of the County Mayor. That is a set amount, depend -- yes --*

*Commissioner Reyes: I don't understand.*

*Ms. Blohm: -- it's going to vary, but salaries vary; that's how it will always be.*

*Vice Chair Russell: Let's bring this to closure for today, please. We will not have a meeting of the minds at this moment. I'd like to know if everyone here is available on the 14th of August, at 10 a.m.*

*Mayor Suarez: I would say 9.*

*Commissioner Gort: (UNINTELLIGIBLE) 9.*

*Commissioner Carollo: Yes.*

*Mayor Suarez: I would say 9.*

*Commissioner Reyes: Yes.*

*Vice Chair Russell: 9?*

*Commissioner Gort: Yeah, yeah.*

*Mayor Suarez: 9.*

*Commissioner Reyes: 9 is too early.*

*Vice Chair Russell: I was just going to go for summer hours. All right.*

*Mayor Suarez: 9.*

*Commissioner Reyes: 9 is too early, you know.*

*Vice Chair Russell: No? 9 is too early?*

*Commissioner Carollo: 10.*

*Commissioner Reyes: 10.*

*Vice Chair Russell: 10 a.m.*

*Mayor Suarez: Okay.*

*Ms. Blohm: Great.*

*Commissioner Gort: Compromise.*

*Vice Chair Russell: Compromise. We're all about the compromise.*

*Commissioner Reyes: And Commissioner Gort, stay away from those cats, okay?*

*Vice Chair Russell: This meeting is in recess until August 14 at 10 a.m. Thank you.*

*The meeting was recessed until August 14, 2018, commencing at or about 10:00 a.m.*

*Chair Hardemon: Recalling the Special City Commission meeting of August 6, 2018 to be reconvened, today, August 14, 2018. There was a public hearing on Items SP.1 and SP.2. It was opened at 2:16 and closed at 2:27 on the date of August 6. A motion was made by Commissioner Gort at 3:47 p.m.; seconded by Commissioner Reyes at 3:48 to pass Item SP.1, without any amendments; that motion passed. Another motion was made at 3:48 p.m. by Commissioner Gort and seconded by the Vice Chairman at 5:50 to pass Item SP.2 as is, without any amendments; the motion was seconded; remained on the floor for the Commission to consider. Does anyone want to continue discussing that motion, or was there a change of heart with the motion?*

*Vice Chair Russell: Yes, Mr. Chairman.*

*Chair Hardemon: You're recognized.*

*Vice Chair Russell: Thank you. As seconder of the motion, I'd like to amend the ballot language, and I passed out a draft to the City Attorney and the City Clerk, which shows the original form of the ballot language from the agenda, and the amendment that I -- I've put together that I'm recommending.*

*Chair Hardemon: So are you withdrawing your second that you made on (UNINTELLIGIBLE)?*

*Vice Chair Russell: No. I believe my second can stand, but I'm asking for an amendment.*

*Chair Hardemon: Okay.*

*Vice Chair Russell: Is that possible?*

*Chair Hardemon: That's possible.*

*Vice Chair Russell: I think today what we're dealing with is two things. Obviously, the ballot language was where we left off at an impasse, and obviously, addressing any concerns that Commissioners may have on the process. In this moment, I'm asking from -- the amendment I'm asking should read -- the ballot language should read: "Shall the Miami Charter be amended to change to a strong Mayor Commission form of government; replace City Manager with Mayor; make Mayor nonvoting/nonmember Commission Chair; grant Mayor power to appoint and remove City Attorney, City Clerk, Police and Fire Chiefs, department directors and employees; change/fill in Mayoral vacancy; adopt State recall procedure; grant Commission power to set Mayoral salary at no less than 75 percent of County Mayor's salary, and make effective immediately?"*

*Chair Hardemon: What's the difference between this one and the one that was on the floor?*

*Vice Chair Russell: The difference is it addresses two of the concerns that were brought up in public comment; one by Ms. Grace Solares about other powers that were left vague -- that was removed -- and to address Commissioner Reyes' concerns about vagueness within the salary. This sets it specifically at no less than 75 percent of County Mayor's salary, granting Commission power to set that. So it makes it clear, versus the original.*

*Commissioner Reyes: Can I make a comment on it?*

*Chair Hardemon: Of course.*

*Commissioner Reyes: Yes. My -- the language that I proposed, it has a specific number on it. Instead of saying 75 percent, it have to say, "Total compensation of the Mayor," because that's the way that it reads in the petition. And according to -- I'm going to refer to opinion from County Attorney Greenberg that said that we cannot just state Statutory Formula; there has to be a number, you see.*

*Vice Chair Russell: I don't have that.*

*Commissioner Reyes: I do have it here, and I will give it to you. I'll give you a copy of it, if you want to, you see, and --*

*Commissioner Gort: (UNINTELLIGIBLE).*

*Commissioner Reyes: (UNINTELLIGIBLE) objective language rather than statutory, and I think that -- not only because if it is of the opinion of the County Attorney; it is also -- and that happen -- to make a little history on it -- in 2006, when the County Commissioners, they want to increase their salary, and they wanted to bring -- they brought this to the voters, the -- they were talking about a percentage based -- the salary was based on the percentage of voters. And the County Attorney, he came back and said, "No, you cannot do that. You have to have a specific number on it." And that is what -- one of my main concerns, because I think that everybody in the City of Miami that is voting for this Charter amendment should know how much the Mayor is going to make, you see. They should know exactly. It's not just a simple formula that said 75 percent. 75 percent of what? A minimum of 75 percent. Well, how much does that represent? And that is my main concern, and it is my main objection to this. And it says, "The compensation" -- not the salary -- "compensation of the Mayor," which -- as I was going through the records, and I find out that the total compensation is 400 and -- let me see. I have my numbers here -- is -- total compensation is \$478,624.40. If -- that's total compensation, because it reads "compensation"; it doesn't say "salary." Read the request, I mean. Read it. It says, compensation, total compensation. 75 percent of the -- no -- minimum 75 percent of the Mayor's -- County Mayor's compensation. Compensation is when you receive everything, you see. That's how I understand it. And total compensation will be \$478,624.40. If you take the taxes, you see, it will be 466,248, more or less; you take 75 percent of that, it will be 349,686. That should be placed in the ballot. It should be placed in the ballot, because that's the only way the people that vote knows how much he's going to make. I mean, I don't think that people should be making guesses. I mean, this is a very serious changing of government, and we need to be very specific. I mean, in order of transparency and clarity, everybody should know what they're voting for.*

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: You're recognized.*

*Vice Chair Russell: Could I ask Commissioner Reyes, how do you get to that 400 and 26, was it? Because that's --*

*Mayor Francis Suarez: 478,624.*

*Vice Chair Russell: What adds up to that?*

*Commissioner Reyes: All the compensation. All the compensation. All the compensation. They have everything here, you see. All the compensation. Now, all of this adds to 478. I deducted taxes, which is 12,375.*

*Vice Chair Russell: Before you deduct, what adds up to the 478?*

*Commissioner Reyes: Okay. It is -- salary only. Let me see. Let me tell you. (UNINTELLIGIBLE) up to it. You have it here, okay. Merit rate, you see. It had here, "executive benefits, pay anniversary date" -- I mean, (UNINTELLIGIBLE) current rate, (UNINTELLIGIBLE), and then we have the (UNINTELLIGIBLE). Okay, and it's projected (UNINTELLIGIBLE) --*

*Vice Chair Russell: This is budgeted or actual?*

*Commissioner Reyes: It is budget.*

*Vice Chair Russell: So this isn't --*

*Commissioner Reyes: It says dental insurance.*

*Vice Chair Russell: -- what he actually makes.*

*Commissioner Reyes: That's right. This is what he actually make. (UNINTELLIGIBLE) --*

*Vice Chair Russell: It is or is not?*

*Commissioner Reyes: It is what is budgeted. Now, the salary is something different, because what (UNINTELLIGIBLE) salary, he is -- and even with this, even taking the pay cut, which it take -- he did -- but he's still receiving 150, right here. Even taking the pay cut -- I mean, the reduction in salary that he took, it adds to 478,624. And if you deduct the taxes, because he doesn't receive that, you multiply that by .75, you get that amount that I gave you.*

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: You're recognized.*

*Vice Chair Russell: I think it's interesting for us to look at what the intention of the committee was in the petition language and the Charter changes, because as long as -- I believe if we are interpreting the petition correctly and we are setting ballot language that clarifies it that's in line with the spirit of what was intended by the committee, I think we are doing our job by putting a question forward to the voters that is clear, and the record will show what their intention was, what our intention is, and as long as we're clear to the voters in what they're voting on, I think we're safe. So could we ask the committee what their --*

*Commissioner Reyes: With all due respect, sir --*

*Vice Chair Russell: -- what the compensation package is intended to be?*

*Commissioner Reyes: -- you see, I don't think that we should go on intent. It is what it is. When you sign a petition, and a petition is signed, and it's presented to a person to sign, you cannot change the language. Now, you cannot be changing -- "Oh, I didn't intent" [sic] -- "My intent" -- we're not dealing here with intent; we're dealing here with facts, and the fact is -- and the truth of the matter is that the changes proposed reads that the compensation of the Mayor, it is based on 75 percent of the total compensation of the County Mayor.*

*Commissioner Gort: Mr. Chairman?*

Commissioner Reyes: *It's not the intent.*

Chair Hardemon: *You're recognized.*

Commissioner Gort: *I think what worries him, I, and all of us is -- if the County Mayor continue to increase his salary every year or every other budget, automatically, if -- it improves our Mayor's.*

Chair Hardemon: *That is (UNINTELLIGIBLE).*

Commissioner Gort: *So I think there should be a fit [sic] number that should be known, and that's the way it should go, so people will know what the Mayor's going to be paying for.*

Commissioner Reyes: *Absolutely.*

Vice Chair Russell: *But I agree with Commissioner Reyes that we can't change the intent of the -- or the wording. We can't use our ballot language to change the intent of the petition. And so, if they didn't set a cap -- if the intention of the petition is that the Mayor's floor salary floats with the County Mayor's salary, or compensation, we should try to honor that. Even if we disagree with it, our job is -- if we received 20,000 signatures on petitions -- that we put it to the entire electorate to see if this is what they want. It's not our job to put in here what we want.*

Chair Hardemon: *That's the most interesting part about it that I see, which is, we've received this demand from petitioners, and this demand has language, and that from that language, we're supposed to draft ballot language to put before the voters. So the question is, do we put what the petitioners demanded, or do we make accommodations to make it more palatable to the electorate? And so, that really is what the question is, because maybe what -- with what the demand is, the electorate will be happy with it and maybe they will not, and that's not to the fault of us as Commissioners. I mean, it would be to the fault of the petitioner, because the petitioner is the one who made that request.*

Commissioner Reyes: *Yes. And for all purposes that -- I mean, this petition was using, supposedly, the County, you see. It was leading -- I mean, following the County lead. And I have an opinion by then-County Attorney Greenberg that you have to use more support -- use (UNINTELLIGIBLE) Commission (UNINTELLIGIBLE) to include (UNINTELLIGIBLE) indicating an objective, rather than just stating Statutory Formula; that is, if we are going to use the County language or we're going to use the County lead, 12-23 -- which are questions about 23 that I know somebody else was going to bring up -- but they say that they have to use an objective, not Statutory Formula.*

Vice Chair Russell: *But this is not an opinion on this situation. This is a --*

Commissioner Reyes: *No. It's an opinion on all -- every time there is going to be a change that has -- that changes also -- that there is some value or some cost or some -- and in the County that they have to explicitly let people know what it is, okay?*

Chair Hardemon: *Now -- but --*

Commissioner Carollo: *Can I --*

Chair Hardemon: *-- the only issue that I have with --*

*Commissioner Carollo: -- just add something, so we could have it clear on the record? Commissioner Reyes mentioned County Attorney Greenberg. If I can just clarify that this is the former County Attorney --*

*Commissioner Reyes: That's right.*

*Commissioner Carollo: -- who gave that opinion; therefore, it is County law, but it is the former County Attorney --*

*Commissioner Reyes: It's former County Attorney.*

*Commissioner Carollo: -- and the statute is County law.*

*Chair Hardemon: So --*

*Commissioner Reyes: That was in 2006, and it's County law.*

*Chair Hardemon: Right. So the -- but the only issue I have -- and I'm reading this. It's Miami-Dade legislative item, File Number 060265, that -- The language that you're reading from is a report from, it appears, the Internal Management and Fiscal Responsibility Committee, dated 2/16/2006; and in it, it's -- it appears to be that there is a -- it is a note that was put into this document, and the document says -- what you said on the record is correct. But what's interesting to me is that, one -- so it is not a direct opinion that we have an opportunity to read, but the notes that were captured from someone; whoever this person was putting -- inputting these notes. And then he says -- he noted, this provided time for him to discuss with the Commissioners the most appropriate language to use, inasmuch as the Commission needed to include language indicating an objective, rather than just State Statutory Formula. So it -- from what I'm reading here, it doesn't necessarily say that it can't be done, but there may be more appropriate language. And then also, you know, when I look at the item that they were -- being considered at the time, they were considering themselves putting on a resolution -- I'm sorry, they were considering themselves calling for a special election for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Home Rule Charter to increase the salary, and the way they put it was to "No longer receive the \$6,000 annual salary, established in 1957, but shall receive, instead, the salary provided by State Statutory Formula based on population used by other Florida counties, including Broward County"; and then in parenthesis, "currently, approximately \$88,919." Now, obviously, the State Statutory Formula based on population is valid. I don't think that it is invalid. And second, it wasn't a part of -- this wasn't the -- this was the action of the body of the Commissioners and not necessarily the petitioners. Now, there may be -- So I don't think we're comparing apples and apples.*

*Commissioner Reyes: No. I do, sir, because the Commission at the time -- the Commission that was trying to increase their salary, they wanted to use Statutory Formula, and that was the intent there, to use Statutory Formula.*

*Chair Hardemon: And then there was a --*

*Commissioner Reyes: Now, former County Attorney Greenberg said, "No, you cannot do that." In order for the people to be informed, you have to use -- require for money to be placed there, the amount that is going -- you're going to make, you see.*

*Chair Hardemon: So, Commissioner, all I'm saying is that I don't know if he said, "No." And I don't know if that's the reason. I know I have a note from someone else*

saying these -- that there's a more appropriate language that the Commission should use, making objective versus statutory (UNINTELLIGIBLE).

Commissioner Reyes: That --

Vice Chair Russell: Mr. Chairman?

Chair Hardemon: Yes.

Victoria Méndez (City Attorney): Excuse me. Commissioner Reyes, is there any way that we can get two extra copies from your office? Because I don't have a copy.

Commissioner Reyes: Sure, sure. Let me --

Ms. Méndez: And neither does the --

Commissioner Reyes: Okay.

Vice Chair Russell: So the objection was to the words, quote -- using the words, quote, "Statutory Formula" instead of an objective amount.

Commissioner Reyes: Yes, sir.

Vice Chair Russell: But my amendment takes out just the words, "Formula," and actually puts in, "75 percent of the County Mayor's salary," which is a -- it's a finite number.

Commissioner Reyes: Sir, with all due respect, that's a formula.

Vice Chair Russell: No, it is a formula, but it's not the words, quote --

Commissioner Reyes: That is a formula.

Vice Chair Russell: -- right, but it's not, quote --

Commissioner Reyes: I teach math. That is a formula.

Vice Chair Russell: No, no. You're misunderstanding me. So if the ballot language said, "We will use a," quote, "Statutory Formula," and left it at that, that is vague, but to actually put in there what the calculation is -- because we can't put a number -- because if the County Mayor's salary changes --

Commissioner Reyes: You just --

Vice Chair Russell: -- his floor will change as well.

Commissioner Reyes: Yes. You can say, "Actually," "actually," "actually." Just by placing "actually," what you're doing is you are giving the opportunity to change.

Chair Hardemon: I -- listen, I do -- and what you just stated, I do agree that if you put -- If the ballot language that was proposed by the petitioners, if the language of it says, "No less than 75 percent of the current Mayor's" -- "of the County Mayor's salary," and you put an actual number, that probably does fulfill the spirit of their request.

Commissioner Reyes: Absolutely.

*Chair Hardemon: I think it could. But I also understand the whole idea of the fluctuating number --*

*Commissioner Reyes: Well, it is --*

*Chair Hardemon: -- in the sense of, if the number is increased, did the committee intend to capture the increase as well?*

*Commissioner Reyes: Absolutely.*

*Chair Hardemon: Now --*

*Commissioner Reyes: It's "actual."*

*Chair Hardemon: -- so it can be both.*

*Commissioner Reyes: And --*

*Chair Hardemon: But also, I want you to understand --*

*Commissioner Reyes: You see --*

*Chair Hardemon: -- as well, is that the question is, do you leave it to the plain language of what the petitioners requested and let the --*

*Commissioner Reyes: You see, I --*

*Chair Hardemon: -- community decide for itself, or do you make improvements to it to make it more plausible?*

*Commissioner Reyes: That's right. But the way it is, it's understood that it's going to be whatever is going to make that here, you see. If they -- The County Mayor's salary, it is -- I mean, the -- and all the additional inurnments that it gets, it is based -- I mean, the Commission is the one that sets it. If the Commission sets the salary at \$500,000, then the City Mayor -- and this is not because of him or anybody else. It's because we are sending a form of government to the voters that, in my opinion, it is extremely powerful for the -- it's almost absolute power. But at the same time, we are tying the salary of the -- our Mayor to 75 percent of everything that County Mayor -- I mean, I don't see the relationship to start with --*

*Chair Hardemon: But this is --*

*Commissioner Reyes: -- but we need to know --*

*Chair Hardemon: -- the interesting thing.*

*Commissioner Reyes: -- people need to know. You cannot hide it.*

*Chair Hardemon: This is the interesting thing.*

*Commissioner Reyes: You see.*

*Chair Hardemon: It's --*

*Commissioner Carollo: But here's --*

*Commissioner Reyes: It's -- there's a compensation.*

*Commissioner Carollo: -- the point that I see that you're all missing, and I could understand the argument both of you are making, and I can understand the one the Mayor made at the last meeting, but the one we're all missing here is that what -- on the face of the paragraph that they voted upon -- and this one is correct, both in English and Spanish, and I assume that it's correct in Creole; at least I hope so.*

*Commissioner Reyes: We should know.*

*Commissioner Carollo: It says, "Change Mayor's salary," but the changes they're making in the Charter is not salary; it's compensation.*

*Commissioner Reyes: That's it.*

*Commissioner Carollo: So this is in conflict; another point that is in conflict with the changes that they're asking to be made. There's a major difference between "salary" and "compensation."*

*Commissioner Reyes: Major.*

*Commissioner Carollo: Compensation includes salary; it includes everything else that you get in your W-2 or not.*

*Commissioner Reyes: (UNINTELLIGIBLE), whatever.*

*Commissioner Carollo: So you have -- whichever formula that we decide here, we have to use "compensation," not "salary," because that, in effect, is what the people wanted. But, you know, we keep talking about "the people." I don't see too many people. Is there anybody here -- out of the five people that were part of this committee, is there any one of them here? No. Is there anybody here, outside of the Mayor, that signed to have this petition be put on the ballot? I don't see anybody else raise their hands either. So I don't know where the people are, but I do know that it took a million bucks to be raised for the people to sign the petitions. So the bottom line, going back, the word "compensation" is the wording that has to be used. "Compensation."*

*Commissioner Reyes: There's a lady there; say she signed.*

*Commissioner Carollo: Yeah, okay. We have one. I don't know if she wants to --*

*Chair Hardemon: She's a petitioner.*

*Commissioner Carollo: -- have a change of heart -- or a petitioner or --*

*Chair Hardemon: She's probably a petitioner.*

*Commissioner Carollo: Okay, so --*

*Unidentified Speaker: She signed (UNINTELLIGIBLE).*

*Chair Hardemon: She's a petitioner, understood.*

*Commissioner Carollo: Okay.*

*Chair Hardemon: She's not on the committee, I understand.*

*Commissioner Carollo: Okay. So I think, Chair, that you would agree with that; that if that's what was placed on the meat of it, you have to go then with "compensation," not "salary," because there's a major conflict then.*

*Commissioner Reyes: Even in our Charter, in our Charter, it says -- it reads, "The salary of the Commissioners is 60 percent of the Mayor's salary," and it has a number; even in our Charter.*

*Commissioner Carollo: Now, that brings to another question that I think the answer to it might come back to what we're discussing here: Does that 58,000 changes if this were to pass? Does that mean then that the Commission receives 60 percent of the compensation or salary of the new strong Mayor?*

*Commissioner Reyes: That says, "salary" there.*

*Chair Hardemon: Not from --*

*Vice Chair Russell: It does not.*

*Chair Hardemon: -- the language that's been proposed to us by our City Attorney, no.*

*Commissioner Carollo: And the reason I think why she stated that is because the language that we had before, when the \$58,000 was passed and the 60 percent, it specified 58,000, a number; that's why this requires a number, and it makes my point.*

*Commissioner Reyes: And I want to stress that it's compensation, which includes all the fringe benefits and -- I mean, insurance, retirement, and all of that. That's the definition of "compensation."*

*Commissioner Carollo: That's what "compensation" means.*

*Commissioner Reyes: That's the definition of "compensation." That's where I got that number from.*

*Chair Hardemon: Is there a copy of the actual petition? Can I see a copy of the petition?*

*Commissioner Carollo: You want to look at this --?*

*Ms. Méndez: The actual two-pager, Chairman, or the attachment?*

*Chair Hardemon: They didn't read all of this, did they?*

*Vice Chair Russell: They had it available to them, if they wanted it.*

*Commissioner Reyes: Shall we get an opinion from the County?*

*Chair Hardemon: Yeah, that's not really -- it's -- I mean --*

*Commissioner Carollo: Well --*

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: Yes, you're recognized.*

*Vice Chair Russell: My question, to understand what was intended here, is whether this would give the City of Miami Mayor a raise, effective immediately, to jump him up to 75 percent of some number that the County Mayor makes, or was this meant to match what he currently makes in relation to the County Mayor? And that's my question to the committee. Because if the intent here was not to give the Mayor a raise unless the County Mayor gets a raise, then I think we have the obligation to make ballot language that is clearly reflecting that. The word "compensation" in --*

*Chair Hardemon: But, see, that's --*

*Vice Chair Russell: -- the Charter amendment is -- to me, it's what creates the vagueness that we're trying to clarify.*

*Chair Hardemon: Right. I mean --*

*Vice Chair Russell: And that's why I think if the intention was to match him, the most finite thing you can look at is the salary number; set him to 75 percent -- because we have different fringe benefit packages than the County Mayor. It's going to be very hard to get into that, and that would be very confusing, but to peg it to a 75 percent of salary would give a finite number that would keep the Mayor exactly where he is right now in salary --*

*Commissioner Reyes: No.*

*Vice Chair Russell: -- and --*

*Commissioner Reyes: No. Sir, words matter.*

*Vice Chair Russell: It does, and that's why I'd like to know --*

*Commissioner Reyes: Words matter.*

*Vice Chair Russell: -- what our intent was.*

*Commissioner Reyes: And we cannot -- this is very serious business, because it's the future form of government --*

*Chair Hardemon: Yeah, but see --*

*Commissioner Reyes: -- which a person that is going to have almost absolute power. And besides that, the compensation that he's going to receive is pegged to the compensation of the County Mayor, you see, and that matters. We cannot deal here with intent.*

*Chair Hardemon: Well, what's --*

*Commissioner Reyes: We have to deal with what it is, what it says, specific -- what's specified in the proposed Charter change.*

*Chair Hardemon: So -- but what's interesting is that -- obviously, the petition indicates change Mayor's salary, and attached to the petition -- And I'm assuming, so this was available to everyone -- attached to the petition is a Charter with amendments, so this would have been what was presented to them -- meaning, the petitioners -- to know what language was being changed. If this was what's being presented to them, then there is no intent. It is here. It is clear. Is -- Mr. Kuehne, how are you today, sir?*

*Ben Kuehne: Fine, Mr. Chair. Thank you for recognizing me.*

*Chair Hardemon: I understand that you are not a petitioner and you did not sign as a petitioner. And right now we're talking about intent, et cetera, and I don't even know if the court of law would get into intent. It's either -- you have to look at the plain language of the law, if there's no confusion as to what's being presented before us. And what I'm trying to understand is this packet with the petition that has the proposed language included in it. We've had more than, as I heard, 20,000 signatures that indicate what's indicated in the two-pager document that was passed to me by Commissioner Carollo, where it's very simple, also very broad. And so, my question is, the attached ballot language that is in this petition, is this the same language that is also in our Item SP.2 that was also available to the petitioners when they petitioned this government for an amendment to the Charter?*

*Mr. Kuehne: Good morning. Ben Kuehne. My address is 100 Southeast 2nd Street, Suite 3550, Miami, Florida 33131. That's in the City of Miami. My residence address is also in the City of Miami. I am counsel to Strong Miami, which is the committee put together to forward this citizens' petition initiative, "Miamians for an Independent and Accountable Mayor's Initiative"; also known as "Strong Miami." Although I am eligible to sign the petition, I purposefully did not sign in my role as general counsel. I thought it was best to keep that separation. But I can briefly respond to your question in two ways, Mr. Chair. First, the language that you have in your package is the language that was presented to the electors, the voters, the registered voters, as the circulation was being done. And the language itself, with regard to salary, amends Section 4 -- used to be "H" -- of the Charter; now 4(I), and it refers to "Salaries of the Mayor and Commission." That's the title. And the topic change was to create a mechanism to depoliticize the setting of the Mayor's salary; noting that the setting of the Commission's salary was in the Charter, but there was no language setting the Mayor's salary in the Charter, other than to be set by the Commission. The change is to still set that salary by the Commission; the salary by the Commission, but to provide a floor, and the floor is simply a governance aspect that says, "The Mayor's minimum salary is commensurate with the County Mayor's salary." And --*

*Chair Hardemon: So --*

*Mr. Kuehne: -- I want to be very clear that some words -- and words matter. I'm a wordsmith. As a lawyer, I tried to do the best to craft, with the help of the committee, language that was appropriate to be determined by the petitioners. But compensation, I beg to differ -- and I'm not trying to get into an English college exam -- but we do not use the word "total compensation." I would agree with Commissioner Reyes that if the phrase "total compensation" were used in the Charter amendment, that would refer to all of the dollars accrued to an individual. The word "compensation," in its ordinary form and ordinary meaning, is a person's salary. And what we did in preparing this was to figure what's a good model. We went onto the open government website that the County has, where every citizen can plug in the name of a County employee and determine what is their salary. And I have it here, and I can pass it out, but the printout for Mayor Gimenez for 20 -- the 2017 year shows a salary of 149,999.98 cents. That's what's publically available to anybody interested in researching what the County Mayor makes. We then determined, the current City of Miami Mayor's salary is about \$130,000. That's his current salary. We thought a formula of 75 percent; not relying on a statute, but a specific way of determining an exact number based on what the Mayor makes. 75 percent is \$112,000 less than the minimum of what the Mayor currently makes. And what's important here is not just the intent -- what we did to prepare this -- but the words used. The words in the context of that Charter provision deal with salary, and the mechanism to depoliticize is simply 75 percent of the salary or compensation, not*

*total compensation, not formulaic compensation. And I suggest to the Commissioners, when you ask somebody in casual conversation -- I know this is not casual conversation. This is the law that's going to govern the City of Miami for the time to come, if the voters approve it. You ask somebody their compensation, they will tell you their salary. That's what "compensation" means. If you say, "total salary," well, include retirement, include sick leave, et cetera -- that can be significantly more -- or, in some cases, a car allowance or a phone allowance.*

*Chair Hardemon: Attorney Kuehne, that's a good argument. I personally believe that the argument is made to the wrong body. I think this is an argument that's going to be made to a court of law to decide what is meant, but what I will say is that we are not the ones that petitioned this language. And when I look at the language and the actual proposed language, which is the substance of the document, which is also what we're considering today -- it's under what has become "Part I, Salaries of the Mayor and Commission" -- it says, "And in no event shall be less than 75 percent of the compensation to the Miami-Dade County Mayor." Now, as you described, "total compensation" versus "compensation" versus "salary," I mean, these could be very different things. Now, when I look at the petition, the two-page petition, where it says that, "We, the undersigned qualified electors of the City of Miami, Florida, petition the City of Miami Commission to place a Charter amendment on the next available ballot," when you move forward to the language, there it says, "Change Mayor's salary and make changes effective immediately." This is two different types of language that's being used by the same petitioner, and I'm not the person to decide whether or not it is what it's supposed to be. This is something that is going to have to be decided, and the question is, if it -- well, when is it going to be decided? And then, by whom? And so, this is the part of the issue that I'm having with this as a board, because I'm saying, "Look, we were petitioned something." And the question is, do we put it on the way that it was petitioned?*

*Commissioner Reyes: Yes, sir.*

*Chair Hardemon: And that may help the item; it may hurt the item, but it is the item. And Mr. Kuehne, I'm not sure if you drafted this exact language, but this is --*

*Commissioner Reyes: Can I say something?*

*Chair Hardemon: Yes.*

*Commissioner Reyes: Yes. Mr. Kuehne, I do understand that compensation -- I mean, you might have a different opinion or a different definition of "compensation," but to me, compensation is total cash and noncash payments that you're going to receive; everything that you're going to receive; fringe benefits, retirement, and all that. That is what anybody that is going to look for a job, you're going to say that. But let's say that you went -- you were trying to use only the salary of the Mayor of Dade County. The salary of the Dade County Mayor, it is state -- I mean, set by the Commission, and it is not \$150,000, as you just stated; it is over \$300,000. But Mayor Gimenez, out of his own goodwill, he is not receiving but \$150,000. But for all practical pur -- by law, by law, the salary of the Mayor is over \$350,000.*

*Chair Hardemon: The compensation is.*

*Commissioner Reyes: No, no. The compensation --*

*Chair Hardemon: The compensation is.*

*Commissioner Reyes: -- is over. You know --*

*Chair Hardemon: No, no. I'm just saying.*

*Commissioner Reyes: Let me explain. When I went -- using \$150,000 as what he's receiving, it went over 400,000. Now, Mayor Gimenez, when the chart -- I mean, they were cutting salaries and all that, and he said, "I'm going to set the example. I'm going to" -- "My salary" -- is \$326 [sic] at the time. "I'm going to cut it to 150. I'm just going to receive, out of my own will," you see?*

*Chair Hardemon: Right.*

*Commissioner Reyes: "I'm going to leave that money there. That money's going to stay with the general fund, but my salary is going to be" -- "What I'm going to receive is this."*

*Chair Hardemon: Yeah.*

*Commissioner Reyes: So his salary is over 300-and-some thousand dollars. Even if you use that --*

*Chair Hardemon: Well, I would --*

*Commissioner Reyes: -- the salary of the Mayor will increase to \$240,000.*

*Chair Hardemon: Well, I will say this.*

*Commissioner Reyes: You see?*

*Chair Hardemon: We're not here considering the salary of Carlos Gimenez --*

*Commissioner Reyes: No.*

*Chair Hardemon: -- or the compensation of Carlos Gimenez. We're here considering the compensation of --*

*Commissioner Reyes: The compensation, but --*

*Chair Hardemon: -- the County Mayor, and I believe that that number is higher than what's --*

*Commissioner Reyes: Yes.*

*Chair Hardemon: -- than what is the current salary that he's intaking [sic].*

*Commissioner Reyes: That's right.*

*Chair Hardemon: I don't think that this -- I wouldn't say that this language considers his smaller amount, but I will say that even when you read the salaries of the Mayor and the Commission that's in our Charter, it tells you what the City Commissioners are paid; it tells you that it's equal to the Mayor's salary. It uses the word "salary." It says that that salary "shall be paid in 12 installments to Commissioners." And then, the very next sentence says that "The compensation of the Mayor shall be determined by the Commission." Now, we do determine that compensation, because there are a number of different things that go along with the salary that included compensation. However, the part that was inserted says that, "In no event shall be less than 75 percent of the compensation to the Miami-Dade County Mayor." And the compensation to the Miami-Dade County Mayor -- I don't know the exact number, but it's probably --*

*Commissioner Reyes: Higher.*

*Chair Hardemon: -- it's certainly higher than \$350,000. It may be \$500,000. You're recognized, sir.*

*Vice Chair Russell: So I have a --*

*Chair Hardemon: And that's the language, so --*

*Vice Chair Russell: Yes.*

*Chair Hardemon: -- you know, I don't have a bone to pick with what was petitioned to me, because this is what was petitioned to me.*

*Vice Chair Russell: Thank you. And so, I have a requested amendment, and I'd like -- based on what the discussion has been, I'd like to change that to add the word "actual" before the salary. So it's, "At no less than 75 percent of the County Mayor's actual salary." That takes me to 76 words. And so, to get back down to 75, at the beginning of my ballot language, where it says, "Change to a strong Mayor Commission form of government," I would like to change that to "adopt a strong Mayor form of government." That buys me one word there.*

*Commissioner Reyes: Sir?*

*Vice Chair Russell: So that's my request to the amendment, because I believe that does capture -- The wording in the front pages of the amendment -- the petition does say, "Change Mayor's salary." And if we use this ballot language to set that to 75 percent, which is what it says there, I believe we're following the spirit and letter of that, and we're clarifying it in a way that gives it the best chance for the voter to know what they're voting on. It puts a number, "75 percent of the County Mayor's actual salary."*

*Chair Hardemon: But the thing about it --*

*Commissioner Reyes: No, sir.*

*Vice Chair Russell: That cannot be interpreted any other way.*

*Chair Hardemon: But this says --*

*Commissioner Reyes: No, sir. No.*

*Chair Hardemon: Your amendment says, "salary."*

*Commissioner Reyes: No.*

*Vice Chair Russell: Yes, so I want to change it to "actual salary."*

*Chair Hardemon: But the petition says --*

*Commissioner Reyes: You cannot change it.*

*Chair Hardemon: -- the petition says --*

*Commissioner Reyes: You cannot change it.*

*Chair Hardemon: -- "compensation."*

*Commissioner Reyes: Compensation.*

*Vice Chair Russell: In the front --*

*Commissioner Reyes: You cannot change it, sir. The petition was signed like this; you cannot change. We cannot nitpick now certain words and change it and all that. The petition was signed, and it says -- by the way, it said, "See attached." Did you receive what -- with every single one --? Mr. City Clerk, did you receive also the whole Charter change?*

*Todd B. Hannon (City Clerk): No, sir.*

*Commissioner Reyes: And what it says in the petition, said, "See attached."*

*Mr. Hannon: I do not believe it was required to be submitted with the petition, sir.*

*Commissioner Reyes: No, it wasn't, but, you see, maybe to you -- maybe you do understand, and you think that by saying "actual" fulfills the intent, but we are not here on intent; we are here on reality. That will not fulfill the information that the voters must receive. The voters must receive an actual number, so they know what they're voting. When you are -- even when we are proposing a tax increase, we just -- we state the number; just state the number. It's going to be 12 percent, and then blah, blah, blah, blah, blah, and what it's going to amount to. You see? So -- I mean, we always -- we are always -- we want -- And we want this to be clear and transparent -- and that's my intention -- we have to place a number; we have to place a figure that will allow people to know that if they vote "Yes," that the Mayor is going to receive this amount of money or this -- I mean, this is going to be his compensation. If we vote "No," things remains [sic] the same, but they must have a choice, you see.*

*Commissioner Carollo: Mr. Chairman?*

*Vice Chair Russell: First paragraph of the petition says, "Change Mayor's salary." So I'm fine with this ballot language putting in, "Set mayoral salary at no less than 75 percent of County Mayor's salary." I don't think that betrays the letter or spirit of the petition.*

*Commissioner Reyes: Without a number, it doesn't say anything.*

*Chair Hardemon: But what I'm saying to you is that the -- but the -- what's behind is, which is the amendment that's going into law, that's what goes into effect --*

*Commissioner Carollo: Yeah.*

*Chair Hardemon: -- and that certainly is a change in compensation.*

*Vice Chair Russell: So you think it should say "compensation," not "salary" --*

*Chair Hardemon: Well --*

*Vice Chair Russell: -- in our ballot language?*

*Commissioner Carollo: No.*

*Commissioner Reyes: Compensation --*

*Chair Hardemon: Well, I'm just describing that if you put --*

*Commissioner Reyes: What it amounts to.*

*Chair Hardemon: -- that number --*

*Commissioner Reyes: What amounts to.*

*Chair Hardemon: The thing about is that whole numbers situation. First of all, with the number.*

*Commissioner Reyes: Yes.*

*Chair Hardemon: The number is --*

*Commissioner Reyes: What amounts to.*

*Chair Hardemon: -- much higher than what we -- than what we're -- what we believe it is, because it says, "compensation," and that's --*

*Commissioner Reyes: What it amounts to; 400,000, 300,000, 240?*

*Chair Hardemon: They just use -- they use two words interchangeably that probably should not have been used interchangeably, because they mean different things.*

*Commissioner Carollo: Yeah. They did, not us.*

*Chair Hardemon: Right.*

*Commissioner Carollo: So -- But look, I think that it's a clear consensus here that you need to put not a percentage but an actual amount, and I've heard from all of you here. I'm the only one that's spoken very little on this, next to Commissioner Gort, but I think we also both expressed ourselves.*

*Commissioner Gort: (UNINTELLIGIBLE).*

*Commissioner Carollo: But here's where I'm going with it, because I don't want to be going through a lot; then at the end, we waste more time, and we don't even have to get there. I asked the City Attorney to provide me with a legal opinion that I received last night. Madam City Attorney, can you pass that out, if it hasn't been already? And it goes to the heart of 12-23. Now, I know you're going to get a lot of arguments that, "Well, it's unconstitutional. It's this. It's that." But the bottom line is that as you that were here the last time heard the attorney, the co-counsels state themselves, that this is what they were going by, and everything that they signed was based upon 12-23. Now, 12-23 begins -- the first item on 12-23 says that, "No person may circulate a petition or solicit signatures, unless he or she is a registered electorate in Miami-Dade County." Now, I don't know about some of you, but I've been seeing on TV (television), hearing on radio, interviews from reporters, from people -- actual people that were soliciting signature, go live and speak; others on radio, where this is very scary. You're having people admit to, basically, that they were not in conforming [sic] with numerous aspects of 12-23; but more so, you have, for instance, numerous people that signed that they were residents, but those addresses don't exist. You have another one, for instance, right here at 2650 Southwest 27th Avenue; they signed that that was their residence. And this is what 12-23 says that "A statement in each petition circulator's own handwriting, setting forth his or her own name, both printed in [sic] signature and [sic] form; and 'B,'*

*the residence address of the circulator.” And they give you an office building in one case, and I'm not going to even go who the office building belong to, but it's an immigration attorney that represents a government 90 miles away in many of their endeavors in the past. You have people that have admitted to other violations here. For instance, just in a couple of things that I got, and it's just very informal. Here, I have one petition gatherer that was putting an address: “I” -- and then they put their name -- then “residing at” -- and the address is “2940 West Hillsborough, Tampa 33164.” And then somebody then above that -- who knows when; it seems like a different handwriting -- put an address in Hialeah, and the identification that they gave, you can't tell what it is, but it's not a Florida driver's license, or who knows what it is. Then you have another one that -- and remember that I said that 12-23 says, “A statement in each petition circulator's own handwriting, setting forth his or her own name, both in printed and signature form,” and “The residence address of the circulator.” This one, “I” -- they stamp -- they put a stamp that's got somebody's name and an address -- “residing at” -- they put a stamp with someone's name and an address. This doesn't meet the intent. And the County Supervisor of Election found that two of the people that swore under oath that resided in Miami-Dade County, and they were going by 12-23, were registered voters in Broward County; and 95 of the other names they couldn't find, whatsoever, based on address that they swore to that they resided, and you would think that they're following Number 1 of 12-23; that “No person may circulate a petition or solicit signatures unless he or she is a registered elector.” I don't -- need I even go into additional parts, but I will read this that is very much part of it. “(3)” of 12-23: “Disqualification of Forms. Within 30 days, excluding weekends and legal holidays, of the date of filing a petition of initiative or referendum, the Supervisor of Elections, or in the case of recall, the Clerk of the Circuit Court, shall disqualify the following petition forms: ‘B,’ Those that do not comply with any one or more of the provisions relating to the circulator set forth in Section 1 hereof,” which includes, “(1) No person may circulate a petition or solicit signatures unless he or she is a registered elector in Miami-Dade County.” And then we go to “(5) Prohibited Signature Gathering Practices.” And this, I saw, I heard [sic] with my own eyes on television, and I've heard other interviews of people calling in on radio. In “(5)” it says, “It shall be unlawful” -- “(5)A. It shall be unlawful for any person, entity, or elector intentionally to make or cause to be made any false statement concerning the contents or effects of any petition for initiative, referendum,” so on and so forth. And people are making claims that they were lied to when they signed these petitions. They were -- in some cases, some people are claiming they were promised that their streets will be repaired if they would sign this. In other cases, they were being made other promise; others were being told that the Mayor could not do his job because the Commission wouldn't let him, but this would let him do his job. So going back to what I asked the City Attorney, it states: “You asked for my opinion on substantially the following specified question of law: Whether Section 12-23 of the Miami-Dade County Code of Ordinance, County Code, applies to the City initiative referendum” (UNINTELLIGIBLE) “the petition submitted by Miamians for an Independent and Accountable Mayor's Initiative, Inc., (The Miamians).” 2, brief answer: “Because the Miamians have undertaken compliance with Section 12-23 of the County Code, Section 12-23 applies to the petition.” And going back at the end of the whole opinion, the last paragraph, “Conclusion: Based on the foregoing, the petitioners have undertaken compliance with Section 12-23, and that section applies accordingly. Under Section 12-23(1), the petition should be reviewed to ensure compliance with the circulator registration requirements in that section. Therefore, the County Supervisor of Elections or the City Clerk should review the petitions for the compliance with Section 12-23.” So I submit to my colleagues that based on this, anything else we discuss, we're wasting our time and the public's time; that this is what we need to deal with first and foremost, and I think this is very clear of what we need to do.*

*Chair Hardemon: So, Commissioner, when I read this, the only thing that I get from this memo that the City Attorney sent us was that, "The County Supervisor of Elections or the City Clerk shall review the petitions for compliance with Section 12-23." That's the only thing I actually get from it, which is, to me, much of nothing. The -- I remember -- I used to be -- I used to go to this school. I used to attend a place called, "Florida Agricultural and Mechanical University; and there, I was a student body Senator; freshman, sophomore, junior, senior. And in my senior term, I ran for Senate President, and the Senate was the legislative body of the Commission -- I mean, of the --*

*Commissioner Carollo: You didn't beat Ronnie Book in that race, though, did you?*

*Chair Hardemon: I didn't beat him in that, no, no. I did have a nice fight, though. And there, we controlled like a budget of about \$3.4 million. We did a number of different things that are very similar to what we do here. We used Robert's Rules of Order, not Mason's. But we had an election, and in that election, I was elected Senate President by one vote. I think there were about -- maybe 35 votes that go into this vote, and it's a vote of the elected body. So everyone who was elected into office, you get a vote. And so, it didn't sit happy with the person that I defeated, and that person then went -- I mean, because, you know, we're in -- you're in school, so everyone is closely related through certain associations, and the biggest block of association was a sorority and fraternity relationship. And so, they got amongst themselves, and then they started to petition each other in the Senate to basically say that the election was invalid. So why was the election invalid? Todd, you would appreciate this. The election, they said, was invalid because they used -- we all used absentee ballots, and our body didn't have a procedure to use absentee ballots. And my argument was, "Well, we've customarily used absentee ballots." And so, what happened was, the reason we had so many absentee ballots was because I happened to present last, and the individual who I was running against and all of their affiliates presented before me. Once she presented -- It was late in the evening. Once she presented, they all left. And I asked them, I said, "Why don't you all stay for my presentation; you might like it." And they disagreed. And they wrote their vote on a sheet of paper, and they handed it to our Senate Secretary, who was the person that was responsible for holding on to the votes. And so, there was always one Senator who never showed up to this -- to these meetings, and I found a way to get her confidence in voting for me. She didn't appear at the meeting, but she voted by absentee ballot. Now, her ballot was the only ballot that's probably ever been used in this fashion at Florida A&E University, and you can probably check this. She had a type-written ballot of her request that was notarized by a university official and sealed and then handed to the secretary. So they were really upset with that ballot, because she was the person that never showed up, and she voted, and it made the difference. But in the end, what the Senate body requested was to invalidate my election, and so I disagreed. I mean, "You can't do this. The election is the election. We voted by absentee ballot. It passed." You know, this is what it is, and -- but the body did what it wanted to do, which was invalidate the election. They had another election, the same sort of -- Oh, they had another election, so I figured, okay, in this new election, no absentee ballots, right? Everyone has to vote in person. You know, they voted with absentee ballots, right? So it wasn't about absentee ballots; it was about the outcome of the election. But nonetheless, now you have a second election; I lose that election by one vote, so they managed to flip someone. And so, then I had a certain amount of time that I had to appeal. I had a right to appeal the decision to a judicial branch. We had a judicial branch; executive, judicial, and the senate branch. And on the last day, I chose to exercise that right. And when I exercised that right, the judicial branch found that the first election was valid. The use of the absentee ballots was appropriate. And even in an argument that I made earlier, they said that it could have been appropriate; that if you disagreed with the absentee ballots, you could throw them all out and then deal*

with the actual vote, but I would have won that, too, because all my friends stayed. But I say all that to say, the question of whether or not it meets the muster of the law, I don't believe is our decision at this board. I think that it's going to take the opinion of another branch of government, and I think that that's going to be something that -- knowing the history of the City of Miami and the people that live here, it's going to be sought after. Someone's going to sue to say, "Is this the way that it should be?" And I have a few people in my mind that I know are probably at the steps of the courthouse, ready to make that happen. And so, when it comes to the language, the short -- the ballot language, or the 75 words, you know, after reading it and reading what was put into the petition and understanding that the 75 words are the 75 words, and it's just meant to be something to describe all that's being made and requested in this document, this is the document. This document is what describes everything, and this document says, "compensation." And even though this language says, "salary," I believe the amount is going to be a lot more than the salary that they've -- that's been quoted on the record. It's going to be a total compensation, and it's going to be a high number.

Commissioner Carollo: That one, I think we're all in agreement, but you brought up absentee ballots, and I hate to tell you this, but if anyone is an expert --

Vice Chair Russell: Can't hear you.

Commissioner Carollo: -- on absentee ballots, it's me. And the attorney present here, I think, carries one of those titles on absentee ballots as being an expert, and I won't go into the history of that. But after they failed, they brought the first strong Mayor petition, which is, by the way, thrown out for fraud. So going --

Chair Hardemon: But the question is --

Commissioner Carollo: Yeah.

Chair Hardemon: -- "Who did that?" Was it done at the Commission level or was it done at a judicial level?

Commissioner Carollo: Well, the problem that I see here is that we have a legal opinion that they're bound by 12-23, and we have this here, and we're bound by it in the legal opinion. They haven't even gone into, you know, a lot of other ifs, buts, or how. And I think the City Attorney, rightly so, what you have seen and all of us have, but one way or another, there's going to be litigation, and the attorneys are very happy of it. But the bottom line is that based on their own actions, what -- the letters they sent to the City, the petition in itself that they alleged on having the circulator sign under oath 12 -23, and that what they file on the petition, and last but not the least, the statements made here in this very room when we met last, their attorney admitted it when I questioned her; if they were filed on 12-23. So they're bound by 12-23, and (UNINTELLIGIBLE) they say that they don't like or it's unconstitutional, whatever, by them putting 12-23 upon themselves, they waived all that. You're an attorney. If you decide to do something that you choose to do it, but you might have something else that says that if you had not chosen, could be -- and I'm not agreeing with that -- unconstitutional, well, you chose; it wasn't imposed upon you. You chose to do it; therefore, you're bound by it. But this is very serious, because it goes beyond Number 1, that "No person may circulate a petition or solicit signatures." It goes into areas that I brought out here; people that are not living, where they signed under oath that they were residing that they have to; people that are living in other counties. I didn't even see the one in Tampa until this morning, by the way, and other problems that people have that I really don't want to even bring it out here, because I don't want to hurt anybody. And I'm not even going to 5, which is the line on this that if we would ever find and bring under oath in a subpoena any of the five

members of this committee or any of the people who are circulating and could ask them just a few questions, I submit to you that this house of cards is going to cave in right away. But we're bound in following some law, and the law that our City Attorney says that we're following is 12-23; that they decided that that's what they had to follow, and I agree with them. They found the right law, even though now they want to say, "Gee, we really didn't," and back and forth, and "this is unconstitutional," and now we're going to pick and choose. But if it was, it should have been brought out in the beginning; not at the end.

Chair Hardemon: But see -- and then I'll (UNINTELLIGIBLE).

Commissioner Carollo: So I don't see how we can get around 12-23.

Vice Chair Russell: I'll tell you how, and --

Chair Hardemon: I'm going to (UNINTELLIGIBLE). Vice Chairman.

Vice Chair Russell: Thank you, Mr. Chairman. I disagree. I do not believe that the committee gets to choose the law that we follow. They can use a guideline for whatever they want to create the petition, collect the petitions, but we are the ones who will decide which law should be followed in making our decision. Now, we may disagree on that, and we may have interpretations of that, but I really believe what -- the road we're going down here is something that I really dislike. The reason the petition process exists is to force a body to do something that the people want that the body wasn't willing to do on its own, and there's a bar that they have to surpass. In the case of changing our ordinances or doing a referendum, we look to the City Charter. In Section 5 and 6, there's a 10 percent and a 15 percent threshold of petitions to be gathered in order to force us to create an ordinance or create a referendum. Nowhere in that does it say that the people circulating the petition need to be voters. It simply says, "You get this level of voters to sign petitions." In the County Code, they have 12-23, which is how the County changes its Charter, and they there have that requirement. In the County Charter, Section 603, which is, I believe, what guides us and where we don't have the specifics in our Code, the letter and spirit of 603 simply just says that we need to -- once the petitions are received that we need to put it to ballot. It doesn't say, "What are the requirements of the people that collected them?" And I believe that home rule even surpasses the State Law 166.031, which says the same exact thing; that if you receive the petitions, you must put it on a ballot. That ties our hands. It gives us a job --

Commissioner Carollo: No, it does not.

Vice Chair Russell: And if I could just finish?

Commissioner Carollo: No, it does not.

Vice Chair Russell: And if I could just finish, I believe we should be fol -- we are following 603. The City Code doesn't make provisions for how to change our Charter through petition, but our job is clear before us. And when we try to find a technicality to derail the will of the voters, the 20,000 signatures -- because you're not questioning the 20,000 signatures that we received; you're questioning who circulated those petitions. And by finding a technicality to knock that out, we're now putting the power back into our hands to decide what the law should be --

Commissioner Carollo: Nope.

*Vice Chair Russell: -- where the whole petition process was to give that to the people. So I disagree with you on this. I really believe that we should be following County Code -- County Charter 603, which we are.*

*Commissioner Reyes: Can I ask a question?*

*Commissioner Carollo: Hold on. I really --*

*Commissioner Reyes: Mr. Chair?*

*Commissioner Carollo: -- like to --*

*Chair Hardemon: Let him respond.*

*Commissioner Carollo: -- respond, and I'm going to need a little bit of time to respond. And Commissioner, I'm going to respond very strongly to this, because I'm sick and tired of this hypocrisy; this fakeness that this is the will of the people. Where are the people? I've asked if any of the five people that were part of the committee are here. They're not here.*

*Vice Chair Russell: They don't have to be here; they signed a petition.*

*Commissioner Carollo: Well, no, no, no.*

*Vice Chair Russell: That's their job.*

*Commissioner Carollo: But -- Listen, you're being an apologist now. You should have been part of the committee. You shouldn't be up here. You should have been with the committee. This whole thing -- we all know, anybody that's involved in politics or in the media knows that it came about. This is not the people. If this is the people, you didn't need to have hired 200-plus people to gather signatures that 96 percent of them did not even live in the City of Miami. That committee didn't need to have the Mayor raise for them a million dollars so they could spend all this money in this committee. This is whole -- this is one of the biggest frauds that I've seen; even bigger than the ones that were presented to this body some years back when we had the last strong Mayor, and 43 percent did not pass muster. Now, you're trying to say, time and time again, this is the will of the people, and I've been trying to avoid an argument in this, but I'm sick of the hypocrisy. I'm sick of the fakeness. If it's the will of the people, why aren't they here so we could question them?*

*Vice Chair Russell: They don't have to be; they signed a petition.*

*Commissioner Carollo: Well, you know why? No. The five members of the committee that are the ones that are doing it, do you know why they're not here? Because they were asked by the Mayor to participate and be part of that, and they really don't know what's been going on. The guy that's been running it with the Mayor, Mr. Jesse Manzano, doesn't even live in the City of Miami. He lives in the City of South Miami that does not have a super strong Mayor, but he don't care about that over there; he cares about the City of Miami. So when you're telling me that, "Oh, this is the will of the people; that we have to put it, because the people want it," no, that's not the will of the people. And furthermore, we do not have to place it on the agenda, first of all, today, because we have up to 120 days for the City Attorney to draft something, and then we have another 120 days before we put it on the ballot, but beyond that, I am going to submit for the record two cases. One -- and I know that the counsel that's here for the committee is going to try to cite some other difference on these cases. But the first one is a September 20, 2016 case, from*

*the Third District Court -- right here -- of Appeals, Miami-Dade County Board of County Commissioners. This is an Accountable Miami-Dade. This one gives us all the right not to put this on a ballot. Secondly is one that's on March 21 -- real recent -- 2018 opinion; again, on the Third DCA (District Court of Appeals), and this is Lynne Bloch Mullen, appellant, versus Bal Harbour Village. And these cases are on point that we do not have to place this on the ballot. Now, Madam City Attorney, I asked you to try to look at some case law. Have you found anything other than what I found on these? And if you found these, can you enlighten the Commission a little bit as to the point of view of these two?*

*Ms. Méndez: These are the only two cases that I was able to find as well; that, basically, one has to do with whether it's ministerial duty to place something on a ballot, and the other one has to do with the ways that something can get challenged with regard to it getting to circuit court, and counsel for the Miamians is aware of these two cases that are -- that give a little bit of flexibility.*

*Commissioner Carollo: Yeah, but the point being is that neither the attorneys for the Miamians, nor any other attorney here, are the attorneys that we have to go on their opinions; it's you, the City Attorney. And this is why I'm asking you that based on these two opinions that I've brought forth here, do you feel that we will not be bound on everything you heard so far that's been discussed here in having to place this on a ballot; contrary to what Commissioner Russell said, that we have no other alternative but to place it on the ballot?*

*Ms. Méndez: Well, you obviously have the time frames that's allowed, per the Charter.*

*Commissioner Carollo: Yeah, that we have. That we know already.*

*Ms. Méndez: Right. So that should be first and foremost in your determination that you obviously have that time. And then, with regard to these two cases that you cited, it is just having to do with the fact that you don't have to place it today, but you already have that leeway based on the Charter, so it's not anything different.*

*Commissioner Carollo: So that confirms, pretty much so, what I am saying here; that we do have that leeway. And furthermore, we have an obligation to the people that would -- I've heard so much on -- all the people that live in the City of Miami that are registered voters here in this City, to follow the procedure that was established. What are we afraid of? Are we afraid that we're going to find even more fraud, and we want to just kind of shove this under the carpet?*

*Mayor Suarez: Mr. Chair?*

*Commissioner Carollo: The County Elections Supervisor already has stated that 41 percent, 41 percent -- 97 names that were submitted to her -- she can't find in the addresses, and she would need any more information. Why can't the Miamians provide for us voter registration on these people if they are, indeed, registered voters?*

*Chair Hardemon: Mr. Mayor.*

*Mayor Suarez: I'll let the Miamians answer that question that the Commission opposed, and I'll discuss other issues that the Commissioner raised after the Miamians have responded to that question.*

*Commissioner Carollo: Ben, can -- before you proceed, I know you're representing the committee, and I understand that, but -- And by the way, we need to finish this*

quickly, because he and I have something else that we're busy on that we got to attend to, but --

Commissioner Gort: You having a (UNINTELLIGIBLE)?

Commissioner Carollo: None whatsoever. But the -- when you said the Miamians hire you, who in the Miamians? Is there a name of who spoke to you and brought you on?

Mr. Kuehne: The answer is, "Yes." And in giving that answer, let me announce for the record -- since I'm not certain it's been announced -- the committee that is the Miamians is composed of stellar members of the City of Miami community. I'm going to name the five, all of whom have signed affidavits when we set up this organization: Thelma Gibson, Reverend Richard Dunn, Elijah Stiers, Harry Piedra, and Shelene (phonetic) Duran; all people who are active, and have a history of activity in the City of Miami. And we have a Chair, a non-voting Chair, who's active in the City of Miami, purposely is not a City of Miami resident, but he's not a voter for the committee.

Commissioner Carollo: Who is that?

Mr. Kuehne: Tony Argiz, whose business is in the City of Miami and is probably one of the most prominent accounting/auditing functions in the County; he would say in the country. And we did that for a number of reasons. One is to assure the City, the people, the Commissioners, that this committee was formulated to do good for the City. I know that it's easy to say, "Mistakes and fraud," but I want to make it very clear. None of these committee members would have participated for five seconds in any impropriety, whatsoever. And all of our committee members, who hired Ben Kuehne as general counsel and Jennifer Blohm as co-general counsel from Tallahassee, hired us to basically help guide them, and guide them is what we did; not tell them how to do it and do it, but guide them through the process. So in responding to the process, we have 20,000 -- collected 20,000 valid City of Miami voters, who petitioned their government; First Amendment, petitioned their government. Those petitions have been certified, 20,000. And, yes, it takes time. Yes, it takes money. It takes organization to give people an opportunity to petition their government, but after all, elections -- all of the elections that led to our esteemed Commissioners being elected cost money. It -- that's a First Amendment right that we have. The U.S. Supreme Court has said, "Yes, money is an allowable" (UNINTELLIGIBLE), "if used properly to help exercise that First Amendment." 20,000 people answered the call; and 20,000 people, citizens, are asking you to do one thing: Let the people vote on whether this is an appropriate form of government change; not to have you say, "We like the provision, we don't like the provision," but let the people vote, because the people have, under the County Charter, an opportunity to petition to put Charter amendments on the ballot. That's 6.03. We complied with 6.03. And, as Vice Chair Russell has mentioned, the City Charter doesn't have its own provision. It does have a provision for citizen initiatives and other things. You all know that if a -- if citizens want to essentially veto the work of a Commissioner -- of the work of the Commission, they can, in 30 days, raise 15 percent to have an election to veto what you do. That's because representative democracy does have that opportunity. So in answering the inquiry and the question raised here, I want to emphasize as general counsel that this committee has been very involved and has authorized me to speak on behalf of the committee, not a political advisor; the committee themselves, and I assure you -- and although I'm standing here, I haven't taken an oath -- I would never do anything to mislead any elected official. I've spoken with the committee members, and those committee members have said, "Ben Kuehne, Jennifer Blohm, you're our lawyers. We want you to help us ask the Commission to do what we think they're supposed to do." And

once those petitions have been certified, there's one thing that you do, and that is, put it on the ballot, and you have a chance to make certain that the language for the ballot is fair and representative. The cases that Commissioner Carollo mentioned, frankly, they are cases I know of; one of them, the accountable case, is a case of mine. And the important part of the accountable case -- to the extent anybody thinks that the committee hasn't tried to learn the law and follow the law, let me tell you, in the accountable case -- and for the record, 208 So.3d 724, Miami-Dade County versus An Accountable Miami-Dade. I was counsel in that case. Here's what the County Charter -- the County Charter says for the County, "There is no provision in the City Charter. If an initiative petition is deemed to be legally insufficient" -- I'm sorry. I misread it. "If an initiative petition is deemed to be legally sufficient, the proposal shall be placed on the ballot without requiring any further action by the Board of County Commissioners, unless the Board determines to adopt the proposal." Petitions that are deemed to be legally sufficient automatically go on the ballot, but the Commission has the ability, if there is no determination of legal sufficiency, to not put something on the ballot. We have a determination of certified petitions. That's what was done. There is no veto power on the will of the citizens, and, yes, the will of the citizens; hopefully, all of whom are watching our public telecast, because they did think enough to sign petitions and to have those petitions, with their name, submitted. So "accountable" deals with a completely different situation. And the other case I will note, the --

Commissioner Carollo: By the way, Ben, I was going to ask you if you were on the winning side on Accountable, but after seeing who was in the opposing side, I don't need to ask that question; a J.C. guy.

Mr. Kuehne: The other case that the -- that Commissioner Carollo cited, Mullen, 241 So.3d 949, is the Bal Harbour case. You might remember that. There's a big skirmish in Bal Harbour over the mall.

Commissioner Carollo: A few months ago, that came out.

Mr. Kuehne: And -- Yes, it came out in March of 2018. And here's what happened in the Mullen case: The citizen petition, the initiative petition that was sought to change the Charter was a development order. It essentially sought to change the Charter to impose a development order on the mall. Well, the Court said, "Wait a minute. There is a State statute that says you can't put development orders in a Charter." That's not how you do development orders. It's against the law. And the Court held, because that petition itself was against the law, it could not exist. There was no need to have an election for something that could not have happened. We don't have anything similar. We have, without a doubt, everybody here -- every Commissioner, I hope -- agrees that the citizens can vote to amend the Charter. We know that. In fact, on November 6, an election that we asked to be joined in, there is a Charter change for the Freedom Mall issue, so we know that the citizens can vote to change the Charter. Now, the citizens have asked to be allowed to vote to change the Charter, and we only ask you to be respectful of the citizens, the citizens' property, the citizens' livelihood, and don't make us, the citizens, spend a million-plus dollars on a special election. That's the reason we've worked from January to today to work hard within the timeline that the County set for elections to gather petitions, to get certifications, to work with the Clerk, to work with the Supervisor of Elections, to get this done timely so we could get this on the ballot for November; and give the voters, the maximum number of voters, an opportunity to say, "Do we think this is a good change or not a good change?"

Commissioner Carollo: Well --

Mr. Kuehne: And the alternative is, when this goes on the ballot --

*Commissioner Reyes: May I ask --*

*Mr. Kuehne: -- the City of Miami will be spending \$1.2 million for a special election, and that's just not right.*

*Chair Hardemon: Commissioner Reyes.*

*Commissioner Reyes: Madam City Attorney, we don't have a process, right? But by stating in that petition that we are going to use 12-23, we're going to follow the County process that ties that petition to 12-23 process. And if the process has been followed or not -- if you don't follow the process, then that is totally illegal. If you follow the process, it is legal. Now, I -- my opinion -- and I'm just thinking out loud now -- we have a County Attorney that also could give us some sort of opinion, if it was followed or no. Because by stating in that petition -- Yes, Mr. Kuehne, petitions are very important. People are very important to vote, but they cannot be misled. If they said -- the sign that says that they are following the process, as stated on 12-23, that's what they're voting for, even though they might not understand it, but there is a process that is going on; and the process, in my opinion, is in doubt. Now, it's in doubt now, and we have to determine if the process was followed or no, because that petition is bound by 12-23. By using it -- if you hadn't use it in the petition, that -- I mean, I wouldn't say anything, but it is -- And my beef is also with the number of the salary, but we have to be very transparent and very clear with our voters. And whenever we have a process, the process must be followed.*

*Commissioner Carollo: Well, this is exactly what I am saying. The County only looked -- the Supervisor of Elections -- if the signatures matched or not to the address that they were registered voters in. The County did not follow 12-23, because they don't know what our Charter says, what home rule Charter provisions we have, and they weren't told anything by us. But now that it's very clear that the City Attorney says we're bound by 12-23, then I submit to everyone here that this process would not -- is not fully certified, because if the County would be doing their own, knowing that they're bound by 12-23, they would not only certify the signatures of registered voters, but they would certify the -- whether the petition gatherers were electors of Miami-Dade County or not. And since they didn't know -- since they didn't have any direction from us that we were going to go by 12-23, they didn't follow this other part; and now that it's clear we're in 12-23, this cannot be fully certified. It has to go back to be fully certified. We don't know how many of these people -- even though, I'm going to tell you, probably all of them -- out of the 41 percent, are truly not electors of Miami-Dade County. There could be one or two that maybe moved and didn't change their voter registration, but from what I've seen, it's the vast majority of those people, which would be more than -- just by a handful of them, it would be more than sufficient to not go forward with this referendum. So Madam City Attorney, you know, you're the legal guide. As much as I like Mr. Kuehne and known him for 25 years --*

*Mr. Kuehne: Longer.*

*Commissioner Carollo: -- I consider him a personal friend --*

*Mr. Kuehne: Much longer.*

*Commissioner Carollo: Yeah, probably. Yeah, I'm forgetful. I consider him a personal friend. He's a fine attorney. I'll be the first one to say that, even though I disagree with him on that. The five members of the committee, the three that I know, you know, I'm sure have not done anything to mislead us; others, I think, did, but not them. And Tony Argiz, as Mr. Kuehne said, he doesn't even live in Miami-Dade*

County; that's why he had to be called "honorary," because he could not be legally part of the committee if he didn't -- was not a registered voter here, because that would be one of the requirements. But the bottom line is this: Do we have -- since we're bound by 12-23, do we have to have the signatures, or should I say, the --

Vice Chair Russell: Circulators.

Commissioner Carollo: -- circulators' voter registration confirmed? Because what we have right now from the County is that 41 percent, based on the address and the name that they have, they cannot confirm them. I will tell you that practically all, you're not going to find them registered here; might be lucky if you find two or three, maybe a handful, but not beyond that, and that's not going to make any difference whatsoever. So what's our next step, Madam City Attorney? Do we ask the County to fully certify, since I don't believe that they've complied with 12-23, and we only have a partial certification, not a full one? Can our City Clerk do that job and confirm it for us?

Ms. Méndez: The Commission can decide what would be the next step. The -- what I have said in my opinion is just that since they have availed themselves of 12-23 -- and that's a process that they're following -- that it should comply with 12-23. So the options could be that the Clerk certifies that information; that the County does that --

Commissioner Carollo: Well --

Ms. Méndez: -- all those --

Chair Hardemon: I want to -- let's -- I want to be -- I want to ask you a question. When you -- because there's two things happening here. When I read the memo that you wrote, and the facts that were asked by Commissioner Carollo to Ms. Blohm, Ms. Blohm says, "The process that we based the petition form on was 12-23." So Commissioner Carollo, says, "Okay. So this is what you're going on, 12-23?" Ms. Blohm: "This was." Commissioner Carollo: "And this is what you follow?" Ms. Blohm: "The process that we based the petition from." And so, I say that because the petition, which was what was signed, as I believe, by the petitioners, was based on 12-23, which can be significantly different from -- compliant with 12-23 or of 12-23. And then, when I read -- so I'm trying to understand who we're talking about here, because then the statement of -- the signature of the circulator, which is the second page to the petition to amend the Miami Charter, this signature of the circulator, this is not the petition; this is the actual circulator, the person who gathers the signatures. In this document, it says, "I certify to the truthfulness and correctness of the certificate set forth in 12-23 of the Miami" -- "of the Code of Miami-Dade County." And so, I'm trying to find what is the truthfulness and the correctness of the certificate set forth in 12-23, which, to me, could be different from just 12-23. Is that a section of 12-23? Is it a part? Is there --?

Commissioner Carollo: Well, I think there could be a difference of opinion on that; again, on what it might be referring to, and I think it's a valid question, Chairman, but I think that that could be interpreted in a couple of ways, whether it's all of 12-23 or whether it's a portion of 12-23. I will submit to you that the people that were the circulators -- at least the ones that I heard on TV -- had no idea what the heck 12-23 was.

Chair Hardemon: Because when I look at this document -- and I'm reading from 12-23 -- 12-23 has some things that are -- has -- Okay. I'm looking at Section 2, "Form of the Petition," and one of the first things it says is -- I'm looking at Part "D" -- "A sworn statement that a [sic] circulator" -- a personal circulating the petition, witnessed each signature and is [sic] being written and to the best" -- "and that to

*the best of the information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.” And then -- and I think that's included here. Then it says, “A sworn statement signed by the circulator certifying to the truthfulness and the correctness of the certificate set forth in Section (1)(D) hereof; stating that it” -- there's a --*

*Vice Chair Russell: 2B.*

*Chair Hardemon: Yeah. -- “is being given under penalty of perjury under the laws of the State of Florida; and setting forth the date and the place of execution of the certification.” So where is a copy of Section (1)(D) hereof?*

*Commissioner Carollo: Well --*

*Chair Hardemon: Is there a (1)(D)?*

*Vice Chair Russell: It's (2)D; is the one you referred to.*

*Commissioner Carollo: It would be (2)D.*

*Chair Hardemon: I'm look -- no, I'm looking --*

*Commissioner Carollo: Yeah, you're looking at (2)D.*

*Chair Hardemon: -- at Section 12-23, and I'm looking at (2)E.*

*Vice Chair Russell: Oh, yes, in “E”; in Section “E.”*

*Chair Hardemon: And (2)E refers to (1)(D).*

*Commissioner Carollo: Yeah.*

*Chair Hardemon: And I don't see a (1)(D). Is there a (1)(D) that anybody here on the staff or --*

*Commissioner Carollo: Well --*

*Chair Hardemon: -- the petitioners --*

*Commissioner Carollo: -- I think --*

*Chair Hardemon: -- that counselor wants to present to us?*

*Commissioner Carollo: -- the bottom line -- I think what they're referring to, possibly, is that “1” is the lead for “2” and everything else that follows in 2, up to “G.” I think this is how they described it. However, the bottom line is, whether it's all or part, really, to me, it's almost irrelevant; it's the fact that they're referencing and they're following 12-23, so here's another example that they're following 12 -23. And look, we're a country of laws.*

*Vice Chair Russell: Agree.*

*Commissioner Carollo: People just can't decide that they're going to follow whatever process they want, and, you know, this is the other argument that they really haven't said, but it's really what they're inferring; that they could decide, you know, that outside of the 10 percent that they needed to get in signatures, they could have followed any procedure any way, anyhow, and this is not so, because even*

though -- and this has been law constantly -- If the City does not have a procedure and the County has one, then we're bound to follow County --

Vice Chair Russell: Thank you.

Commissioner Carollo: -- because of our home rule Charter. So Commissioner, the -- I think the only thing that we could make of this is, with certainty, is that they again refer to Section 12-23, and they're citing something in Section 23, whether it's in whole or in part, but they're citing that they're going on Section 12-23, because otherwise, what are they going on? They're going to create their own law? They can't; we know that.

Mayor Suarez: Mr. Chair?

Commissioner Carollo: And furthermore, I think the bottom line of this is that based upon what our City Attorney wrote, this petition is legally insufficient, because "1" in 12-23 has not been followed or fully verified; and "2," that -- well, I'm reading that she's saying here that the certification is incomplete. The County Elections Supervisor and the County Attorney will tell you that if it was theirs, that they know that -- and they know what their Charter is -- they didn't know what ours is. It's not their obligation to go and find out what our Charter says or doesn't say, but if they're going by their Charter that besides certifying the signatures of registered voters that signed the petition, they have to verify if the petitioners were electors of Miami-Dade County. And now that it's clear that we're going on 12-23, which should have been clear from day one -- but for whatever reason, it was not -- then I could only interpret what our City Attorney is saying, that the certification was incomplete.

Chair Hardemon: So the allegation --

Commissioner Carollo: And we have to have --

Chair Hardemon: -- that you're making is that the petitioners were not electors of the City of Miami?

Vice Chair Russell: County.

Commissioner Carollo: Well, this is what --

Ms. Méndez: The circulators.

Commissioner Carollo: The circulators.

Chair Hardemon: Oh, you're talking about the circulators?

Commissioner Carollo: Yeah, yeah.

Ms. Méndez: He's --

Chair Hardemon: Not the petitioners?

Ms. Méndez: Right. The petitioners are --

Commissioner Carollo: Petition gatherers, I said.

Ms. Méndez: -- appropriate.

*Commissioner Carollo: The circulators, petition gatherers, according to the County Clerk, based upon the name and addresses, 41 percent were not electors of Miami-Dade County and in defiance of 12-23, which means that it cannot be certified, and we don't have a full legal certification here, unless that is certified. Now, if they're electors of Miami-Dade County, the committee can very easily, you know, resolve that in an hour; just call these people up, get copies of their voter registration card or the number, with -- and then the County would know if there are any others there that are actual electors.*

*Vice Chair Russell: Mr. Chairman?*

*Chair Hardemon: You're recognized.*

*Vice Chair Russell: Thank you. If I understand correctly, we did receive a certified petition certified by the County Elections Department, and we brought this to their attention. They did not decertify those petitions.*

*Commissioner Carollo: As to --*

*Vice Chair Russell: But --*

*Commissioner Carollo: -- the Certification was as to these people that signed --*

*Vice Chair Russell: Right.*

*Commissioner Carollo: -- not as to the circulators.*

*Vice Chair Russell: If I could continue, I have a question for Mr. Kuehne, to understand if your committee utilized Section 12-23 of the County Code, why do you not feel that the first paragraph applies to your circulators?*

*Mr. Kuehne: Thank you, Commissioner Russell. The committee used 12-23 as a guide, because 12-23 is not applicable to proceedings in the City of Miami. It is not governing the City of Miami. We also used as a guide -- and our transmittal letter says, "As a guide" -- Section 5 of the City Charter. Section 5 doesn't deal with initiatives to amend the Charter, but we used that as a guide, because that's the City process in a different kind of initiative. We also referred to City Code Section 2-112, which is also -- that's binding, but we used that as a guide for the formation. So it was a guide only. Why is it a guide? Because the only law that governs initiative petitions in the City to change the Charter is County Charter 6.03. We also used as a guide State Statute 166.03, which is the State statute for Charter initiatives, municipal Charter initiatives. But we're a home rule county, so our Charter -- County Charter applies. We used those as a guide to promote transparency. And what's important, we believe, is not just that 12:23(1), the circulator requirement is contrary to the United States Supreme Court decision in Buckley versus American Constitutional Law Foundation, 119 Supreme Court --*

*Commissioner Carollo: That's a area.*

*Mr. Kuehne: -- 636, found in -- decided in 1999, which is a different circumstance -- that's Colorado, not Florida -- but the Court held, "First Amendment expression," the core value of First Amendment expression is political expression, such that you can't bind Charter initiative circulators to be United States citizen registered voters in the jurisdiction. That is an inherent imbalance in that First Amendment right, so we knew that. So what we did in the petition -- and this is really important -- in the petition, what the voters signed -- And if you look at page 1 -- page 1 is what the voters signed -- that petition says, "This is in accordance with 2-112 of the City*

Code.” 2-112 of the City of Miami Code, that's what the voters signed. The voters signed nothing about 12-23. The voters signed nothing about, “The committee says, ‘12-23 is going to be a guide.’” They signed it in accord -- quote, “In accordance with Section 2-112 of the City of Miami Code of Ordinances.” And we can all look at that Code and determine, yes, in fact, that's exactly what we did, and we've complied.

Commissioner Carollo: Well --

Chair Hardemon: Okay.

Mr. Kuehne: And then the circulators on the backside signed a provision that said, “Our circulation certificate complies with 12-23.” The Chair asked a question, because it is true -- I identified it as well -- there is no (1)(D) of 12-23. The answer -- the best answer we can give is, it's a scrivener's error, because Section 1 was amended to add it into a County Code provision. So the scrivener didn't go through Section 2, which used to be Section 1, and change --

Chair Hardemon: The “1” to a “2.”

Mr. Kuehne: -- (1)(D) to 2(D), but plainly, that's the answer given to us. And 2(D) deals with one specific thing: What does the form of circulator certification have to say?” And that says -- and the Chair read it -- “The person really came in front of me, the person really signed it, and I saw them sign it.” That's the circulator's certification that was done. So we believe not only did the committee tell the City of Miami, the County, “We're using 12-23 as a guide, just as we're using Section 5 of the City Charter as a guide, and Section 2-112 of the City Code. We also complied with the, essentially, transparency put out in all of these formulations to do it right, recognizing that the City provision is the County Charter.” So we believe we did it right. We think there is no deficiency, whatsoever. We believe the circulator certification is exactly right, as we said; obviously signed under oath by the circulator. There is no requirement for any voter registration status in the City or County that applies to City initiatives, and we believe that the certification that has been given to you on our behalf by the Supervisor of Elections is -- gets us to Section 2-112 of our City Code, which says, once that happens, quote, “After certification of a petition of 10 percent of the qualified electors of the City of Miami requesting such amendment, then there's to be a ballot language,” and this is to be put on the ballot, and we would ask again for the Commission to put this on the November 6 ballot with the ballot language as has been suggested.

Chair Hardemon: Commissioner Reyes.

Commissioner Reyes: Yes. Mr. Kuehne, with all due respect, you represent the committee, you see, but we have a City Attorney who's the one that represent us, you see. We have to go by her interpretation, not yours, you see. You've been hired. I mean, that is your job, and you're doing a good job. You're doing a good job.

Mr. Kuehne: Thank you.

Commissioner Reyes: But it is your job, you see, to represent and to try to convince us, and that's around all the wording and all that in trying to convince us, but we have a City Attorney here that has been hired by the Commission; I mean, works for the Commission as of now, okay? I think that we will -- we have to go by her interpretation of this --

Mayor Suarez: Mr. Chair?

*Commissioner Reyes: -- and she is the one that represent us. And what is your interpretation, Madam City Attorney, about using 12-23?*

*Ms. Méndez: Right. The -- what I've said is that they have availed themselves of 12-23, and that they should follow 12-23. That is the --*

*Commissioner Reyes: They should follow 12-23 to --*

*Ms. Méndez: -- basis --*

*Commissioner Reyes: -- the "T," right?*

*Ms. Méndez: -- of the opinion.*

*Commissioner Reyes: That's your interpretation, not Mr. Kuehne.*

*Ms. Méndez: The section --*

*Commissioner Reyes: That's what we should go.*

*Commissioner Carollo: Which means that if they should, we should.*

*Chair Hardemon: Mr. Mayor.*

*Mayor Suarez: Thank you, Mr. Chair. I've been listening studiously. My concern is of a practical nature. If the Commission decides not to put this on the ballot today for the November 6 ballot, my fear is that it will cost the citizens of the City of Miami over a million dollars. So the applicability or the lack of applicability of County Ordinance 12-23, obviously, there is a difference of opinion between lawyers as to whether or not it applies. The consequence of not putting it on the ballot and allowing the legal process to determine whether 12-23 applies is a million dollars to the City of Miami. And so, that is the major concern that I have. I think the Commission is within its right to put it on the ballot; allow anyone to challenge the validity of the process, whether or not 12-23 was complied with, whether it was properly complied with, whether it was a guide, or whether it was binding, and there is no prejudice to the rights of anyone to be able to do that. Having said that, if the Commission decides not to do that, and it turns out --*

*Commissioner Reyes: Look --*

*Mayor Suarez: -- that the committee's -- May I finish? -- and it turns out that the committee is right, that 12-23 does not apply, was not incorporated specifically by the City of Miami, then it is going to cost the residents \$1.1 million. I will be back here, unfortunately, under that circumstance, which I want to avoid. Thank you.*

*Commissioner Reyes: Mr. Mayor --*

*Mayor Suarez: Yes.*

*Commissioner Reyes: -- we can avoid that if we don't place it on the ballot in this November. We can avoid that million and a half by placing it on ballot on 2019. And I don't know what your rush is, but if we -- I mean, once we are -- everything that it is going -- I mean, all the questions and all the questions and answer and the legality and the right language is, I mean, we can defer this to 2019. I mean, you'll still be Mayor.*

*Mayor Suarez: Mr. Chair?*

*Commissioner Reyes: You'll still be Mayor. And I don't see what is the rush of spending 1 million -- \$1.5 million on a special election when we're going to have an election on 2019.*

*Commissioner Carollo: (UNINTELLIGIBLE).*

*Mayor Suarez: Mr. Mayor [sic]?*

*Commissioner Reyes: And by the way, I'm going to be running then.*

*Commissioner Carollo: And I'm supporting you.*

*Mayor Suarez: Mr. Chair?*

*Chair Hardemon: Are you going to tell us about the 120 days?*

*Mayor Suarez: Yes. So my understanding, Mr. Chair, is that what applies here is the County Charter and our City Code with reference to the time frame that you can utilize to call for an election. Under the maximum time allowances, the City Attorney would have 120 days to draft the ballot language, and then the City Commission would have between 60 and 120 days to put it on an election. I think what Commissioner Reyes is referring to is a State statute, which would allow for it to go on the next general election, if I'm not mistaken. Unfortunately, I don't believe that that applies, because the State Constitution incorporates, by reference, the County Charter, which is what I think governs, and our State -- and our -- I'm sorry -- and our City Code, which is what governs the placement of Charter amendments --*

*Commissioner Carollo: The County Charter governs, you said, right?*

*Mayor Suarez: Charter.*

*Commissioner Carollo: The County govern.*

*Mayor Suarez: County Charter.*

*Commissioner Carollo: County Charter governs.*

*Mayor Suarez: That's correct.*

*Commissioner Carollo: So why doesn't 12-23 govern?*

*Mayor Suarez: Because 12-23 was not --*

*Commissioner Carollo: We don't have anything.*

*Mayor Suarez: -- I'll -- may I answer your question?*

*Commissioner Carollo: Sure.*

*Mayor Suarez: And I'll let counsel determine whether or not what I've answered is correct. First of all, it doesn't govern or not govern based on what I say, but I will -- but I want -- take a stab at your question.*

*Commissioner Carollo: Okay.*

*Mayor Suarez: 12-23 is a County ordinance, and the County ordinance applies to the County. And so, unless it's incorporated specifically by reference by the 34 municipalities that are in Miami-Dade County, they do not apply to the cities within Miami-Dade County, and that's clear in the legislative history of 12-23. And I'll let Mr. Kuehne opine as to whether that's an accurate interpretation.*

*Chair Hardemon: I have -- before we -- I have a question. Madam City Attorney, if today this body decided that it wanted to put a Charter question on for an election that is in 2020, do we have the authority to do that?*

*Commissioner Carollo: Not today; it's a special meeting.*

*Chair Hardemon: I want you to understand what I'm saying to you.*

*Ms. Méndez: Right. Well, the -- just --*

*Chair Hardemon: Can we draft a ballot language today for an election in 2020?*

*Ms. Méndez: Well, two things. Right now we only have this special meeting with this item on the agenda.*

*Chair Hardemon: No. I want you to --*

*Ms. Méndez: So for purposes of that --*

*Chair Hardemon: No. I just want you to understand what I'm saying.*

*Ms. Méndez: You're just asking the general legal --*

*Chair Hardemon: Right, because --*

*Ms. Méndez: -- question at a properly --*

*Chair Hardemon: -- this --*

*Ms. Méndez: -- advertised meeting.*

*Chair Hardemon: -- is what I'm saying to you. Typically, when people draft -- when bodies have drafted language for Charter amendments, et cetera, it's always been to the next meeting -- I mean, the next election. It was something -- it was an imminent election that it was about to occur.*

*Mayor Suarez: It's available.*

*Chair Hardemon: And so, what I'm asking is, do we have the authority to draft language and put it for an election in the future, many years from now?*

*Ms. Méndez: The -- basically, the -- our Charter says that we have between 0 to 240.*

*Chair Hardemon: To do what? To put it to an election.*

*Ms. Méndez: To draft and place.*

*Chair Hardemon: Right. So my question is, do I have to place it at that election that is next, or can I place it at an election in 2020, 2021, 2000 --? What if today I said, "In 2030, we are going to decide whether or not the City of Miami is going to be*

dissolved as a municipality, or whatever -- right? Can -- do we have the authority to put something on a ballot in the future that is not today -- that is not most imminent?

Ms. Méndez: So something else that was drafted by you, definitely, you can put it wherever you want, and you can --

Chair Hardemon: So what you're saying is the Clerk, the -- in -- the Supervisor of Elections, I guess, is -- who has the powers, who we've been -- who -- I think that's the person that we ask, "Can we have the extension?" Was it the Supervisor of Elections? Yes. So that power is given to her through the County Mayor. We can draft a ballot question to be put at any election any time in the future?

Ms. Méndez: If it's yours, yes.

Mayor Suarez: Mr. Chair, so I agree, actually, with what she said. If it's your ballot question, I think it can be put on any election. You can create an election. It can be on any election. And I think 12-112A contemplates that. The problem is in this particular case, this is a petition, a certified petition. So because it's a certified petition, it falls under 12-112A, the subpart "B" -- it's not a "B," but it's the second part.

Chair Hardemon: Can you read it to me?

Mayor Suarez: Sure. So it says, "The City Attorney shall draft a Charter amendment within 120 days" -- I can read the whole thing, or I can just read it as it applies to this.

Chair Hardemon: Applies to -- as it applies to this.

Mayor Suarez: Okay. -- "or after certification of a petition of 10 percent of the qualified electors of the City of Miami requiring such amendment. The Charter amendment drafted by the City Attorney shall be approved in final form, in form by the City Commission in a resolution calling for a special election upon the amendment. The resolution calling for the special election shall include the text of the amendment draft approved by the City Commission." I believe that's attached to SP.2. "And such draft shall be deemed submitted to the electorate by the adoption of said resolution. A special election upon said amendment shall occur" -- shall occur -- "no less than 60, nor more than 120, days after the draft is submitted." And let me just jump in.

Chair Hardemon: (UNINTELLIGIBLE). It's plain.

Mayor Suarez: Yeah, it's pretty plain, but I think there's a public policy reason for that, and I think the public policy reason is you don't want it to be too short so that you can educate the public on whatever is the Charter amendment, and the public can decide in an informed fashion at an election whether they vote in favor or against it. I think the second part is, you want to avoid the scenario that you talked about, and this is a citizen-led petition. You don't want somebody to say, "We're going to put this out in 2030 and sort of frustrate the will of the people who have petitioned their government to change the Charter.

Chair Hardemon: All right. So this is where we are: We have a motion and we have a second for the original language as -- I believe the original language that was -- that the petitioner signed. Then --

Commissioner Carollo: Was there a second? I was --

*Chair Hardemon: The motion was made, I believe, by Commissioner Gort, seconded by Commissioner Russell. And so, then Commissioner Russell, today gave us new language that he would like for us to consider. The first question that we have to ask ourselves is, "Does the mover agree to the new proposed language that was submitted today by the Vice Chairman?"*

*Commissioner Gort: I do.*

*Chair Hardemon: So --*

*Commissioner Carollo: My --*

*Chair Hardemon: -- I'll -- so we'll take that as a friendly amendment to include the newly proposed language. And so, now --*

*Commissioner Carollo: -- legal question goes back to the City Attorney. Since 12-21 [sic] -- you've opined we were bound to follow; they chose to follow it -- we don't have a full legal certification before us. How can we move forward on placing anything in a ballot without the full certification?*

*Ms. Méndez: So with regard --*

*Commissioner Carollo: And the argument of the \$1 million that it's going to cost us, you created the problem of the million dollars -- just like the red light cameras -- but the bottom line is that we have sufficient time. And you know what? The consequence of this is going to cost the City of Miami a heck of a lot more than \$1 million. It's going to cost us hundreds of millions of dollars, because this is going to become, you know, just like Mr. Maduro over there, Venezuela; the coffers are going to be open. One person is going to be in charge of giving out contracts or doing what they want, and this is going to cost us so much more than \$1 million, but you created that problem, so then you could come here and say, "We got to do it right now or it's going to cost us a million dollars." So we're all big boys.*

*Commissioner Gort: Yep.*

*Commissioner Carollo: And I say that because there are no ladies sitting here in the chambers, not that I'm, you know, being machista, but in -- you know, we all understand what's at stake and what's going on here. I, for the life of me, cannot even begin to comprehend -- if we're getting legal opinions from our attorney -- how -- and we have all the evidence that I described and more of what's happened, and we don't have to make a final decision on this today -- how can we move forward in placing this on the agenda [sic]?*

*Chair Hardemon: Commissioner Gort.*

*Commissioner Gort: Mr. Chairman, let me explain. I've been very quiet throughout the whole process. And the reason why I move this, because I want the voters to make the decision. We had a similar case about two month ago, where we had an agenda that's going to go to the voters, where we're going to do certain things, and they don't have all the information. As I recall that day that we voted, I voted against it to put it in the ballot. A lot of changes were made right there on that day. So I think there's lot of scrutiny. I think Commissioner Carollo's been bringing a lot of issues where this can be challenged, and let it be challenged. And if the agenda language can be challenged, so can the other language can be challenged also. So let's look at all. Let the voters go for it. I mean, we asked in here to let the voters vote for it, and now I'm asking for the same thing; let the voters make the decision.*

*Chair Hardemon: And I want to put on the record that our City Clerk would have to also make a small change to the resolution.*

*Mr. Hannon: Yes, sir, Chair. On page 20 of the legislation, I just need to insert the following resolution number: Resolution R-18-0355. Thank you, Chair.*

*Chair Hardemon: All right. So that will be included within the motion.*

*Commissioner Reyes: Mr. Chair?*

*Chair Hardemon: You're recognized.*

*Commissioner Reyes: May I ask --*

*Chair Hardemon: You're aware of what the motion is, right?*

*Commissioner Reyes: Yes --*

*Chair Hardemon: Exactly, right?*

*Commissioner Reyes: -- aware of the motion, but doesn't have a number.*

*Chair Hardemon: That is correct; it does not have a number.*

*Commissioner Reyes: Doesn't have a number. If it doesn't have a number, I cannot support that.*

*Chair Hardemon: Understood.*

*Commissioner Reyes: I mean, because I think that is totally deceiving for the voters of the City of Miami.*

*Chair Hardemon: Understood.*

*Commissioner Reyes: You see. It's totally deceiving.*

*Chair Hardemon: So what I'd like to do then, because I can't imagine that there's any further unreadiness than what's been stated on the record for the motion that's on the floor right now. And so, what I'd like the Clerk to do is to do a roll call vote on the motion that is on the floor.*

*Mr. Hannon: Yes, sir. Roll call vote on Item SP.2. Commissioner Carollo?*

*Commissioner Carollo: No.*

*Mr. Hannon: Commissioner Reyes?*

*Commissioner Reyes: No.*

*Mr. Hannon: Vice Chair Russell?*

*Vice Chair Russell: Yes.*

*Mr. Hannon: Commissioner Gort?*

*Commissioner Gort: Yes.*

*Mr. Hannon: Chair Hardemon?*

*Chair Hardemon: For the motion on the floor, I'm against. So that motion fails.*

*Mr. Hannon: Motion fails, yes, sir.*

*Chair Hardemon: Now, I will say that I personally believe that for this thing to -- I think that the language that's been included has to be -- the language that was -- the petitioners put has to be what would -- Give me one second.*

*Commissioner Carollo: While he's thinking, Madam City Attorney, is this petition properly certified as of 12-23; meaning, the circulators that gathered the signature, besides the people that signed it?*

*Ms. Méndez: So I gave you my opinion that it should go in compliance with 12-23; however, I can't make that full determination. The one that would have to make that determination is either the County or the Clerk as to it's properly certified and properly before you.*

*Commissioner Carollo: Well --*

*Ms. Méndez: I did say that there should be compliance with 12-23.*

*Commissioner Carollo: Yeah. The Clerk's got a gun in his head, too. If the super strong Mayor comes in, he might lose his job on day one or day two, so that's a tough decision. You're the City Attorney; he's not the City Attorney, so I'm asking for that legal opinion.*

*Ms. Méndez: Right. I have given you the opinion that they have availed themselves of 12-23; that they have said that they're in compliance with 12-23, that the circulators should be in compliance with 12-23. I don't --*

*Commissioner Carollo: Yeah. Plus, let me put this on the record, so it can be left on the record that -- it's a letter from April 18 of this year, signed by Jennifer Blohm. Hi, Jennifer. You didn't want to speak today? Okay. This is from the law firm of Meyer, Brooks, Demma and Blohm, PA (Professional Association), out of Tallahassee, Florida. Mr. Kuehne is from Miami. The letter states that, "Pursuant to Section 12-23" -- surprise, surprise -- "of the Miami-Dade County Code of Ordinance, and Section 5 and 2-112 of the City of Miami Code of Ordinance, I am submitting the attached package as a citizen Charter petition." The others that she referred to -- first of all, we don't have any Section 5, so I don't know what she's referring to, but Section 2-112 is what we discussed; that we got up to 120 days for the City Attorney to draft the language, and another up to 120 days to put it to a vote. So they're admitting from the onset, before this got going, that they were going pursuant to Section 12-23. Now, all of a sudden, you know, "Oh, we don't have to go through that." But, look, if we don't have to follow Section 12-23, as they're saying now, and we don't have anything that gives us any guidance, only after the fact in Section 2-112, and the State, the only guide they have -- the only law they have is there's got to be 10 percent of the signatures, then what were they going by? I mean, you're going to tell me that you could get a Russian that just arrives to Miami with a tourist visa, he can rent an apartment and say that "That's my residence," and he will be legally available to gather petitions and be a circulator? I don't think so. And in effect, this happen in many ways with petition gatherers. So even out of logic, not just law, what is being presented to us doesn't make any legal or logical sense. You know, we're a country of laws. We don't make the law as we like or decide to make it. This is why they sent this letter on April 16, 2018, that*

cited, "Pursuant to Section 12-23, I am submitting the attached package as a citizen's Charter amendment."

*Chair Hardemon:* So I'll say this: I voted against the language that was proposed, because it is an amendment from what the original petition to amend the City of Miami Charter was. And so, the only language that I will consider voting on is the original language that was put forth by the petitioners. If there's a motion to approve the original language that was put forth by the petitioners, then the Chair would entertain that.

*Mr. Kuehne:* Mr. Chair, if --

*Vice Chair Russell:* I don't believe the petitioners put forward ballot language, if I'm not mistaken. That was --

*Ms. Méndez:* Right. We drafted it --

*Vice Chair Russell:* We drafted that.

*Ms. Méndez:* -- based on -- the question based on the two-pager.

*Chair Hardemon:* Okay. So why don't -- I'm looking at -- the documents that I have before me, I have something that says, "Original," and I have one that says, "Amended." Right? So the original says, "Shall the Miami Charter be amended to change to a strong Mayor Commission form of government; replace City Manager with the Mayor; Mayor serves as nonvoting/nonmember Commission Chair; grant Mayor power to appoint and remove City Attorney, City Clerk, Police and Fire Chief, department Directors and employees; change filling Mayoral vacancy and pay formula; adopt state recall procedure; provide other Mayoral and Commission powers and changes, and make effective immediately?" And I'm reading also the petition to amend the City of Miami Charter, and it appears to me that the language that was used in that original statement -- what I just read -- is the exact language, it appears, for -- in the petition -- or the petition calls for; not the exact statement, but it's the same language. Am I correct in that or not? Because when I read the statement, it says, "Would change to a strong Mayor Commission form of government; replace City Manager with the Mayor; make Mayor the Chief Executive and administrative head" (UNINTELLIGIBLE) "and Chair, but not member of the City Commission without a vote; grant Mayor the power to appoint and remove the City Attorney, City Clerk, Police and Fire Chief; provide other powers; change filling a vacancy in Mayor; provide for recall of Mayor and City Commissioners; change Mayor's salary, and make changes effective immediately." What I -- well, I guess what I'm putting -- what I'm -- well, my point is this: I don't want to put lipstick on the pig. I want her to come just as she is. So whatever language is -- accomplishes that is what I'll vote on.

*Commissioner Reyes:* Mr. Chair?

*Unidentified Speaker:* Mr. Chair?

*Commissioner Reyes:* I have also some language that I have -- that we have drafted, and it says, "Adopt strong Mayor form of government" -- it's only bullet points -- "replace City Manager with Mayor; increase Mayor's compensation to minimum 57" -- "75 percent compensation of County Mayor." Between parenthesis, "Total compensation \$478,624.40, fiscal year 2017/2018; grant Mayor power to hire and fire City Attorney, City Clerk, Police and Chiefs, department Directors and employees; grant Mayor increased control over setting Commission agenda" -- Oh, no -- "Grant control over setting Commission agenda, contracts and procurement;

*make Mayor nonvoting/nonmember Commission Chair," and that's what -- everything that he's proposing in the -- I want people -- if we're going to send this to the people, they should know what they're voting for.*

*Commissioner Carollo: Absolutely. While you guys are thinking on that, let me not end this meeting without giving the Clerk one final opportunity to opine. Mr. Clerk, has --? Where did he go?*

*Nicole N. Ewan (Assistant City Clerk): He just --*

*Vice Chair Russell: He's making a copy.*

*Ms. Ewan: -- stepped out for one quick second. He'll be right back.*

*Vice Chair Russell: He's making a copy.*

*Commissioner Carollo: Okay.*

*Commissioner Reyes: (UNINTELLIGIBLE).*

*Commissioner Carollo: Yeah. Mr. Clerk, you've been hearing the discussions, the debate that we've been having on what Section 12-23 of the County Code states, and you heard the most important aspects of 12-23 being discussed here by this body. Is it your opinion that, based upon the City Attorney's legal opinion, they were bound to proceed under Section 12-23; therefore, we're bound? Is it your opinion that the certification that we have is in full compliance with Section 12-23? I'm not asking partial. I'm saying, full compliance with what you've heard here that Section 12-23 is.*

*Mr. Hannon: In my ministerial capacity, it was my understanding that the statutory threshold requirement was 10 percent of registered voters from the previous general municipal election.*

*Commissioner Carollo: But that's not my question. My question is, you've heard the legal opinion from the City Attorney. You've heard the discussions on 12-23. What is your opinion, if we are in full compliance with 12-23 or not? Are we or are we not?*

*Mr. Hannon: Sir, I do not have opinion. I will do whatever the Commission and the City Attorney directs me to do.*

*Commissioner Carollo: Well, Madam City Attorney, I found out this morning that -- and I only got about a minute or two on the radio -- something to the effect that you had drafted, either late January or early February, law that we don't have now on going through a referendum, because I guess maybe your office foresaw that there might be referendums coming for Charter changes, and we didn't have any law ourselves. Did you, in fact, draft something?*

*Ms. Méndez: Yes.*

*Commissioner Carollo: Okay. Was that sent to any of the voting members of this Commission?*

*Ms. Méndez: I don't believe so.*

*Commissioner Carollo: Okay. Was that going to be placed, like I heard on the radio, on some agenda in February?*

*Ms. Méndez: It was sent to the Clerk's Office, I believe -- I would have to review -- in order to place -- in order to have a process by which to --*

*Commissioner Carollo: Okay. All right. Let me go back. Mr. Clerk, when it was sent to your office, what happened to that?*

*Mr. Hannon: No. The City Attorney's absolutely correct; they did draft legislation for me. I had planned on placing it on the February 22 agenda. When I submitted it, the response that I got back through the Agenda Coordinator was that there was -- that was not the time. I guess they wanted it to be further reviewed.*

*Commissioner Carollo: And who was the Agenda Coordinator?*

*Mr. Hannon: Anna Medina.*

*Commissioner Carollo: Okay. Mr. Manager, you get to speak after all. Anna absolutely would not be in a position to make a decision like that on her own. I've known Anna since she was a young girl that started working here when I was Mayor. In fact, she still is a young girl. But regardless, she cannot make that decision on her own. Did you or your office tell her that that shouldn't go on the agenda?*

*Emilio T. Gonzalez (City Manager): No, sir. To my recollection, I don't even recall the item.*

*Commissioner Carollo: Okay. That's a good answer. I appreciate it. Mr. Mayor, did you ask Anna not to put that on the agenda, or did you speak to anybody else, or did anyone from your office have any discussions with anybody so this wouldn't go to the agenda?*

*Mayor Suarez: I can only tell you that I did not speak to anybody regarding --*

*Chair Hardemon: Your Chief of Staff is there. Did he have any conversations with her, or did anyone from your office have conversation with her?*

*Joseph Ruiz (Chief of Staff, Mayor's Office): Good morning, Commission. Joe Ruiz -- or actually, good afternoon -- Chief of Staff, Mayor Francis Suarez. I did not tell Anna Medina to not place this on the agenda.*

*Commissioner Carollo: Okay. So we are to believe that a simple but efficient City employee, that their sole job is working on the agenda and only takes her lead from the upper ups, decided that she didn't want to place on the agenda; she was going to take it out, and she did it all by herself?*

*Mayor Suarez: Mr. Chair?*

*Commissioner Carollo: Well, is Christmas in December or in August? And I guess we should be waiting for Santa Clause to appear any moment.*

*Mayor Suarez: Mr. Chair?*

*Chair Hardemon: Yes.*

*Mayor Suarez: I would just like to add that, you know, my office collaborates on legislation all the time, and I looked at this, I think, for the first time this morning, this supposed piece of legislation, because I heard it also on the radio for the first*

time. And I would not support this, because this piece of legislation is inaccurate, and it's not an accurate recitation of the law, so I would not support it.

*Chair Hardemon:* So I'll say this: The question that we first have to determine is there is some sort of legal deficiency. And I know Commissioner Carollo has been stating on the record a number of things that are determined -- that he's determined to be deficient with the petition, and I'm not saying that he's incorrect. I'm saying that I don't think that us, as Commissioners -- I don't think that's our job to determine. I think that's something that has to be determined for us.

*Mayor Suarez:* Correct.

*Chair Hardemon:* I think that either there needs to be some other authority that makes that determination. And if it's the court of a law -- the court of law, then so be it, but we're not that body that says it's legally deficient. We haven't -- there's -- and even our City Attorney -- I mean, what she said is that it must follow 12-23, which is a different question than whether or not it's legally sufficient with 12-23. And I --

*Commissioner Carollo:* Well, let's ask her that question.

*Chair Hardemon:* -- understand why Commissioner Carollo would say it is not. So I just -- I don't think that I'm in the best position to determine its sufficiency or deficiency, because it is a law that does not apply to -- currently, right now, the way it's been explained, and the way that I understand it, it is a rule -- it is the law of the County that is not applicable to the City of Miami. However, I understand also in court, if you're in someone's courtroom and you propose to be following a certain rule, then you had better follow that rule. You can't deviate from that rule, because those are the rules that you kind of agreed to abide by. I just don't know if that's -- I don't know if they're one and the same the way that it's been described before this board and the use of 12-23.

*Commissioner Carollo:* Well --

*Chair Hardemon:* But I'll -- so I'll say this --

*Commissioner Carollo:* -- the part -- if I may say, Chair?

*Chair Hardemon:* So let me say this. So I personally believe, as I stated before, that if petitioners petition a government and they ask for fried chicken on Fridays, then the question should be, "Should they have fried chicken on Fridays?" and not "baked chicken on Fridays?" And so, I want to give them exactly what they asked for. It's sufficiency or -- in its description, it's not to the fault, I believe, of the Commissioners, but to the petitioners. And so, that's why, when I read the language that was proposed by the City Attorney that says, "Shall the Miami Charter be amended" --? The original motion that was on the floor, before there were any amendments: "Shall the Miami Charter be amended to change to a strong Mayor Commission form of government; replace City Manager with the Mayor; Mayor serves as nonvoting/nonmember Commission Chair; grant Mayor power to appoint and remove City Attorney, City Clerk, Police and Fire Chief, department Directors and employees; change filling Mayoral vacancy and pay formula; adopt State recall procedure; provide other Mayoral and Commission powers and changes, and make effective immediately?" This is the language, along with the other language that was proposed in the original Charter amendment document, and also the petition form that was submitted by the committee. All these things are the languages that I'm sure that they've all worked together to create. And so, you're either going to live by that language or you're going to die by that language, and I'm not going to stand in the way of that. So the way that I see it, if passed by the people of the City

*of Miami, then we all get what the committee paid for. And so, with that, I'll pass the gavel, and I'll move that we approve the original Charter language, as I described -- I mean, the original language, as proposed by the City Commission, as described on the record.*

*Vice Chair Russell: There's been a motion. Is there a second?*

*Commissioner Gort: Second.*

*Vice Chair Russell: Motion by Commissioner Hardemon; seconded by Commissioner Gort.*

*Commissioner Carollo: If I can ask a question? Your Chief of Staff, his first name is Joe also?*

*Mayor Suarez: Yes.*

*Commissioner Carollo: Okay. Joe, can you come up here so I can refresh your memory a little bit; if the Mayor allows it, of course; you work for him. This is a memorandum from Anna Medina; Wednesday, February 7, 2018. I believe it was at 12:33 p.m., reference Charter amendment. And it's to a Val. I don't know who she is. It says, "Hi, Val. Actually, Joe spoke with Miri last night, and we were asked not to place it on the 2-22 draft. I don't know what agenda we're supposed to place it on. Thank you. Anna Medina, Agenda Coordinator." Now, was that you? It wasn't me.*

*Mr. Ruiz: I didn't draft the email, so that would be a question for Ms. --*

*Commissioner Carollo: The third Joe is the Assistant City Manager's Joe, and, you know -- so I know she didn't speak to me, so, you know, it's only you and little Joe that are left.*

*Vice Chair Russell: My middle name is Joe, but I didn't do it. If --*

*Commissioner Carollo: Really?*

*Vice Chair Russell: Is this relevant to the motion on the floor?*

*Commissioner Carollo: Yeah, I knew there was something there that I really liked about you.*

*Chair Hardemon: (UNINTELLIGIBLE)?*

*Vice Chair Russell: Mr. Chair?*

*Commissioner Carollo: No, no, but I think we need to clear the record, because if powers of this nature are going to be given to someone, we need to see how things have been done when they don't even have those powers yet, and what's to come, but --*

*Mr. Ruiz: Commissioner, in response to your question, an ask is just that; an ask. It's not a directive. So if this was a piece of legislation that was being sponsored by the Clerk, I would ask him why it was not placed on the agenda for 12/22 or any future date.*

*Commissioner Carollo: Okay. Well, whatever you guys say is fine, but I think we all understood what -- why it was not moved forward, and I thought it would be*

important to get that on the agenda. But last but not least, am I to assume that even though we have -- and the Clerk punted to the City Attorney and to the Commission; you know, she might want to punt somewhere else now, but the -- Am I to assume that even with an opinion that we have that we had to follow, and they were following 12-23, that we're going to ignore that and just move forward and not look at anything else that's required under 12-23? And by the way, even if it's an ordinance -- since we don't have anything to go by, and the State don't have anything -- I believe we're bound to follow that ordinance of the County; otherwise, guess what? They couldn't do a referendum. They could not do it. Just like we were told -- even though, I don't believe that -- by a former City Attorney that we don't have any recall provisions for the Mayor, and we don't in the City of Miami Charter, but we certainly could follow the County's or the State's. And I know that you could do that, because precisely, when I was Manager in Doral, they tried to recall a City Councilwoman, which they failed. And since Doral didn't have any of its own Charter provisions for recalling an elected official, they followed, rightly so, the County's recall. So if there's no rule to follow, then I submit to you, then, it's like the previous City Attorney rule -- and the Mayor has mentioned this as part of the reason he wanted this strong, strong Mayor; so there could be a recall for the Mayor, because he could not be recalled. Well, if he can't be recalled because it's not within our Charter or ordinances or Code, then we cannot go forward with this referendum, because we don't have anything that talks to a referendum.

Vice Chair Russell: Thank you, Commissioner Carollo. We have a motion and a second on SP.1. Mr. Clerk, I believe you have an amendment that you'd like to propose?

Mr. Hannon: Yes, sir. Just briefly again on page 20 of the legislation, I just need to insert the following resolution number: Resolution R-18-0355.

Vice Chair Russell: Where would that go?

Mr. Hannon: Page 20 of the legislation.

Vice Chair Russell: All right. I recall --

Commissioner Reyes: Mr. Chair?

Vice Chair Russell: -- from the first -- Does the mover and seconder accept that amendment? Yes.

Commissioner Reyes: Mr. Chair?

Vice Chair Russell: Commissioner Reyes, you're recognized.

Commissioner Reyes: I want for the record that I do not agree with the language. I think that this is -- it's a extremely important change in our form of government. I think that it is not clear, and it's confusing for the voters, and I was -- I did enumerate the way that I would like it to read, and we have -- by all means, we have to enumerate, one by one, the powers of the Mayor, and also what the compensation of the Mayor will be in real numbers, not in percentages. That's -- so I just want to make clear that I oppose it -- I oppose this language, because I don't think it's clear, and it could be deceiving for the voters of the City of Miami.

Vice Chair Russell: Thank you, Commissioner Reyes.

*Commissioner Carollo: Last -- this is kind of a housecleaning item in this whole thing. Mr. Mayor, you would agree that in the City Charter, we have a provision for the recall of members of the Commission, correct?*

*Mayor Suarez: I have not reviewed the City Charter for that -- for the pur -- for this purposes. If you would have let me know in advance, I would have.*

*Commissioner Carollo: You got to be kidding. I mean, your buddy, Ben (UNINTELLIGIBLE), since January, was pounding his chest, saying that if they couldn't get me out in the courts, they already had a hundred thousand; they were going to raise me -- more to get me out in a recall. But anyway, Madam City Attorney, we do have a recall provision --*

*Mayor Suarez: I have no idea what you're talking about.*

*Commissioner Carollo: -- in the City Charter to recall Commissioners, correct?*

*Ms. Méndez: Yes.*

*Commissioner Carollo: Okay. And that's City of Miami; not County, not State. City of Miami, we have a recall --*

*Ms. Méndez: Yes.*

*Commissioner Carollo: -- provision? Okay. And I have it here; that's why I'm asking. And the reason I'm bringing this up -- I very much would appreciate if your able spokesperson, Jessie Maduro, if you could tell him to quit going and lying to the public, saying that some of us are afraid to vote for this, because, right now, we don't have a recall provision to recall Commissioners, and this would create one. So I just want to place it on the record. And you said you didn't know; now you know that we do have one. So if you could relay that to him, I would appreciate it.*

*Vice Chair Russell: Thank you. Is there any further discussion relevant to the motion on the floor?*

*Chair Hardemon: I have one last thing I want to say.*

*Vice Chair Russell: Mr. Chair.*

*Chair Hardemon: I would like to say that I agree with the logic that Commissioner Carollo put on the record, recalling him -- discuss the recall of the Mayor, no provisions -- I'm sorry -- the re -- right, the recall of the Mayor, no provisions being there; the use of other government's guiding principles, if you will, or laws in order to make decisions for our ourselves. The only thing is that I personally believe that it's going to be the court of law that's going to determine whether or not it is sufficient or it's not. And I think that with the original language that was put forth, there was enough question as to the language itself, as to what should or should not be put there as to ambiguity about the salary. I believe there is ambiguity about the salary and the compensation. I think all these things are going to be things to be considered --*

*Commissioner Carollo: Well, there's even one --*

*Chair Hardemon: -- by the (UNINTELLIGIBLE).*

*Commissioner Carollo: -- that we didn't get into it that you weren't here, and that's the one about -- in Spanish; instead of saying, "City Attorney," it says, "Prosecutor."*

*Chair Hardemon: Exactly. I think all those things need to be decided. I don't think that this is the body that decides them. I think that for them to be decided, it's going to take some person who is interested from the City of Miami that may live near, may live far, but to question that. And my -- what I want to do is ensure that the -- that we don't stand in the way, but that the court of law says what the issue is or is not, or what the result should or should be -- should not be -- and then we follow suit.*

*Commissioner Carollo: And that's why I didn't get into many of these other areas; I stuck to 12-23, which is one that falls right in our hands, and we had a legal opinion on, but I guess, you know, we're in a world now that --*

*Chair Hardemon: I feel like --*

*Commissioner Carollo: -- you follow whatever you like on ordinance and Charter changes; and you follow whatever you want, whether the City Attorney gave you an opinion or not, whether it's right or not.*

*Commissioner Reyes: Yep.*

*Commissioner Carollo: And we're soon going to be facing the Piper in a few months on one of those decisions that this side made -- not this side, because we weren't here -- that's going to cost us well over a hundred million dollars.*

*Vice Chair Russell: Can I get a roll call on SP.1, please?*

*Mr. Hannon: Roll call on Item SP.2. Roll call on Item SP.2.*

*Vice Chair Russell: I believe on our agenda today it's SP.1.*

*Mr. Hannon: Oh, my apologies, sir. It should be from the -- we're using the same agenda, so it's an error on my part. My apologies.*

*Vice Chair Russell: All right. SP.2 then.*

*Mr. Hannon: Roll call vote on SP.2. Commissioner Carollo?*

*Commissioner Carollo: No.*

*Mr. Hannon: Commissioner Reyes?*

*Commissioner Reyes: No.*

*Mr. Hannon: Commissioner Gort?*

*Commissioner Gort: Yes.*

*Mr. Hannon: Vice -- Chair Hardemon?*

*Chair Hardemon: For.*

*Mr. Hannon: Vice Chair Russell?*

*Vice Chair Russell: Yes.*

*Mr. Hannon: The motion passes, 3-2, as amended.*

*Vice Chair Russell: Meeting adjourned. Thank you very much.*

**END OF SPECIAL MEETING**

**NA - NON-AGENDA ITEM(S)**

NA.1

4632

**Office of the City  
Clerk****DISCUSSION ITEM**

DIRECTION BY COMMISSIONER REYES TO THE CITY ATTORNEY TO RESEARCH THE LEGALITY OF THE CHANGES BEING REQUESTED TO THE CHARTER.

<b>RESULT:</b>	<b>DISCUSSED</b>
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*Vice Chair Russell: Commissioner Reyes.*

*Commissioner Reyes: Yes. One last question. Madam City Attorney, I don't know -- I'm not an attorney or anything, but I have seen sometimes and I have heard about there are changes in the Charter and the positions. You see, now, if this petition passes, it's going to be a new role for the Mayor and a new role for the Commission. Doesn't that call for an election of everybody for the position? Could that be challenged court? Because now that we don't have the same Mayor -- Mayor doesn't have the same responsibility, it's a different Charter. It's a different Charter. It's different responsibility. And if that's the case, then I think all of us should go into an election. We shouldn't be afraid of going into an election. People decide that we have a new system of government. Let's elect the person for that position, because if this passes now, the actual Mayor will assume the powers of that -- of what it is stated in the petition, but that's a different -- he wasn't elected for that position.*

*Commissioner Carollo: Yeah, I'm for that; that way, they don't have to wait until November next year to find candidates against you, or wait until January to try to recall me.*

*Commissioner Reyes: Oh, yes.*

*Vice Chair Russell: Madam City Attorney, would you like to address?*

*Commissioner Carollo: They could do it right away.*

*Commissioner Reyes: That they could, yeah.*

*Commissioner Carollo: Yeah.*

*Victoria Méndez (City Attorney): Was there an actual question with regard to --?*

*Commissioner Reyes: Well, I want you to -- I'm directing you, if you might pay attention to my direction, to look into all the legality of that change in the Charter, and what it entails.*

*Vice Chair Russell: Specifically, the question was with regard to a new election. Would a new election be necessary if this change -- if this passes?*

*Ms. Blohm: And if I may be recognized, there actually is a case from the Third DCA (District Court of Appeal) that involved Commissioner Carollo that actually prevents having an election when the government is changed during the --*

*Commissioner Carollo: Well, yes and no, ma'am. Let me explain it to you.*

*Commissioner Reyes: You could challenge that.*

*Commissioner Carollo: You're bringing out the part that you would like to bring, but not the full picture, and I think I'm a little more familiar on that than you are, with all due respect, since I was involved in that. The -- what -- the Third DCA ruled that there were not substantial changes; therefore, when his father tried to bring a bogus Charter change in the beginning that failed, with 43 percent of the signatures that were fraudulent. And then, they had to go and convince a majority of the Commission then to put it on the ballot; that -- and the reason at the time was, well, since we're going to have a new form of government, we got to have a new election. The Third DCA's ruling was that as long as there were no substantial changes. But I submit to you that there are substantial changes here, because once you give two of the key powers of the Commission to a new Mayor, naming the judicial part of government -- the City Attorney -- and naming, also, the secretary, the Clerk of the City of Miami, and then confirm that he could have outside employment, and on top of that, give him the ability that no matter what would happen to the Mayor, whoever he is, that they could name their predecessor, those, I submit to you, counselor, are substantial changes, and that's the big difference.*

*Commissioner Reyes: Yes, sir.*

*Ms. Blohm: I understand your position. I will also say that the Miami-Dade County, when they did it, they did not have an election. It was --*

*Commissioner Gort: What's the County (UNINTELLIGIBLE)doing in --?*

*Commissioner Reyes: Yes, sir.*

*Vice Chair Russell: Again, please, I'd like to -- The original question was to our City Attorney. I'd like to get her opinion on the matter; whether or not this would trigger -- Would this trigger a new election if this were to be passed? Would all of the -- would the Mayor and the Commissioners be forced to run again for their seats; or, as stated in the new -- in the proposed Charter changes, would we just maintain our seats and fill out our terms, but under the new shift in power?*

*Ms. Méndez: As drafted, it's supposed to be -- everything is maintained, the status quo, as drafted. What -- the question that Commissioner Reyes posed is, as drafted, does that -- calls for a change in government?*

*Commissioner Gort: It doesn't.*

*Ms. Méndez: The case law is a little gray with regard to that. This is something that will probably be something that could be panned out in court; it's not something that I can address. If you look at the case law, just someone becoming Manager to Mayor, it doesn't, so it should align with the current case law, that it's not a change in government; however, it could be also argued differently, as well.*

*Commissioner Reyes: Can I -- in my directive, can I also --*

*Vice Chair Russell: Commissioner Reyes.*

*Commissioner Reyes: -- include that you look into all Commissioner Carollo's allegations, and everything that he has stated, and if it is found that there is ground for legal action that you hire outside counsel to represent us?*

*Commissioner Carollo: Well, here's the problem, Commissioner, and understand this, and I -- this is not to take any kind of shots, and I want to make this clear to our*

City Attorney. I respect her very much, but the City Attorney is in a very awkward situation.

Commissioner Reyes: Absolutely.

Commissioner Carollo: We really need outside counsel. And why am I saying that?

Commissioner Reyes: Yeah.

Commissioner Carollo: Because the Mayor that's here today gets all this power. Now he's going to be the one that gets to name the City Attorney. The City Attorney could be gone like that, like that, so she's in a very awkward position.

Commissioner Reyes: Absolutely; that's why --

Commissioner Carollo: And I don't want her to respond, but that's a fact. It's a big difference if you have three that need to get rid of you. You know, that's much more democratic for a position as important as the City Attorney. So I -- you know, this is the point that I also wanted to have made; that we really are rushing to this without adequate legal advice. We need to have outside counsel to go through this process, and this is why the City fathers gave us this process of 120 days before it had to be written, and then another 120 days before we had it put in the ballot. And we're rushing through this in a way that is not even meeting our own Code.

NA.2

4633

Office of the City  
Clerk

#### **DISCUSSION ITEM**

DIRECTION BY COMMISSIONER CAROLLO TO THE CITY CLERK TO REQUEST THAT THE MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS VERIFY AND CERTIFY THAT THE PETITION CIRCULATORS ARE REGISTERED ELECTORS IN MIAMI-DADE COUNTY.

<b>RESULT:</b>	<b>DISCUSSED</b>
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Commissioner Carollo: Mr. Clerk, if I could ask something of you. It was even more crystal clear today by the statements that the attorney for this committee made before us here today that they were going on the section of the County Code that they stated. The request that I'd like to make of you is that if you could request of the County Supervisor of Elections if they could verify on the petitioners if they're registered voters or not, and certify those that are registered voters or not. Not only in all the forms they filled and put out does it state that they were moving on the Section 12-23 of the County Code, but they stated it here in the record today, so if you could ask Christina White. This is something that I don't think would take more than a few days, because it's just confirming on those people who circulated this, so you're not talking on thousands of people that they got to verify; if they could certify for us how many of them are registered voters or not.

#### **ADJOURNMENT**

The meeting adjourned on Tuesday, August 14, 2018 at 1:04 p.m.