

Citizens' Bill of Rights should be enforced

The members of the Charter Review Task Force, working with limited time and resources, have produced some worthy proposals for Miami-Dade voters to consider at the polls this year. Unfortunately, one of the more promising measures — to permit the Miami-Dade Commission on Ethics and Public Trust to enforce the Citizens' Bill of Rights with real penalties — was gutted by an amendment inserted in the waning minutes of its final meeting without prior notice and with a bare quorum present.

The amendment creates a gaping loophole exempting municipal officials from the penalties if their cities happen to have existing charter provisions that provide for the filing of a civil lawsuit as the sole remedy for such violations.

Instead of gaining the benefit of ready access to the county Ethics Commission for relief, people residing in those municipalities will be forced to incur the expense and inconvenience of hiring an attorney and litigating the issue in circuit court. This will, in effect, deny a remedy for a violation of the Citizens' Bill of Rights to a citizen unable to afford the expense of litigation.

The residents of Miami, Miami Beach, North Miami, North Miami Beach, Pinecrest, South Miami and Sunny Isles Beach stand to lose if the amended version of the proposal appears on the ballot.

The Citizens' Bill of Rights is given primary status in the county's home-rule charter, appearing prior to Article I of that document. It guarantees important rights to all county and municipal residents, including access to government, truth in government, the right to be heard, the right to public hearing, adequate audits and financial disclosure. However, up until now there have been no teeth to support enforcement with the ethics commission lacking any meaningful penalty to apply to violations.

The task force initially voted to add the same penalties that currently exist under the county's code of ethics to the enforcement of the Citizens' Bill of Rights. If passed by the voters, a very likely prospect, these penalties would have been enshrined in the charter. Citizens would have had a strengthened hand in confronting injustices imposed by unethical officials.

Instead, the weakened and flawed version passed in the task force's final meeting would create two unequal classes of citizens — those residing in the county's unincorporated areas and in those municipalities where the enhanced penalties would apply, and those in the cities listed above, whose fundamental citizen rights would be left, as before, without an effective remedy if violated.

Fortunately, the County Commission is in a position to undo this baseless discrimination by voting to place the task force's original proposal on the ballot. It's time for all of Miami-Dade's residents to enjoy the full panoply of rights guaranteed by the county's charter.