

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF DADE

FALL TERM A. D. 1976

FINAL REPORT OF THE GRAND JURY

Filed

June 3, 1977

Circuit Judge Presiding

HAROLD R. VANN

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IRA J. CALLMAN

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
DAVID LEROY WASHINGTON	First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Robbery Breaking and Entering Dwelling and Unlawfully Assaulting Person Therein	True Bill
DAVID LEROY WASHINGTON	First Degree Murder Robbery	True Bill
ROBERT G. BARNASON	First Degree Murder	True Bill
GERALDO BORGES	First Degree Murder	True Bill
SAMMY AMBROSE	First Degree Murder	True Bill
JERRY P. GAINES, also known as "CAP"	First Degree Murder Unlawful Possession of Firearm by Convicted Felon	True Bill
MARION JEFFERSON, also known as TERRY YOUNG, and ROYDEN SAMPSON	First Degree Murder Robbery	True Bill
EDWARD G. ROBINSON	Involuntary Sexual Battery Breaking and Entering and Assaulting a Person Therein Kidnapping Possession of a Firearm in the Commission of an Offense Robbery	True Bill
SIMON ROMERO SIMON and RAFAEL GONZALEZ	First Degree Murder Robbery Robbery Attempted Murder in the First Degree Attempted Murder in the First Degree Unlawful Possession of Firearm while Engaged in Criminal Offense Unlawful Possession of Firearm by Convicted Felon ("A" Defendant Only)	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ROBERT C. HERTZ	Unlawful Compensation for Official Behavior	True Bill
JAMES FREDERICK MYERS, JR.	First Degree Murder Robbery	True Bill
ROBERT C. HERTZ	Bribery; Unlawful Compensation for Official Behavior	True Bill
ROBERT C. HERTZ	Bribery; Unlawful Compensation for Official Behavior	True Bill
JEROME RICARDO SLOCUM	First Degree Murder	True Bill
GERARDO ALCARDES	Second Degree Murder	True Bill
BOBBY EARL LUSK, also known as ROBERT EARL LUSK, and EDDIE SLATTERY, also known as EDDIE DAMRAU	First Degree Murder Robbery Robbery	True Bill
EVA RAMIREZ, HECTOR VALLADARES, JESUS TORRES and RAMON CASTELLANOS, JR.	Conspiracy to Commit Robbery Conspiracy to Commit First Degree Murder First Degree Murder Unlawful Possession of Cannabis ("A" Defendant Only)	True Bill
SAMMY AMBROSE	First Degree Murder	True Bill
SANDRA ELAINE CLARK	Second Degree Murder Aggravated Battery	True Bill
JOSEPH MICHAEL TURNER	First Degree Murder	True Bill
MARTINEZ BRAND	First Degree Murder Burglary of Dwelling Grand Larceny Grand Larceny Burglary of Dwelling	True Bill
NATHANIEL HOLT, JR., KINSLEY MELTON, JIMMIE GREGORY PETE and STANLEY SEALS	Conspiracy to Commit Robbery Burglary Robbery First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
NATHANIEL MOORE	First Degree Murder	True Bill
KENNETH HUNTER and WILBERT MEEKS	First Degree Murder	True Bill
ROBERT KAY DIEDESCH	First Degree Murder Robbery	True Bill
JOHNNY LEE ASHLEY	First Degree Murder Attempted First Degree Murder	True Bill
EVA RAMIREZ, HECTOR VALLADARES, JESUS TORRES, and RAMON CASTELLANOS, JR.	Conspiracy to Commit Robbery and First Degree Murder First Degree Murder Unlawful Possession of Cannabis ("A" Defendant Only)	True Bill
RANDY SESSOMS	First Degree Murder Robbery	True Bill
WILLIAM RHETT ZAMBITO	First Degree Murder	True Bill
MICHAEL MARDER	First Degree Murder	True Bill
ARCHIE LEE HAMILTON	Manslaughter	True Bill
SENE FRANCISCO BRITO DIEGO VICTORIANO CABRERA ALEJANDRO JOSE GONZALEZ	First Degree Murder	True Bill
MICHAEL JAMES MONROE	First Degree Murder	True Bill
HENRY GENE RANDALL	First Degree Murder	True Bill
OMARTO PERDOMO	First Degree Murder	True Bill
CANDIDO GIARDINO, ALBERT W. TRESVANT, SR. and DANTE DINO, JR.	Conspiracy Bribery Unauthorized Compensation for Official Behavior	True Bill
RAYMOND LEE OWENS, OLIVER EUGENE COACHMAN and ALBERT LOUIS FRANCO	Conspiracy Delivery of a Controlled Substance Official Misconduct Tampering with Witnesses "B"&"C" Defs. Tampering with Evidence "C" Def. Perjury "C" Defendant Perjury "B" Defendant	True Bill

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THE CITY OF OPA-LOCKA INVESTIGATION

GOVERNMENT IN OPA-LOCKA

This Dade County Grand Jury, as so many in the past, received complaints about the operation of the government of the City of Opa-Locka. Various City officials have requested the opportunity to appear before the Jury to offer their views of the problems.

In response, this Jury instituted a wide ranging investigation and called before it the entire City Commission, the City Manager, the City Attorney, the Director of the Building Department, the Police Chief, police officers and reserve police officers, businessmen and other individuals having knowledge of conditions in Opa-Locka.

Every City official or employee who appeared before the Grand Jury and was requested to waive immunity did so with two exceptions. Police Sergeant Raymond Owens refused to waive immunity and was excused without testifying. City Commissioner Kenton N. Wells initially waived immunity and testified before the Jury but upon being recalled to explain discrepancies between his testimony and results of the investigation, refused to waive immunity upon advice of counsel and was excused without testifying the second time.

The results of the Jury's investigation reveal a widespread pattern of blatant mismanagement of the city government and public funds entrusted to it, corruption and venal politics.

The Grand Jury finds some members of the City Commission have violated the City Charter and Code by approving purchases without advertising for sealed bids, by awarding substantial contracts to firms other than the lowest responsible bidder and by interfering in the administration of the City by improper contacts with City employees.

The Grand Jury also finds City Manager William S. Griffiths has violated City Charter and Code by approving purchases without following

proper bidding procedures and by recommending that contracts be awarded to firms other than the lowest responsible bidder. The Jury also finds that the City Manager has improperly approved payments without obtaining required City Commission approval and authorized payments under apparently illegal contracts. His administration has failed to follow proper accounting procedures in the handling of City funds.

City Attorney Albert Weintraub has served in that part-time post since 1961. He is appointed by the City Commission to serve as their legal adviser and is not charged with administrative responsibilities. While in most instances he has properly advised the City Commission of their legal responsibilities, he has condoned the awarding of contracts to other than the lowest responsible bidder on the grounds that such action was permissible if the Commission could articulate "valid reasons" for doing so. This is clearly contrary to the City Charter and Code.

While the Grand Jury understands the City Attorney is an appointee of the Commission, it is also aware that the Courts of this State have held that a City Attorney's client is not the appointing body but all the citizens of the City he serves.

The findings of the Grand Jury are best illustrated by a recital of the facts concerning the construction of the Opa-Locka Public Works Building, the renovation of the Opa Locka Public Safety Building and the operation of the City's Water and Sewer Department and Police Department.

OPA-LOCKA PUBLIC WORKS BUILDING

Late in 1975, the City of Opa Locka advertised for sealed bids for the construction of a Public Works Building to be located at 12950 LeJeune Road. Contrary to the City Charter, which provides that contracts be awarded to the "lowest responsible bidder," the contract was awarded to Kozich & Kozich, Inc., the second lowest bidder, by the Opa-Locka City Commission.

This award was seemingly made on the basis of a recommendation of City Manager William S. Griffiths, who in turn based his recommendation upon the advice of City Building Director Thomas Benfield and the then City Engineer Carlos Naumann.

They contend the bid by Kozich & Kozich, Inc. was preferred because they liked the manufacturer of a metal shed Kozich & Kozich, Inc. proposed to use.

The investigation by this Jury reveals, however, that the plans of the lowest bidder met all city specifications and no effort was made by City Manager Griffiths, Thomas Benfield or Carlos Naumann to determine the financial responsibility of any of the bidders, as required by the City Charter and Code.

This Jury's investigation also shows that the Kozich & Kozich, Inc. contract was actually awarded on a basis other than to the lowest responsible bidder.

Testimony shows that Dante Dino, Jr., of D & K Electric Corporation approached Kozich & Kozich, Inc. after the opening of the sealed bids, but before the awarding of the contract, with a proposition that if Kozich & Kozich, Inc. would guarantee D & K Electric Corporation the electrical subcontract for the Public Works Building at an inflated price, Dante Dino, Jr. could and would guarantee Kozich & Kozich, Inc. the general contract for the Public Works Building.

Kozich & Kozich, Inc. agreed to this deal and further agreed to the electrical subcontract price to D & K Electric Corporation of \$28,000 which was considerably more than Kozich & Kozich, Inc. had originally allocated for the electrical work in its bid for the contract.

Evidence shows that the excess money to be paid to D & K Electric Corporation was to be used to buy political influence in the awarding of the contract to Kozich & Kozich, Inc. at the Opa-Locka City Commission meeting. The City Commissioners voting in favor of the Kozich & Kozich, Inc., second lowest bidder, were Candido Giardino, Albert W. Tresvant, Sr., and Kenton N. Wells. Each says he voted in favor of Kozich & Kozich, Inc. because of the recommendation of City Manager Griffiths and Thomas Benfield, Director of the Building Department.

According to the testimony, Mayor Giardino and Commissioner Tresvant agreed that the excess amount of money above Kozich & Kozich, Inc.'s contemplated outlay for electrical equipment would be made up through inflated change orders. Numerous discussions concerning these padded change orders were held between Dante Dino, Jr. of D & K Electric Corporation, representatives of Kozich & Kozich, Inc. and Opa-Locka officials, Mayor Giardino and Commissioner Tresvant. These funds were to be paid to D & K Electric Corporation by Kozich & Kozich, Inc. then to be distributed by D & K Electric Corporation to Candido Giardino and Al Tresvant, and others unknown to this Grand Jury.

On the basis of this testimony and our investigation, the Grand Jury found probable cause to indict Mayor Candido Giardino, Commissioner Al Tresvant, and Dante Dino, Jr. on three counts: Conspiracy, Unauthorized Compensation for Official Behavior and Bribery.

OPA-LOCKA PUBLIC SAFETY BUILDING

In 1975 the Opa-Locka City Commission perceived the need for improved facilities for its Police Department and other sections of its Public Safety Building. Consideration was given to the construction of a new facility and the renovation of existing facilities. After much discussion and the expenditure of more than \$21,000 for plans for a new building, the Commission decided to renovate the existing structure.

No formal plans or specifications were drawn up for this major expenditure of public funds. Instead the City Commission and the City Manager decided to adapt the floor plans for the proposed new building to the existing building. It was also decided that no complete project would be advertised for public building but rather the City would supervise the work itself bidding out only the electrical and plumbing work.

Even this aspect of the work was not advertised for bids in accord with the City Charter, which requires sealed advertised bids for contracts in excess of \$5,000. Although the City Manager estimated the electrical work itself would cost \$16,000, he authorized Thomas Benfield, the Director of the Opa-Locka Building Department, to solicit only two bids for the work without advertising. This procedure followed the City Commission's expressed desire that the work be done by local people.

Despite the estimate of the City Manager, the taxpayers of Opa-Locka ended up paying more than \$41,000 to Dante Dino, Jr. and his company, D & K Electric Corporation.

This Jury's investigation reveals that bidding for the electrical work on this project was rigged against the best interests of the

citizens of Opa-Locka. The evidence is that Dante Dino, Jr. went to Barneys Quality Electric, a company owned by Barney Snipes and advised him that the City was contemplating letting a contract, "for four outlets and two lights" and asked Snipes to submit an inflated bid in order to insure that D & K Electric Corporation would get the contract. This was done and D & K Electric Corporation was given the contract with the result that the citizens of Opa-Locka appear to have paid an inflated price for the electrical work done on this building.

The City Commission and the City Manager also failed to advertise for sealed bids for the plumbing work in this building even though that contract was in excess of \$12,000.

The Jury finds it significant that the contract for the electrical work and the plumbing work was not drawn by the City Attorney or endorsed by him as required by the city code in order for the city to enter into a lawful contract. The contract was drawn by D & K Electric Corporation and signed by the City Manager on behalf of the City. The City Manager readily concedes that the contract contains absolutely no provision for the protection of the city such as an overall limit on the cost of the electrical work, a deadline for the completion of the work and penalty clause for the failure to perform properly or timely.

It should be noted that this unusual contract which called for D & K Electric Corporation to be paid on a cost plus basis was awarded contrary to the advice of the city attorney and contrary to what the Commission agreed the City Charter required. One of the prime decision makers in this project, which ended up costing the taxpayers nearly \$176,000, was Charles Slate, Administrative Assistant to the then police chief and whose assignment in the Opa-Locka Police Department was property room custodian. Mr. Slate who has virtually no expertise

in this area was sent out of town to examine other police facilities and directed the city crews as to how the renovation should proceed. Mr. Slate was also, in effect, the purchasing agent by order of the City Manager for some \$20,000 worth of furnishings added to the building. All of these purchases were approved by the City Manager, often without prior City Commission approval and often without following city law regarding sealed bidding procedure.

OPA-LOCKA CITY WATER
AND SEWER DEPARTMENT

In its investigation, the Grand Jury finds the operation of the City's Water and Sewer Department offers another illustration of gross mismanagement of public funds. Although the City has an annual budget of more than 4.2 million dollars it has no professional purchasing agent and follows purchasing procedures that serve the whims of city officials and not the citizens.

In the case of the Water and Sewer Department, there is ample evidence that City Manager William S. Griffiths selects vendors at will. In a two year period he authorized payment of \$110,000 to Frank Schafer, Inc., an electrical contracting firm, without the formality of sealed bidding procedures or bidding procedure of any type.

The City Charter specifically provides all purchases in excess of \$1,000 must be made by sealed bids and in all purchases in excess of \$5,000 the City must advertise for sealed bids in a newspaper of general circulation. The City Manager defends his practices on the basis that he is authorized to make emergency expenditures up to \$6,000 without following formal bidding procedure. The Jury's investigation reveals these purchases cannot be justified as emergency expenditures.

Further, the investigation reveals that an employee of Frank Schafer, Inc. was instructed by a city official to break down all requests for payment in excess of \$1,000 into smaller bills in order to avoid the City's bidding requirement. One single project as large as \$4,500 was also broken down into separate payments of less than \$1,000 which were approved by the City Manager and the City Commission despite the objection of one Commissioner.

OPA-LOCKA POLICE DEPARTMENT

As part of its inquiry into the City of Opa-Locka and the state of its government, the Grand Jury's attention was drawn particularly to the Police Department. The investigation of this 35-man department with an annual appropriation of \$922,105 reveals an agency which in the past has been torn by vicious internal politics and frequently plagued by competing cliques, racial prejudice and charges of corruption and incompetency by one officer against another.

It is clear from the evidence that one of the causes of the situation is flagrant political interference by most, if not all, of the City Commissioners in the day to day administration of the department in violation of the City Charter.

Examples of this political meddling include:

City Commissioner C. William Hartman, Jr. appearing at the police station following the arrest of one of the commissioner's friends and seeking to interrogate and otherwise interfere with a police officer in the performance of his duty;

A clique within the department meeting on an almost daily basis, often while on duty, with City Commissioner Albert Tresvant, Sr. in his place of business outside the city limits and conducting police business from such shop;

A middle-of-the-night visit to the Police Chief by City Commissioner Tresvant and his political crony Dante Dino, Jr., to discuss police department affairs after Commissioner Tresvant had been questioned about the department by the Grand Jury;

Dante Dino, Jr., who is not a member of the police department, but is a confidante of several of the City Commissioners and other City officials, openly having the run of the police department with access to all areas at his pleasure;

Several of the City Commissioners having small groups of supporters within the department thereby permitting them to have an active hand in the conduct of the department's day to day business.

The City Charter directs:

"Neither the commission nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employes in the administrative service of the city. Except for the purpose of inquiry, the commission and its members shall deal with the administrative service solely through the city manager and neither the commission nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately."

The Commission consistently avoids this prohibition by constituting itself as an ongoing board of inquiry and dividing the departments among themselves as special spheres of influence.

In view of the conclusions this Jury has arrived at concerning the role of the City Commission in the police department's problems, we find it ironic that the Commission constituted itself as a board of inquiry to probe allegations concerning police problems. Although the Commission spent considerable time and public funds in conducting

the inquiry, not surprisingly it was unable to arrive at any conclusion and took no action.

The investigation also reveals the City Manager is not without fault in connection with the department. While the City Charter gives him general supervisory authority over the Police Chief, and thereby over the department, it appears that at least some of his actions are contrary to the spirit of the Charter. On at least one occasion, he arbitrarily countermanded the order of the Police Chief in such routine matters as the work schedules and assignments of individual officers. The Administrative Assistant to the Chief of Police allegedly refuses to report to the Chief but instead insists upon reporting directly to the City Manager, a longtime friend. Such conduct by the City Manager serves to undermine the authority of the Police Chief and hamper the effective administration of the department.

Another cause of the department's problem is a history of racial prejudice among some of its members. In the past, new officers were deliberately trained and ordered to enforce the law against black citizens in a discriminatory fashion.

Clearly one result of the atmosphere within the department has been a steady turnover of police chiefs. This small department has had five chiefs or acting chiefs within the past six years. Such a turnover results in poor morale, ineffective supervision and poor administration.

The net result has been that the citizens and taxpayers of Opa-Locka have been saddled with a police department apparently unable to effectively and fairly enforce the laws. As one citizen put it, "When you call the law you can be assured nothing will be done." The City officials who have appeared before this Jury have

almost uniformly admitted that the citizens are not receiving the law enforcement services for which they have paid.

A glaring example of the problems in this department is the activities of Police Sergeant Raymond Owens and Detectives Oliver Coachman and Albert Franco - commonly known as the "unholy trio." The Grand Jury is satisfied from the evidence presented that these police officers have systematically engaged in illegal narcotics traffic as a means of paying their informants. The Jury is also convinced these same officers have "framed" individuals by planting previously confiscated drugs upon them. These activities were carried on under the guise of combating the narcotics problem in Opa-Locka.

The fact that the activities of these officers were directed against undesirable individuals does not mitigate their impropriety in the eyes of the Jury.

As illustrations of the improper techniques utilized by these officers, the Grand Jury has received evidence that these three officers have:

Planted drugs on individuals in the Opa-Locka Police Station in the presence of other police officers;

Supplied heroin to known addicts for the purpose of eliciting their cooperation;

Illegally kept drugs seized in police raids in Detective Albert Franco's home refrigerator for future improper purposes;

Tampered with evidence seized in police raids by substituting flour and pepper for cocaine and heroin before submitting it to chemical analysis;

Tampered with evidence by giving informants illegal drugs and money seized in police raids;

Openly bragged to other police agencies that they had engaged in such activities claiming these were the only means by which they could effectively deal with the drug pushers in their City;

Sought to tamper with witnesses called by the State Attorney's office and the Grand Jury in the course of investigating these activities by urging witnesses to lie or withhold information.

In reviewing the results of these officers' activities, the Grand Jury finds their methods not only illegal but clearly ineffectual. Of twenty-six defendants arrested by these officers on narcotic cases, which were filed, not dismissed at the preliminary hearing stage and disposed of between January, 1976 and April, 1977, the following results were obtained:

The evidence against seven defendants was suppressed by the Courts because of illegal searches; charges against one defendant were dismissed because of the failure of the officers to appear; one case was dismissed for lack of evidence against a defendant; two defendants were placed on probation or in pre-trial intervention upon recommendation of the officers; seven defendants were placed on probation or in pre-trial intervention by the Court and five of the twenty-six received a jail sentence. These results do not indicate valid arrests of major drug dealers.

But there is a principle involved here far more important than the effectiveness of their police work.

In adopting the Bill of Rights our forefathers clearly rejected the concept of the end justifying the means even when the end is ridding our society of the criminal element. The American people have historically denounced this type of conduct whether it is engaged in by the police or a President.

Based upon the Grand Jury's investigation, the following indictment has been returned in this area:

STATE OF FLORIDA vs. RAYMOND LEE OWENS,
OLIVER EUGENE COACHMAN
and ALBERT LOUIS FRANCO

Charge:

- I. Conspiracy to Commit a
Felony 777.04 (3) (Felony)
All Defendants.
- II. Delivery of a Controlled
Substance 893.13 (Felony)
All Defendants.
- III. Official Misconduct 839.25
(Felony) All Defendants.
- IV. Tampering with Witnesses 918.14
"B" And "C" Defendants (Misd.)
- V. Tampering with Evidence 918.13
(Felony) "C" Defendant.
- VI. Perjury 837.02 (Felony) "C" Def.
- VII. Perjury 837.02 (Felony) "B" Def.

The Grand Jury does not contend that the activities of these three officers represent all the wrongdoing committed by members of the department. Allegations against members of the department involving theft of money, property and drugs from departmental custody, other forms of corruption, abuse of prisoners and the leaking of confidential information cannot at this time be substantiated by competent and convincing evidence. The State Attorney's office will continue the investigation of these allegations and take appropriate action, if they are found to be true.

Despite the criticism leveled and the indictment returned as a result of this investigation, the Grand Jury is not unmindful that the present Police Chief has only held that position since July, 1976. Chief Robert S. Knapp has advised the Grand Jury he is working to correct the deficiencies of the department. We trust he will not be obstructed in this important task by the City Manager, the City Commission or their cronies. The Grand Jury has also been advised that significant progress has been made in alleviating racial problems

in the department and that there has been an upgrading of the standards, training and supervision of its personnel resulting in an improvement of morale.

The citizens of Opa-Locka should carefully scrutinize the progress being made and demand directly and through their elected officials continued drastic improvements in the immediate future.

In Summary -

Dissatisfaction with the conduct of public officials and mismanagement of governmental business has been going on for years in Opa-Locka. The Grand Jury has been called upon repeatedly to investigate citizens complaints and accusations by Opa-Locka public officials against each other.

When only 31% of the eligible voters turn out for a municipal election then the citizens of Opa-Locka cannot completely absolve themselves of responsibility for conditions in their municipality. Apathy and disinterest on the part of voters breeds corruption and lack of responsiveness.

Many remedies are available to the Opa-Locka voters, among them are recall of City Commissioners who violate the public trust or do not adhere to the City Charter, the election of responsible Commissioners, Charter revision and the merger of basic services with Metropolitan Dade County.

The Grand Jury urges the electorate of Opa-Locka to consider the following recommendations:

1. To demand a Charter Election and strengthen the existing Charter by providing the penalty of removal from office for any violation of its provisions. Removal should apply to all elected and appointed officials.

2. Insist that City Commissioners adhere stringently to the provisions of the Charter especially those provisions involving bidding and the paying of the city's debts.

3. Refuse to tolerate interference by Commissioners or other officials in the operation of departments of Opa-Locka over which they do not have authority.

4. The City Commission should be held responsible for requiring the City Manager to adhere to the provisions of the Charter without deviation. The City Manager must be required to pursue purchasing procedures that follow accepted business practices, insure that the police department is operated as an effective law enforcement agency, keep adequate records and stop the juggling of bills for payment.

5. The City Attorney and his assistants should approve all contracts and a record of that approval should be a part of Commission meetings.

When any Commissioner questions the legality of any action by the city, including the payment of invoices, the City Attorney should rule on that question and a record of his opinion should be retained in the minutes of the meeting.

If the City Attorney determines that any official action constitutes a violation of the Charter it should be his responsibility to advise the Commission in writing and that opinion should be made a part of the minutes of the Commission meeting following its receipt. The City Attorney should understand that he represents the people of Opa-Locka, not the Commissioners, the Manager or other public officials.

If the citizens of Opa-Locka continue to have City Commissioners and other officials who are not responsive to the best interests of the public then they should consider turning over all of their services to Metropolitan Dade County or abolishing the municipality.

DADE COUNTY BUDGET

It is a matter of concern to citizens of Dade County and this Grand Jury that the annual budget has expanded greatly during the past five years - from \$861,839,799 in 1971-'72 to \$1,564,990,998 in 1976-'77.

Dade County with a population of 1.5 million people has an annual budget far exceeding any other municipal or county budget in the State of Florida. The current total Dade County budget of \$1.565 billion is more than one fourth the size of the budget of the State of Florida.

Much criticism has been leveled that the citizens of Dade County are not sufficiently informed about expenditures in the overall county budget since only the operating portion of the budget, which is roughly \$266 million, has been publicized. Other complaints have been: the overlapping functions of departments, inadequate checks and balances to determine whether all county programs are sufficiently effective to warrant their cost and a multiplicity of top echelon jobs primarily at the level of assistants to the County Manager.

It is the feeling of the Grand Jury that a step forward has been made by informing the citizenry of the total budget through publication of a 1976-'77 summary budget by the County Manager and the Budget Director. We urge continuing improvement and expansion of the budget summary so that the public may be better informed.

In order to eliminate overlapping of responsibility and functions between departments, this Grand Jury suggests a study be made by the County Manager's office to realign departmental structure.

Under the present form of county government the Commissioners are charged with the complete responsibility of approving every

item in the budget, as well as the total budget. Because of the tremendous size and complexity of the budget, the Grand Jury believes that it is impossible for individual members of the Commission to adequately analyze the budget before final approval. The County Manager has initiated task force programs which includes selected county employees, as well as knowledgeable citizens of the community, to study fiscal and operational problems. We recommend that these programs be continued and expanded in order to provide an additional check and balance. The task forces should further review program performance and evaluate effectiveness in relation to costs. These task forces can be a most valuable source of budget information.

As to the seemingly excessive number of top executive positions in county government, the Grand Jury recommends that these positions be analyzed with the objective of incorporating these responsibilities and functions into the appropriate department.

A governmental unit the size of Dade is of necessity highly complex, requiring the services of an extremely competent individual as the chief executive officer. The Grand Jury has heard the current County Manager's approach to solving these problems. We are impressed with his grasp of the situation in Dade County, despite the brief time he has held this position.

We approve the County Manager's expressed intention to initiate zero based budgeting, reorganize departments and institute a task force program. We urge the County Manager to implement these programs as expeditiously as possible.

Our prime concern after hearing testimony from high level county officials, informed citizens with experience in governmental and fiscal matters, and civic minded individuals, is that there is inadequate citizen involvement in the budgetary process. One of

the great problems in a county that has experienced the rapid and spectacular growth of Dade is that all citizens feel a remoteness from their government. Of course, this is a state and national problem as well.

In a democratic society the citizen must know that the opportunity to participate in government is available even to a limited extent. The ballot and jury service provide such opportunity, but there must be more. One way would be by citizen participation in the county's largest business, its government. We urge that the County Commissioners select a group of qualified citizens to make recommendations concerning the budget. Citizen participation in the budget process would reassure the people of Dade County that their voices are being heard before the tax bill arrives.

SPECIAL TAX MASTERS SELECTION

The Grand Jury has received complaints that the selection of Special Masters by the 1976 Property Appraisal Adjustment Board was not done in a fair and impartial manner and that preference was given to Masters who had previously served.

Chapter 194 of the Florida Statutes establishes the Board to rule on disputes between the property appraiser (formerly known as tax assessor) and the property owner concerning the assessed evaluation of property for ad valorem tax purposes. The Board consists of three members of the County Commission and two members of the School Board and is authorized by law to appoint Special Masters for the purpose of taking testimony and making recommendations to the Board.

Obviously, the property appraiser and the citizen property owner are adversaries in these proceedings. Before 1976 the

property appraiser in effect selected the Special Masters to hear these disputes. In 1976 the Clerk of the Board (Richard P. Brinker, who is the Clerk of the Circuit Court) exercised his statutory responsibility and advertised for applicants to sit as Special Masters.

There was no indication in the public advertisement that any preference would be given to applications based on the order in which they were received. Nor was there any indication that an attorney was being sought to sit as one of the Masters.

Property Appraiser A. H. Blake testified that he called a number of professional appraisers whom he had selected in past years and suggested they submit an application. In sworn testimony, several of the appraisers ultimately selected admit they were called by Mr. Blake and urged to submit their applications as soon as possible.

Mr. Blake admitted calling one attorney - a law partner of the School Board attorney - and asking him to submit an application. This was the only attorney to timely apply for the position. When the Board convened in early July 1976 some thirty individuals had submitted applications to sit as Special Masters.

It was suggested to the Board members that only ten appraisers and one attorney were needed to hear taxpayers complaints. It was recommended that the first ten applications received should be selected. The identity of the persons making that recommendation is in dispute.

Nevertheless, the Board accepted it and that is the fashion in which the Masters were selected.

Board members were not advised by the Clerk or his staff that the order in which the applications were received could not be

accurately determined. The applications were received at three different locations. There was no mechanical date and time stamp affixed upon them. Handwritten numbers were placed upon them and in some cases these were obviously changed.

The net result was that ten of the eleven Masters selected had served in previous years when the property appraiser was making the selections. All of those selected had the endorsement of the property appraiser. All but two of those selected fortuitously hand delivered their applications although there was no advertised requirements for that procedure.

The Masters selected were paid for their services at the rate of \$350 per 8-hour day plus \$43 an hour for overtime. The payments ranged from \$962.50 to \$5,490.08 with the average being \$3,908.00.

In this investigation, the Grand Jury finds no evidence of a violation of the criminal laws. We are satisfied, however, that the procedure used to select the Masters last year is open to the criticism that patronage and the preferences of the property appraiser played an undue role.

It is not up to the Grand Jury to recommend a particular method of selecting the Special Masters. We do urge the Board to keep in mind that the taxpayer and the property appraiser are adversaries in this procedure. Whatever method the Board uses to select the referee for these contests should not only be fair and impartial but appear that way to the taxpayers of this community.

We appreciate the efforts of Ralph Fredericks in bringing this matter to light and to the attention of the Grand Jury.

COMMUNITY SCHOOLS PROGRAM

Under the general direction of the Dade County Public Schools, about fifty-seven (57) Community Schools operate in Metropolitan Dade County. Each Community School is headed by a director and is physically based in neighborhood public schools. Dr. Louis Tasse is the consultant for the program in Dade County.

Funding for the program is received from State and local sources. Community residents in the program may pay modest fees or may be involved in programs at no cost to them.

The first Community School became operational in Dade County in 1961 at Ada Merritt Junior High School. There are now Community Schools in all areas of Dade County.

The curricula offered by the Community Schools are broad and varied. They include English as a second language, music, sports and athletics, sewing, ceramics, fine arts and drama, office and secretarial skills, and personal counseling and group discussions. Some of the curriculum offerings range from a few days to several weeks or months in duration.

Numerous highly sophisticated studies have shown that Community Schools are indeed meeting demonstrated needs of community residents - adults and children. Adults comprise the greater majority of participants in the Community Schools program. Participants have increased and refined their occupational skills. They have broadened their cultural and social horizons; and several programs have successfully addressed community problems (e.g. crime, drug abuse, family crises and poverty). The curricula have a close relationship to the needs and wishes of participants (i.e. participants exert great influence in terms of curricula offerings).

All racial and ethnic groups are represented in the administrative and teaching staffs of the various Community Schools. Participants also reflect racial, ethnic, cultural groups in Dade County. While the emphasis in Community Schools focuses on the preservation of traditional American ideals, community education as a process for constructive change is valued highly.

There seems to be a deficiency in the program as it relates to providing transportation for citizens.

Transportation to and from Community Schools for senior citizens and children of working parents who do not live in the immediate area of existing schools is something to be desired. These children have nothing but time on their hands after school and before their parents return home from work. Community Schools should be encouraged to be placed in areas of underprivileged children and in areas of high concentration of senior citizens.

In summary, Community Schools concern themselves with everything that affects the well-being of citizens. They attempt to identify the needs, problems and wants of the Community and then attempt to assist in the actualization of these needs.

Many community needs and problems are effectively dealt with by the Community Schools program. We strongly recommend against any cut backs in the Community Schools program in any area, particularly in the low income areas of Dade County.

MUNICIPAL COURTS

The Grand Jury received complaints about the operation of some Municipal Courts in Dade County. An investigation was conducted although all Municipal Courts were phased out and the responsibilities taken over by the County Court on January 1, 1977.

Our investigation revealed that in the Hialeah Municipal Court the city prosecutor, Robert C. Hertz engaged in a practice of soliciting money from citizens charged with minor crimes in return for his agreement or assistance in getting complaining witnesses to drop charges.

In Hialeah the office of city prosecutor was a part-time position with the prosecutor authorized to maintain a private practice. The evidence showed Mr. Hertz attempted to disguise the unlawful payments from defendants appearing before him as legitimate legal fees.

Mr. Hertz was indicted on three charges of receiving unauthorized compensation for official behavior. He entered a plea of no contest (tantamount to a guilty plea) to each of the charges in the Circuit Court. He was sentenced to nine months in the County Stockade on each charge. The sentences to run concurrent.

The problems in the Hialeah Municipal Courts operation came to light because a citizen who had been solicited for a bribe, on behalf of his defendant wife, had the courage to report the matter to the State Attorney's office rather than submit to paying a bribe. The Grand Jury appreciates such courage and urges all citizens who are solicited for bribes by public servants to immediately bring the matter to the attention of the Grand Jury or the appropriate law enforcement agency.

It is the view of this Grand Jury that the elimination of Municipal Courts and their consolidation into the County Court System represents a significant improvement in the criminal justice system. It should be noted that while the charges in such courts as the former Municipal Courts and the County Court

are relatively minor, these courts have an important impact upon the community since this is the sole experience which most citizens have with the court system.

Our investigation also reveals that Mr. Hertz had business referred to him by at least one bondsman. The State Attorney's office is urged to continue the investigation of this aspect of the matter and take appropriate action.

COUNTY LAND PURCHASES

At the suggestion of the Spring Term 1976 Grand Jury, this Jury discussed with the County Manager the problems of land acquisition by Dade County. The previous Grand Jury recommended that the responsibility for coordinating this important and costly county function be placed in the County Manager's office.

County Manager Stierheim advises that he is in the process of revising the land purchasing procedures and is considering placing supervisory responsibility for this area in his office.

This Jury recommends that the County Commission be thoroughly informed on the following factors, as well as any other relevant matters when they are considering the purchase of property for public use:

1. The present use and status of property - whether it is developed, the nature of the building and other structures upon the land, or whether the property is wooded or excavated, etc.
2. The past, present and possible future zoning classification of the property.
3. Easements or right-of-way dedication on the property.
4. The total of public funds expended to date on the proposed purchase.

5. A history of the ownership of the property.

6. The estimated value of the property, including all appraisals.

The Grand Jury believes the procedure of land acquisition by the County is still badly in need of more stringent controls. We urge the County Manager to complete his study and to implement reforms in this area as quickly as possible. We also recommend that all information made available to the County Commission regarding land purchases be disseminated to the public and the news media before any final action by the County.

RECOMMENDATIONS WITH RESPECT TO THE
GRAND JURY SYSTEM

We have found the Grand Jury to be an effective institution through which citizens can participate in their government and make recommendations to correct injustices within the community. We believe the Grand Jury should be sustained, encouraged and made as effective as possible.

With this in mind, we make the following recommendations:

1. The present method of selecting Grand Jurors from names proposed by the Circuit Judges should be continued, to insure the selection of Grand Jurors who are independent, involved in the community and competent to deal with the complex problems which the jury must consider.

2. Grand Jurors must represent a true cross section of the community. It is the obligation of the Circuit Judges to insure that all minority groups are represented in the Grand Jury Pool.

3. Compensation for County Grand Jurors should be the equivalent of that paid Federal Grand Jurors.

4. The Grand Jury facilities and area in the Dade County Court House should be improved in order to insure the secrecy of the Grand Jury process. The present physical facilities make it impossible to keep the identity of witnesses secret.

ACKNOWLEDGMENTS

JUDGE HAROLD R. VANN

May we express our appreciation and thanks to Judge Harold R. Vann, our presiding Judge. He was most helpful, very knowledgeable and patient, for which we thank him.

RICHARD E. GERSTEIN, STATE ATTORNEY
EDWARD CARHART, CHIEF ASSISTANT STATE ATTORNEY
EDWARD O'DONNELL, ASSISTANT STATE ATTORNEY

To Mr. Gerstein, we thank him for his patience, his expertise and the effective manner in which his office served this Grand Jury. We especially appreciate that he respects the independence of the Grand Jury.

Edward Carhart, the Chief Assistant to the State Attorney is an outstanding lawyer. The people of Dade County are fortunate to have him in public service. We thank him also for his patience and dedication. We especially are appreciative of the long hours he gave to us and his willingness at any time to serve this Jury.

These men exemplify the dedication and integrity of fine public officials. They have provided strong leadership and guidance for the Grand Jury and have been tireless in the pursuit of justice.

MADLINE CAMP, ADMINISTRATIVE ASSISTANT

This Grand Jury especially commends Madeline Camp for the highly efficient operation of this office. Her attention to even the smallest of details was most gratifying. Her good humor, skill and pleasant manners were a delight to all.

IRA CALLMAN, BAILIFF

In the short time we have worked with Mr. Callman, we were most impressed with his businesslike and efficient approach to his duties. We feel he will add much to the efficiency of the Grand Jury.

Attest: Anne Stufm
Anne Stufm, Clerk

Dated: June 3, 1977

Respectfully submitted,
Marshall S. Philpitt
Marshall S. Philpitt, Foreman
Dade County Grand Jury
Fall Term 1976