



Organizational Meeting Agenda 2020

Libertarian Party of Miami-Dade County

April 21, 2020 at 7:30 PM EDT

Google Hangout

1. Call to Order - Chair, Marialexandra Garcia
2. Election of Convention Secretary (if necessary)
3. Roll Call - Secretary
4. Determination of Quorum - Chair, Marialexandra Garcia
5. Approval of Agenda - Chair, Marialexandra Garcia

Reports

6. LPMD Officer's Reports - 5 minutes (Optional)

Old Business - None

New Business

9. Precinct Delegates Election - Chair, Mariaalexandra Garcia

Consent Agenda Motions

10. LPMD Rules Committee Package - Rules Committee Chair, Suzanne Gilmore - 1 hour

Motion Title: Motion to add language LPMD 2020ABM-C01

Mover: LPMD Rules Committee

Motion: I move to add language to the LPMD Constitution Article II, as follows.

Article II: Name of Organization

The name of this organization shall be the MIAMI-DADE COUNTY LIBERTARIAN EXECUTIVE COMMITTEE, hereinafter referred to as “Executive Committee.” It shall be constituted as the Executive Committee of the Libertarian Party within Miami-Dade County, Florida, in accordance with the rules of the Libertarian Party of Florida as hereby ratified.

When adopted, the section will read:

Article II: Name of Organization

The name of this organization shall be the MIAMI-DADE COUNTY LIBERTARIAN EXECUTIVE COMMITTEE, hereinafter referred to as “Executive Committee.” It shall be constituted as the Executive Committee of the Libertarian Party within Miami-Dade County, Florida, in accordance with the rules of the Libertarian Party of Florida as hereby ratified.

Discussion:

This language aligns the LPMD rules with requirements in the LPF rules, Art. 1, Section 7. *County affiliated parties shall be required to ratify the Constitution and Bylaws of the LPF along with a standard petition form adopted by the Executive Committee, subject to all specifications in the Standing Rules.*

Motion Title: Motion to Strike Contrary Provisions LPMD 2020ABM-C02

Mover: LPMD Rules Committee

Motion: I move to strike and replace language in the LPMD Constitution Article IV, as follows.

Article IV: Membership

Section 1

Membership to the Executive Committee shall be open to:

- (a) ~~Individuals that have registered at the Miami-Dade County Department of Elections as Libertarian; Persons residing in Miami-Dade County who are registered LPF with the Florida Division of Elections.~~
- (b) ~~Residents of Miami-Dade County that cannot for reasons including, but not limited to, immigration status, status as former convicted felon, and young age, register to vote in the State of Florida but have been granted a Waiver of Voter Eligibility Requirement by the Chairperson of the Executive Committee, in a process described in the Laws.~~

When adopted, the section will read:

Article IV: Membership

Section 1

Membership to the Executive Committee shall be open to persons residing in Miami-Dade County who are registered LPF with the Florida Division of Elections.

Discussion:

- (a) Aligns the language with new LPF language.
- (b) This motion seeks to make permanent the Rules Committee's Ruling Number 2019-C01 of November 11, 2019 and removes prohibited contrary provisions.

The Waiver of Voter Eligibility Requirement runs contrary to LPF Constitution II, Sect. 5 which also requires LPF voter registration and LPF membership, Florida Statutes 103.095 Sect. 1 and 4, 103.091 Sect 1, which require LPF voter registration, and United States Code 52, Sect. 30121(a), which prohibits foreign nationals from serving in political parties with any decision making authority.

LPMD Constitution, Article XII:

The Libertarian Party of Miami-Dade County is a subsidiary of the Libertarian Party of Florida and the Libertarian Party. As such, these parent organizations hold supremacy and preemption. Any of the governing rules of the Libertarian Party of Miami-Dade County that run contrary to any of the governing documents of the Libertarian Party of Florida or the Libertarian Party (hereafter referred to as "contrary provisions") are therefore automatically null and void.

LPF Constitution Article VIII, Section 3:

If any term of this Constitution or any subordinate document is to any extent illegal, invalid, or incapable of being enforced, such term shall be excluded to the extent of such illegality, invalidity, or unenforceability; all other terms hereof shall remain in full force and effect; and, to the extent permitted and possible the illegal, invalid, or unenforceable term shall be deemed replaced by a term stated or implied by the adopted parliamentary authority that is legal, valid, and enforceable and that comes closest to expressing the intention of such illegal, invalid, or unenforceable term.

Therefore, LPMD Constitution Article IV, Section 1, subsection (b) in its entirety is automatically null and void.

Motion Title: Motion to strike and replace language LPMD 2020ABM-C03

Mover: LPMD Rules Committee

Motion: I move to strike and replace and add language to the LPMD Constitution Article VII, as follows:

Article VII: Quorum

Section 1

Forty (40) percent of the members of the Executive Committee shall be present to constitute a quorum. If forty (40) percent of the members are not present, quorum shall be met if all the Officers of the Executive Committee are present, ~~as long as~~ provided there is no vacancy among the Officers.

Section 2

Proxies shall be allowed at Executive Committee meetings and shall be counted for the purpose of meeting quorum. A member of the Executive Committee shall be entitled to appoint any willing and present Precinct Delegate, except the Chair, as a proxy, as long as the Secretary is given advance notice prior to the beginning of the meeting. An Executive Committee member shall serve as proxy to only one Executive Committee member at any single meeting. Proxies are not permitted at the Annual Business Meeting.

When adopted, the section will read:

Article VII: Quorum

Section 1

Forty (40) percent of the members of the Executive Committee shall be present to constitute a quorum. If forty (40) percent of the members are not present, quorum shall be met if all the

Officers of the Executive Committee are present, provided there is no vacancy among the Officers.

Section 2

Proxies shall be allowed at Executive Committee meetings and shall be counted for the purpose of meeting quorum. A member of the Executive Committee shall be entitled to appoint any willing and present Precinct Delegate, except the Chair, as a proxy, as long as the Secretary is given advance notice prior to the beginning of the meeting. An Executive Committee member shall serve as proxy to only one Executive Committee member at any single meeting. Proxies are not permitted at the Annual Business Meeting.

Discussion:

Section 1 corrects a grammatical error and is not materially different.

Section 2 Clarifies that the Chairperson may not be a proxy, as that conflicts with the Chairperson's role of presiding impartially over the meeting. It provides that one member may only be a proxy for one other member at a time, eliminating the possibility of one person having excessive influence. There would be no need for proxies at the annual business meeting, as all eligible persons in attendance may vote there.

Motion Title: Motion to strike and replace language LPMD 2020ABM-C04

Mover: LPMD Rules Committee

Motion: I move to strike and replace language to the LPMD Constitution Article X, as follows:

Article X: Amendments

Any amendment to this Constitution shall be adopted by no less than ~~fifty (50) percent plus one two-thirds (2/3rds)~~ of credentialed Libertarian voters present during the Organizational Meeting, as prescribed in Article V, Section 3 of this Constitution.

When adopted, the section will read:

Article X: Amendments

Any amendment to this Constitution shall be adopted by no less than two-thirds (2/3rds) of credentialed Libertarian voters present during the Organizational Meeting, as prescribed in Article V, Section 3 of this Constitution.

Discussion:

A simple majority is non-standard for Constitutional amendments and for good reason. The Constitution is the superior document that enables other rules. Good practice provides that the Constitution be a long-lasting document setting forth principles, as opposed to the lesser documents which may more readily change with time and necessity. This change also brings our rules into agreement with Florida Statute 103.121(1)(a)1.

Motions for ByLaws Amendments

Motion Title: Motion to strike a section LPMD 2020ABM-B01

Mover: LPMD Rules Committee

Motion: I move to strike Sections 2 and 3 of the LPMD Bylaws Art. III, and renumber as follows:

Article III: Membership

Section 1

All members of the Executive Committee shall be qualified voters of the Libertarian Party of Miami-Dade County, as detailed in Article IV, Section 1 of the Constitution. No monetary encumbrance shall be imposed on the members of the affiliate.

Section 2

~~All members of the Executive Committee shall sign a Loyalty Oath prior to taking office. The Loyalty Oath shall be written and approved by the Executive Committee. If the Committee of the Whole finds the Loyalty Oath to have been violated by a Precinct Delegate, that member shall be removed.~~

Section 3

~~The Chairperson shall have the power to grant a Waiver of Voter Eligibility Requirement to a person wishing to join the party but cannot register to vote at the Miami-Dade County Department of Elections, given that such person is a resident of Miami-Dade County. If an individual cannot register to vote solely due to his or her young age but is allowed to pre-register with the Miami-Dade County Department of Elections, he or she shall be a pre-registered Libertarian voter prior to being granted a waiver.~~

~~The Chairperson shall issue such waiver in writing and provide a signed copy of the order to the Secretary and to the new member benefiting from the Waiver.~~

~~A Chairperson's Waiver can only be removed after at least 365 days, following a two-third (2/3) vote of the Executive Committee, and may be renewed by the Chairperson.~~

Section 4.2

All members of the Executive Committee shall have the following duties:

- (a) Attend general and special meetings of the Executive Committee, with the expectation to remain until the meeting is adjourned. Members shall be deemed absent from any meeting at which the Member fails to be present for at least half of the meeting's agenda;
- (b) Organize and build a Party organization in his or her precinct to assist in all phases of political activity within the precinct;
- (c) ~~Serve as an Officer of the Executive Committee, as an Aide to an Officer as described in Article IV, Section 6 of these Laws, or on any of the Standing Committees and perform any functions consistent with their position, unless also serving on the Executive Committee of the Libertarian Party of Florida;~~
- (d) Immediately notify the Secretary of any change in personal residence.

Section 5.3

Vacancies for Precinct Delegate or Officer positions shall be filled by an appointment of the Chairperson, to be approved by a majority vote of the Executive Committee. All appointments shall be announced at least three (3) days prior to the meeting during which the appointment is to be held. No Precinct Delegate vacancy shall be filled at the regular meeting directly preceding the Organizational Meeting or at any special meeting following the aforementioned regular meeting.

Section 6.4

In the event precinct boundary changes are approved by the Board of County Commissioners and executed by the Department of Elections of Miami-Dade County, the Executive Committee shall adapt to the changes starting at the Organizational Meeting following the boundary changes.

When adopted, the section will read:

Article III: Membership

Section 1

All members of the Executive Committee shall be qualified voters of the Libertarian Party of Miami-Dade County, as detailed in Article IV, Section 1 of the Constitution. No monetary encumbrance shall be imposed on the members of the affiliate.

Section 2

All members of the Executive Committee shall have the following duties:

- (a) Attend general and special meetings of the Executive Committee, with the expectation to remain until the meeting is adjourned. Members shall be deemed absent from any meeting at which the Member fails to be present for at least half of the meeting's agenda;
- (b) Organize and build a Party organization in his or her precinct to assist in all phases of political activity within the precinct;
- (c) Immediately notify the Secretary of any change in personal residence.

Section 3

Vacancies for Precinct Delegate or Officer positions shall be filled by an appointment of the Chairperson, to be approved by a majority vote of the Executive Committee. All appointments shall be announced at least three (3) days prior to the meeting during which the appointment is to be held. No Precinct Delegate vacancy shall be filled at the regular meeting directly preceding the Organizational Meeting or at any special meeting following the aforementioned regular meeting.

Section 4

In the event precinct boundary changes are approved by the Board of County Commissioners and executed by the Department of Elections of Miami-Dade County, the Executive Committee shall adapt to the changes starting at the Organizational Meeting following the boundary changes.

Discussion:

Section 2 is unnecessary and punitive and contrary to Florida Statute 103.095(2) violating the rights of the persons who elected the precinct delegate. The stricken language was also antithetical to the autonomy of the individual members.

Section 3 corrects contrary provisions and aligns the LPMD rules with statutes and LPF and works in concert with **LPMD 2020ABM-C02**. The language is, therefore, automatically null and void.

Existing Section 4(c) is a vestigial remainder of language removed at convention in 2018, requiring service to be eligible to participate.

Motion Title: Motion to strike a section LPMD 2020ABM-B02

Mover: LPMD Rules Committee

Motion: I move to strike Section 1(n), add language to Section 4(a), add a Section 4(e) and renumber, strike Section 6, strike and replace language in Section, and renumber the LPMD Bylaws Article IV, as follows:

Article IV: Officers and their Duties

Section 1

There shall be a Chairperson, whose duties and responsibilities shall include:

- (a) Assuming primary responsibility for coordinating and uniting the efforts of the Executive Committee;
- (b) Presiding at meetings of the Executive Committee;
- (c) Calling special meetings of the Executive Committee as necessary, and having all members notified of the meetings no less than seven (7) calendar days prior to such special meeting if the meeting is held at a physical location, or one (1) calendar day if the meeting is held electronically;
- (d) Representing the Executive Committee or designating a representative to represent the Executive Committee in his or her absence;
- (e) Appointing all Committee Directors for ratification by the Executive Committee;
- (f) Removing any Standing Committee Director with a proper reasoning given to the Executive Committee;
- (g) Having ultimate responsibility for the creation and maintenance of the Libertarian organization in Miami-Dade County;
- (h) Overseeing the preparation and submittal of all reports required by the Libertarian Party of Florida, and Federal, State, and local laws;
- (i) Maintaining open communications with the Libertarian National Committee and the Libertarian Party of Florida;
- (j) Casting a vote only in case of a tie on any issue which is before the Executive Committee;
- (k) Deciding the location of an Executive Committee meeting at least seven (7) days before each meeting;

- (l) Rescheduling, canceling, or changing the location of an Executive Committee meeting in the event of extraordinary circumstances;
- (m) Appointing any member of the Executive Committee to the Convention Committee once it is in session;
- (n) ~~Granting Waivers of Voter Eligibility Requirements, as described in Article III, Section 3 of these Laws;~~
- (o) Appointing any Precinct Delegate not already serving as an Officer to fill an Officer vacancy for ratification by the Executive Committee;
- (p) Scheduling Precinct Delegate recall elections, as described in Article VI, Section 2 of these Laws;
- (q) Creating Special Committees, appointing members thereof, and reserving the power to abolish them, as described in Article V, Section 9 of these Laws;
- (r) Appointing a Precinct Delegate to serve as Secretary in the event of an absence by the Secretary during an Executive Committee meeting;
- (s) Accepting the resignations of Precinct Delegates, Committee Directors, and Officers; and
- (t) Appointing the Executive Director of this Executive Committee for ratification by the Executive Committee; and
- (u) Proposing the removal of the Executive Director, with the ratification of two-thirds (2/3) of the Executive Committee; and
- (v) Serving on the Committee of the Whole; and
- (w) Performing other duties as may be assigned by the Executive Committee.

Section 4

There shall be a Treasurer, whose duties and responsibilities shall include:

- (a) Collecting and maintaining all funds on behalf of the Libertarian Party of Miami-Dade County; rejecting or promptly returning any funds or requests for in-kind donations from individuals who are believed to be foreign nationals or who are less than 18 years of age, or any who are otherwise ineligible in accordance with 52 USC.Sect. 3021 US Code.
- (b) Maintaining the financial records of the Party, and having those records ready for inspection by any member of the Executive Committee;
- (c) Signing all Executive Committee checks;
- (d) Preparing and submitting all financial reports and audits required by State and Federal laws and rules of the Libertarian Party of Florida;
- (e) Preparing and presenting a detailed written report of all financial matters occurring during the month, which shall also include current bank balances.
- (f) Preparing a budget to be submitted to the County Executive Committee at the first regular meeting following the Organizational Meeting;

- (g) Monitoring the budget throughout the year, and proposing such changes as may be necessary;
- (h) Setting rules and regulations on the approval of expenditures and donations made by and to the Executive Committee;
- (i) Serving as the Treasurer for all Political Committees, as defined in Section 106.03 of the Florida Statutes, created by the Executive Committee for the first three months of a Political Committee's existence;
- (j) Appointing at most one (1) Precinct Delegate to the Convention Committee once called into session;
- (k) Serving on the Committee of the Whole; and
- (l) Performing other duties as may be assigned by the Chairperson or the Executive Committee.

Section 6

~~Individual Precinct Delegates that do not serve as Officers, members of Standing Committees, or members of the Executive Committee of the Libertarian Party of Florida shall serve as Aides to assist the individual Officers of the Executive Committee as requested by the Officers supervising them. Officers shall have the power to veto any self appointment as Aide by a Precinct Delegate and shall have the power to remove an Aide at their discretion.~~

Section 7

Any individual wishing to run for an Officer position during the Organizational Meeting must announce at least one (1) business day prior to the Organizational Meeting. Any individual wishing to run for an Officer position must also be seeking a term as Precinct Delegate.

~~Any candidate running for Precinct Delegate is eligible to run for an Officer position, except that only Precinct Delegate candidates that are also registered Libertarian voters may seek to be elected as Chairperson, Secretary, or Treasurer. Officers shall be elected from among the precinct delegates, and shall at all times be registered LPF with the Florida Division of Elections and members of the Libertarian Party of Florida.~~

When adopted, the section will read:

Article IV: Officers and their Duties

Section 1

There shall be a Chairperson, whose duties and responsibilities shall include:

- (a) Assuming primary responsibility for coordinating and uniting the efforts of the Executive Committee;
- (b) Presiding at meetings of the Executive Committee;

- (c) Calling special meetings of the Executive Committee as necessary, and having all members notified of the meetings no less than seven (7) calendar days prior to such special meeting if the meeting is held at a physical location, or one (1) calendar day if the meeting is held electronically;
- (d) Representing the Executive Committee or designating a representative to represent the Executive Committee in his or her absence;
- (e) Appointing all Committee Directors for ratification by the Executive Committee;
- (f) Removing any Standing Committee Director with a proper reasoning given to the Executive Committee;
- (g) Having ultimate responsibility for the creation and maintenance of the Libertarian organization in Miami-Dade County;
- (h) Overseeing the preparation and submittal of all reports required by the Libertarian Party of Florida, and Federal, State, and local laws;
- (i) Maintaining open communications with the Libertarian National Committee and the Libertarian Party of Florida;
- (j) Casting a vote only in case of a tie on any issue which is before the Executive Committee;
- (k) Deciding the location of an Executive Committee meeting at least seven (7) days before each meeting;
- (l) Rescheduling, canceling, or changing the location of an Executive Committee meeting in the event of extraordinary circumstances;
- (m) Appointing any member of the Executive Committee to the Convention Committee once it is in session;
- (n) Appointing any Precinct Delegate not already serving as an Officer to fill an Officer vacancy for ratification by the Executive Committee;
- (o) Scheduling Precinct Delegate recall elections, as described in Article VI, Section 2 of these Laws;
- (p) Creating Special Committees, appointing members thereof, and reserving the power to abolish them, as described in Article V, Section 9 of these Laws;
- (q) Appointing a Precinct Delegate to serve as Secretary in the event of an absence by the Secretary during an Executive Committee meeting;
- (r) Accepting the resignations of Precinct Delegates, Committee Directors, and Officers; and
- (s) Appointing the Executive Director of this Executive Committee for ratification by the Executive Committee; and
- (t) Proposing the removal of the Executive Director, with the ratification of two-thirds (2/3) of the Executive Committee; and
- (u) Serving on the Committee of the Whole; and

- (v) Performing other duties as may be assigned by the Executive Committee.

Section 4

There shall be a Treasurer, whose duties and responsibilities shall include:

- (a) Collecting and maintaining all funds on behalf of the Libertarian Party of Miami-Dade County; rejecting or promptly returning any funds or requests for in-kind donations from individuals who are believed to be foreign nationals or who are less than 18 years of age, or any who are otherwise ineligible in accordance with 52 USC.Sect. 3021 US Code.
- (b) Maintaining the financial records of the Party, and having those records ready for inspection by any member of the Executive Committee;
- (c) Signing all Executive Committee checks;
- (d) Preparing and submitting all financial reports and audits required by State and Federal laws and rules of the Libertarian Party of Florida;
- (e) Preparing and presenting a detailed written report of all financial matters occurring during the month, which shall also include current bank balances.
- (f) Preparing a budget to be submitted to the County Executive Committee at the first regular meeting following the Organizational Meeting;
- (g) Monitoring the budget throughout the year, and proposing such changes as may be necessary;
- (h) Setting rules and regulations on the approval of expenditures and donations made by and to the Executive Committee;
- (i) Serving as the Treasurer for all Political Committees, as defined in Section 106.03 of the Florida Statutes, created by the Executive Committee for the first three months of a Political Committee's existence;
- (j) Appointing at most one (1) Precinct Delegate to the Convention Committee once called into session;
- (k) Serving on the Committee of the Whole; and
- (l) Performing other duties as may be assigned by the Chairperson or the Executive Committee.

Section 7

Any individual wishing to run for an Officer position during the Organizational Meeting must announce at least one (1) business day prior to the Organizational Meeting. Any individual wishing to run for an Officer position must also be seeking a term as Precinct Delegate.

Officers shall be elected from among the precinct delegates, and shall at all times be registered LPF with the Florida Division of Elections and members of the Libertarian Party of Florida.

Discussion:

Section 2 is unnecessary and punitive and contrary to Florida Statute 103.095(2).

Section 3 corrects contrary provisions and aligns the LPMD rules with statutes and LPF and works in concert with LPMD 2020ABM-C03.

Section 4(a) Provides direction regarding allowable and non-allowable donations.

Section 4(e) Provides direction to the Treasurer regarding the type of information that is needed in the Treasurer's report.

Section 6 Removes requirements to serve as aides if precinct delegates do not choose to serve on a committee. While service is greatly encouraged, elected precinct delegates, rightfully may hold the position to which they were elected without additional service.

Section 7 Simplifies the language and adds the requirement from recent LPF rules changes that require Officers also to be LPF members.

Motion Title: Motion to strike a section LPMD 2020ABM-B03

Mover: LPMD Rules Committee

Motion: I move to strike and replace language in Section 2 of the LPMD Bylaws Article.X, as follows:

Article X: Public Records

Section 1

Any Precinct Delegate shall be entitled to request and be granted the right to examine the records of the Executive Committee, including all written notes and electronic correspondence done through the property of the Executive Committee.

Section 2

The Secretary shall ~~be the Officer in charge of managing and executing~~ answer all requests for public records. ~~The Executive Director's Office shall keep the discretion to redact some records to protect essential secrecy of affiliate business. The Secretary's Office shall have the discretionary power to make the rules on requests, understanding that if any fee is put in place for such requests, all funds shall go to the Secretary's Office.~~

When adopted, the section will read:

Article X: Public Records

Section 1

Any Precinct Delegate shall be entitled to request and be granted the right to examine the records of the Executive Committee, including all written notes and electronic correspondence done through the property of the Executive Committee.

Section 2

The Secretary shall answer all requests for public records.

Discussion:

The stricken language removes references to protection of secret documents and secrecy of the affiliate. The affiliate desires and encourages transparency within the law.

12. LPMD Officers Nomination and Election -
Chair - Marialexandra Garcia
Vice Chair - Martha Bueno
Secretary - Marc Golob
Treasurer - Dennis Misigoy
13. Adjournment - Marialexandra Garcia

Roll Call

1. **Josh Curtis** (Precinct 123)
2. **Dennis Misigoy** (Precinct 167)
3. **Matthew Tubbesing** (Precinct 531)
4. **Suzanne Gilmore** (Precinct 623)
5. **Anthony Sellers** (Precinct 623)
6. **Martha Bueno** (Precinct 707)
7. **Arian Gomez** (Precinct 752)
8. **Martin Golob** (Precinct 820)
9. **Marialexandra Garcia** (Precinct 965)

Quorum is 40 % of Executive Committee (5 present Precinct Delegates) or all Officers per LPMD Constitution Article VII, Section 1