



NOTES
Charter Revision Commission Meeting
November 9, 2015 – 7:00 PM
9705 E. Hibiscus Street
Palmetto Bay, FL

1. **Call to Order:** The meeting was called to order at 7:10 p.m.

The following members of the Charter Review Commission were present:

Chair David Chairman Zisman
Fidel Barreto
Patrick Fiore
George Hoffman
John DuBois (non-voting member)

The following staff members were present:

Dexter Lehtinen, Village Attorney
Meighan Alexander, Village Clerk
Village Manager Edward Silva

2. **Consideration of approval of Minutes of September 17, 2015:** Mr. Hoffman moved to approve the Minutes, as drafted. Seconded by Mr. Fiore. All voted in favor. The Minutes were passed unanimously (4-0.)
3. **Public Comments:** Mr. Peter England, 7620 SW 171 Street, came forward to express his opinion regarding the Charter provision that requires Council approval of Directors. Discussion ensued.

Mr. England expressed that the Charter should revert back to its original draft. The Commission noted that it was not possible, nor was that their responsibility; the charge to the Commission is to consider revisions.

Mr. England stated his opinion regarding the private school expansion provision, lobbying provision, and terms of office.

Mayor Eugene Flinn came forward and expressed his opposition to the Council's approval of directors. He also expressed support to having a plurality election. He opined that the private school expansion provision appears to be contrary to

the first amendment. Finally, Mayor Flinn suggested that reduction of the salaries of the Council should be considered.

Discussion ensued.

Chairman Zisman asked for the information concerning gift disclosures. Clerk Alexander and Attorney Lehtinen explained the process and that disclosures have to be made via a form filed with the Village Clerk for amounts over \$100.00.

4. Review of “Questions for Consideration” information prepared by staff

Chairman Zisman remarked concerning Section (A)(10), all items should be on the website. Mayor Flinn and Mr. England agreed.

Clerk Alexander advised that the Manager provides a staff report at the Council meetings. Mr. Hoffman added that the staff report is included in the Minutes of Council meetings. Vice Mayor DuBois remarked that the Charter provides framework; specificity of the framework is provided via Ordinances.

Mr. Fiore remarked that he believes the check registers are on line. Chairman Zisman stated that he understands there is more than one check register. Manager Silva stated that there one account that pays invoices and one account that transfers funding into payroll.

Chairman Zisman stated that the check register on line should provide more specificity, as such the reason for the check or post the invoice with the check. Manager Silva stated that the funds are taxpayer funds and would have no problem at all posting greater detail. Vice Mayor DuBois suggested that the general ledger may be the document to post. Mr. Fiore remarked that this issue seems to be a matter more appropriate as a resolution. Vice Mayor DuBois suggested that it may be a conversation for the new advisory committee to consider.

Manager Silva asked the Clerk if she knew of a situation where they may not be an invoice. Clerk Alexander stated that return of a deposit may not have an invoice.

Chairman Zisman suggested some type of statement of transparency be added, such as modifying Section (3) to state, “and post financial records electronically – “financial records,” including check registers and supporting documentation shall be posted online within a reasonable time of the transaction.” Mr. Barreto seconded. All voted in favor.

Clerk Alexander stated she would search other cities' charters to see if a statement could be found.

Mr. England commented that the litigation page is unclear. Clerk Alexander replied that the section of the website with litigation information is clear; however, it is outdated. She noted that each item had a date and the title of important pleadings. Manager Silva stated he would review that page and consider appropriate updates.

Section 1.3 – Single member district discussion: Chairman Zisman noted there was some concern regarding drawing up the district. Attorney Lehtinen provided explanation concerning how districts must be modified. Mr. Fiore suggested adding two additional at large seats, a seven member council.

Vice Mayor DuBois noted that while there may be an advantage to campaigning only within your district, the disadvantage would be the ability of someone to manipulate an election with a small turn-out in a smaller district area. Mr. Fiore concurred.

Vice Mayor DuBois stated that adding two members will not cure voter apathy. Mr. Fiore agreed, but stated that single member districts do benefit the immediate neighborhood.

Following discussion, Mr. Fiore moved to draft a ballot question creating single member districts. Seconded by Mr. Barreto. The motion passed (3-1, Mr. Hoffman opposed.)

The Commission decided to revisit the number of members on the Council at a later date.

Section 2.3(E) Limitations on lengths of service: Mr. Hoffman moved to remove "No person may serve as a combination of Mayor, Vice Mayor and Council member for more than three consecutive terms." Seconded by Mr. Barreto.

Vice Mayor DuBois suggested that the first sentence should include "or any combination for more than two consecutive terms." Attorney Lehtinen stated that the suggested language would be legally sufficient. The Commission concurred to include a ballot question with that revised sentence and remove the second, as well. The Commission suggested that that title, "Reduction of term limits" should be included.

Section 3.2 – Village Manager; Appointment, Removal: Discussion ensued and the Commission decided that this issue would be best included in the area concerning Quorum; a Manager should not be able to be removed by only three present.

Section 3.3(1) Powers and Duties of the Village Manager: Following brief comments, Mr. Hoffman moved to remove this Section. Seconded by Mr. Fiore. All voted in favor. The motion passed unanimously (4-0.) Ballot language will be drafted.

Mr. Fiore reminded the Commission that providing ballot language is not a guarantee that it will pass through the Council and be approved by the voters.

Section 3.3 (11): The Commission decided that this language was not necessary, but not harmful; therefore, it will remain. No ballot language would be drafted.

Section 3.6 Clerk Alexander explained this provision. The Commission concurred. Ballot language will be drafted so that the Clerk would be responsible for her/his own employees.

Attorney Lehtinen explained that while there is a section in the Charter that addresses the Council's directives to the Manager and the Attorney and does not mention the Clerk, this language was created prior to the Clerk reporting to the Council and the absence of mention of the Clerk does not negate the other sections concerning interference with administration.

Section 4.1(C): Discussion ensued concerning clarifying the quorum requirement. Vice Mayor DuBois noted that under the Charter, the Mayor may call a special meeting. Attorney Lehtinen stated that a regular majority may be appropriate in most instances, but stating four affirmative votes could be appropriate, as well. Mr. Hoffman moved to include that a quorum of four would be required for the appointment or removal of any Charter Officers and for the appointment of auditors. Seconded by Mr. Barreto. All favor in favor (4-0.) A ballot question will be drafted.

Section 4.1(D) Chairman Zisman expressed that the meetings should continue until concluded. Attorney Lehtinen stated that with the current language, a meeting may be terminated if the majority did not want to extend it. Vice Mayor DuBois stated that there was a past instance of this happening.

Mr. Hoffman stated that he did not believe this should be an issue. Following brief discussion, Chairman Zisman moved to remove the Section 4.1(D).

Seconded by Mr. Barreto. All voted in favor (4-0.) Mr. Hoffman remarked that this may be a ballot question that may not be of significance.

5. Discussion of next steps and suggestion to schedule a Town Hall Meeting

Chairman Zisman stated that he believes it is important to have a public meeting. The Commission discussed that mid-January may be a good time; however, they would wait until Mr. Quick could be present.

6. Establishment of schedule for future meetings: The Clerk was asked to contact all members to determine whether December 8 or 17 would be the better date.

7. Adjourn: The meeting adjourned at 8:45 pm.

Respectfully submitted:

Approved by the Charter Revision
Commission this ____ day of
December, 2015.

Meighan Alexander, Village Clerk

David Chairman Zisman, Chairperson