

**Minutes of the Charter Review Commission
Meeting of April 25, 2011 - 6:00 p.m.
17641 Old Cutler Road, Palmetto Bay, FL**

- 1. Call to Order:** The meeting was called to order at 6:00 p.m.

The following members of the Charter Review Commission were present:

Beverly Gerald
Warren Lovely
Brian Pariser (non-voting member)
Betty Pegram
Tom Ringel
David Zisman

The following staff members were present:

Ron E. Williams, Village Manager
Eve Boutsis, Village Attorney
Meighan Alexander, Village Clerk

- 2. Approval of Minutes of March 21, 2011**

Ms. Gerald suggested deleting the word "declined" and inserting the word "passed" from Page 3, Section 5. Mr. Ringel moved to approve the Minutes as amended. Seconded by Ms. Pegram. The Motion passed unanimously (5-0.)

- 3. Review of Charter – Articles I and II**

Ms. Gerald moved to allow former Councilmember Ed Feller to speak concerning an item. Mr. Lovely seconded the motion.

Dr. Feller stated that when he served on the Council, an area west of Palmetto Bay in the Falls neighborhood had sought to be annexed by Palmetto Bay. He recalled that a Resolution was passed denying the request. He suggested the Commission consider a Charter initiative requiring that the residents be permitted to vote on the matter, rather than the Council solely voting for expansion of the Village.

Vice Mayor Pariser recalled that the Village follows Miami-Dade County's procedures for annexation; the Council votes, then the area that wished to be annexed would vote. He noted that while the County has made it very difficult

for areas to be incorporated, annexation is an easier process. He agreed that the Charter Review Commission should consider modifying the process to include a 4/5 council vote and then requiring 51% ~~of the populace~~ of the Village populace then or simultaneous vote of the area for passage.

Dr. Feller suggested including language to state that the proposed annexation would be placed on the next regular general election.

Vice Mayor Pariser and Mr. Lovely concurred.

Mr. Ringel suggested that the Commission defer this matter to allow Attorney Boutsis to research the matter.

Ms. Gerald suggested that the matter be raised at the public workshop.

Brief discussion ensued regarding whether two elections would be necessary for the annexation consideration – one by the area wishing to be annexed; one by the Village.

Ms. Pegram noted that there is a scrivener's error at Page 5, Paragraph (13,) replacing the word "who" with "whose."

Mr. Lovely suggested on Page 6, Corporate Boundary, Attorney Boutsis should review that the agricultural land is included as part of the Village's northern boundary. Discussion ensued; the consensus was for Attorney Boutsis to review the legality of modifying the boundary.

Vice Mayor Pariser asked for clarification regarding Section 1.4 (B) use of park property. Mr. Ringel stated that he was under the impression that it was a village-wide vote, as opposed to a county-wide vote. Attorney Boutsis concurred.

Ms. Gerald suggested reviewing Article II, Section 2.1 (2). She asked or clarification regarding appointments to advisory committees. Attorney Boutsis clarified that while the Mayor has the authority to create the boards, the enabling legislation often defines the composition of the board, their scope and selection of committee members.

Vice Mayor Pariser asked former mayor Eugene Flinn for further information. Mr. Flinn noted that he would appoint members subject to Council approval.

Mr. Flinn suggested modifying the charter revision process to be reviewed on an even numbered year to coincide with elections.

Mr. Lovely suggested removing the word "may" and including "shall" (Section 2.1(2)) to be consistent with other language in that section. Discussion ensued regarding the fact that an advisory committee may not be in existence.

Attorney Boutsis stated that she would bring the procedures ordinance to the next meeting.

Mr. Zisman discussed Section 2.3, stating his opinion that he believes single member districts are preferable.

Mr. Lovely remarked that the original intention was to insure that elected officials would be accountable to the entire Village. Vice Mayor Pariser stated that the former Charter Review Commission had previously discussed that matter and felt that the elected officials should be responsible to all.

Mr. Zisman remarked that campaigning Village-wide discourages people from being involved in running for office.

Attorney Boutsis stated that the Commission should consider a review of language in Section 2.3 (A) and the specifics for the terms of elected officials.

Discussion ensued regarding the time between the elections and swearing in.

Manager Williams noted that the Village is bound by the Miami-Dade County Elections Department's calendar.

Mr. Ringel and Mr. Zisman remarked that the date of the termination of office should be the latest date ~~be the latest should be whichever is last~~. Mr. Lovely noted that a Council person may have to serve eight years and 3 weeks and it should not be a period of contention.

Mr. Ringel suggested that language should be included to state that sitting council persons may remain until the successor is elected. He stated that language should be clarified when the Commission begins its review of Article 5.

Mr. Lovely raised language in Section 2.3(E) "Limitations on length of service." He suggested removing the last sentence to allow a person to serve in a different

seat more than eight consecutive years, as the language arbitrarily precludes those who may be qualified and willing to serve.

Mr. Zisman stated that he is not in favor of eliminating term limits. Mr. Ringel agreed, adding that an individual can sit out for two years and return in an at-large seat

Mr. Lovely noted that the elected officials are still required to run for office every four years.

Discussion ensued. The Commission decided that the issue should be presented during a public workshop.

The Commission discussed the length of terms and also decided that the matter should be discussed at a public workshop.

Ms. Gerald asked for discussion concerning Section 2.3(D) and the word "independently." She noted that the Village has non-partisan elections.

Mr. Ringel stated that party affiliation is not on the ballot. Ms. Gerald stated that a candidate may use their party in a "robo call."

Mr. Lovely suggested inserting the words "non-partisan."

Mr. Ringel stated that someone may wish to include their participation in a political party as part of their credentials.

Ms. Gerald remarked that the elections of the village are non-partisan.

Mayor Stanczyk suggested that the matter should be included in the election ordinance, not in the charter.

Mr. Ringel concurred.

Ms. Gerald suggested adding language to prohibit referring to party affiliation in "written" communication. Attorney Boutsis stated that if a candidate mentions it to the media, it becomes public.

Attorney Boutsis stated that she would bring the election ordinance to the next meeting.

Ms. Pegram suggested that on page 12, Item (8), the word "that" should be removed (4th line from the bottom.)

Brief discussion ensued regarding vacancy in office. Ms. Gerald asked who determines "cause." Vice Mayor Pariser noted that the Council determines "cause."

4. Discussion of format for public workshop scheduled for May 23, 2011

Discussion ensued. The Commission was in favor of moving the public workshop to later in the year.

The Commission decided to meet on May 23, 2011, at 6 pm, same location. Mr. Ringel suggested that the meetings end at 8 pm. The Commission members agreed.

5. Adjourn: The meeting adjourned at 8:00 pm.

Respectfully submitted:



Meighan J. Alexander, CMC
Village Clerk

Approved by the Charter Revision
Commission this 23 day of May,
2011.

Beverly Gerald, Chairperson