



REQUEST FOR PREPARATION OF POLICY, LEGISLATION OR ACTION

To: Village Manager and Village Attorney

Date: March 21, 2013

From: Councilman Tim Schaffer

Re: Inclusion under "Other Business"
Council Meeting of 4/1/2013

PURPOSE:

Following the subject raised at the Committee of the Whole meeting of March 20, 2013, I would like to Co-sponsor with Councilman Fiore a revision to the Ordinances that are generally considered the "NPO Ordinances", which include Ordinances numbered 2012-21 through 2012-28, to clearly state that non-residential structures, including park facilities, within residential neighborhoods would be permitted to re-build in accordance with their existing site plans. In other words, grandfather those property rights.

MAJOR POINTS TO BE COVERED:

Request a staff review of the Ordinances and modification to each to include a grandfathering of the non-residential structures.

REASON:

I believe the Council should formalize in writing the promises made verbally to those owners of non-residential structures, including park facilities, within residential neighborhoods.

DESIRED ACTION:

Direct the Village Manager to instruct staff to draft the modifications; authorize Attorney Boutsis to review for legal sufficiency following staff review; and, schedule this matter to be heard on first reading at the earliest date possible.



REQUEST FOR PREPARATION OF POLICY, LEGISLATION OR ACTION

To: Village Manager and Village Attorney

Date: March 24, 2013

From: Vice Mayor DuBois

Re: Inclusion under "Other Business"
Council Meeting of 4/1/2013

PURPOSE:

Prepare a NP Civil Rights Ordinance (NP-CRO) that will incorporate Ordinances 2012-21 through 2012-28, collectively referred to as the NPO. The NP-CRO will be drafted to provide equality of rights and treatment for all Properties within the Village of Palmetto Bay that are zoned residential.

MAJOR POINTS TO BE COVERED:

The NP-CRO will include protection for all property owners that have residentially zoned properties, including natural persons and legal entities owning residential properties including but not limited to properties for residential use, parks, churches and private schools (examples of different "Classes"). This protection will insure that all Classes of properties are subject to the same rights, rules and regulations referenced in the NPO equally and without discrimination. Where and if rights are restricted for a particular property class in the NPO, the right of equality granted NP-CRO shall be superior and prevail and therefore invalidate the restrictive condition to any Class in the NPO.

REASON:

This provides a level of clarity to the amended Coral Reef Master Plan motion wherein verbiage was added to attempt to establish private schools and churches to be on the same footing as the Parks. This puts into law the symbolic language that was used to endorse the principal motion.

DESIRED ACTION:

Direct the Village Manager to instruct staff to draft the NP-CRO ordinance; authorize the Village Attorney to review for legal sufficiency following staff review; and, schedule this matter to be heard on first reading at the earliest date possible.



REQUEST FOR PREPARATION OF POLICY, LEGISLATION OR ACTION

To: Village Manager and Village Attorney

Date: March 24, 2013

From: Vice Mayor John DuBois

Re: Inclusion under "Other Business"
Council Meeting of 4/1/2013

PURPOSE:

Release of Attorney-Client Session transcripts for the litigation for Palmer Trinity School (3rd District Court of Appeals cases) that have been ruled upon and that the parties have decided not to appeal to the State Supreme Court.

MAJOR POINTS TO BE COVERED:

The Florida Sunshine Laws provide for open meetings of governmental bodies when two or more members of the governing board are to be present at a meeting. There is an exemption in the law that provides procedures for conducting private meetings (commonly known as "shade sessions") between a governmental entity and its attorney to discuss pending litigation. The law is clear that when the litigation is concluded, the transcripts of all shade sessions relating to such litigation shall become part of the public record.

REASON:

The transcripts of all shade sessions relating to the litigation related to Palmer Trinity that was heard by the 3rd District Court of Appeals must be disclosed in accordance with State law, as that litigation is concluded.

DESIRED ACTION:

Instruct the Village Clerk to include the Shade Session transcripts for the litigation in the Palmer Trinity School (3rd District Court of Appeals cases) as part of the public record.

REQUEST FOR PREPARATION OF POLICY, LEGISLATION OR ACTION

To: Village Manager and Village Attorney

Date: March 24, 2013

From: Vice Mayor John DuBois

Re: Inclusion under "Other Business"
Council Meeting of 4/1/2013

PURPOSE:

Establish a Financial Advisory Committee to provide input to the Village with regard to significant financial matters.

MAJOR POINTS TO BE COVERED:

Instruct staff to draft a Resolution to create a Financial Advisory Committee with each Councilmember being permitted to nominate a member to the Committee. The purpose of the Committee shall include, but not be limited to:

- a. Auditor Selection by Auditor Selection Committee (of which Financial Advisory Committee may be a part upon council request).
- b. Expenditure of funds of at least the amount required to warrant Village Council approval on a particular project (currently, \$25K).
- c. Review and/or Preparation of annual budget.
- d. Setting of fees and discretionary taxes.
- e. Other actions that will have a material impact on the Village's budget and/or financial statements.

REASON:

Utilize the knowledge and skill sets of Village residents who have expertise (CPA's/former CPA's, and CFO's/former CFO's of public companies) in financial matters in order to provide assistance and contrary points of view for use in considering the financial operations of the Village.

DESIRED ACTION:

Directing the Village Attorney and staff to draft such legislation.

**REQUEST FOR PREPARATION OF POLICY, LEGISLATION OR ACTION**

To: Village Manager and Village Attorney

Date: March 24, 2013

From: Vice Mayor John DuBois

Re: Inclusion under "Other Business"
Council Meeting of 4/1/2013

PURPOSE: Issue a notice soliciting proposals for the position of Village Attorney so that the Village may interview and hire a Village Attorney.

MAJOR POINTS TO BE COVERED:

Staff shall issue a notice to solicit proposals for village attorney services to ask for a more thorough and comprehensive agreement that has terms and conditions favorable to the Village. Should the desired action go forward, staff shall place a notice in a paper of general circulation and advertise the matter on the Village's website. The Village Manager would be authorized to take the 12 most favorable proposals submitted and provide them to the Council for consideration and further action in selecting the Village Attorney.

REASON:

The residents of the Village of Palmetto Bay deserve to have one of the most important positions and services re-evaluated on a regular basis. The same representation has been in place since the Village's inception and I believe that it is beneficial to evaluate other law firms at this time.

DESIRED ACTION:

Direct staff to issue a notice soliciting proposals to begin the procurement action of hiring a Village Attorney.