

**Minutes of the Charter Review Commission  
Meeting of May 23, 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 April 25, 2011**

Mr. Ringel moved to approve the Minutes. Seconded by Mr. Lovely. The Motion passed unanimously (5-0.)

- 3. Review of Charter**

Attorney Boutsis noted that there are several minor scrivener's errors that she will correct.

Mr. Ringel asked for clarification regarding the question of the Village's corporate boundaries. Attorney Boutsis advised that she had discussed modifications with the County and as Cutler Bay has become incorporated, the center-line language concerning 184 Street should be included.

Ms. Gerald asked for clarification regarding the USDA property. Attorney Boutsis advised that the property is within the Village's boundaries.

Attorney Boutsis reminded the Commission that they wished to return to discussion concerning the terms of office, lengths of service of councilmembers, and definition of a party affiliation.

Mr. Ringel asked when the Commission should consider these items. Ms. Gerald replied that the Commission should continue the discussion following the public forum. Mr. Lovely opined that certain items should be discussed at this time. He remarked that the term of office should end when the successor is sworn in.

Mr. Ringel remarked that Charter section 5.1(H) needs to be considered and be similar.

Vice Mayor Pariser raised the issue of future annexation and whether annexation should be considered by vote of a super majority of the Council or vote first by the populace of the village and the area to be annexed. Attorney Boutsis replied that the County has home rule authority. She further noted that the language in the County's charter states that the county has exclusive jurisdiction concerning the procedures surrounding annexation. She stated that she spoke to Attorney Collier, who told her that while the County will not provide an advisory opinion to the Village; however, Attorney Collier stated that he did not believe the Village would be in conflict with the home rule authority of the County with the suggested process.

Mr. Lovely remarked that the County retains a large majority of the taxes and only provides ad valorem revenue from the area annexed. Vice Mayor Pariser suggested that this matter be considered in the future.

Mr. Zisman asked if the Commission will consider a procedure for the spectators to these meetings. He remarked that he did not believe it was appropriate to let individuals interrupt the meeting. Ms. Gerald agreed and suggested that individuals speak personally to the members of the Commission, send emails, or express their concerns at the public workshop that will be held in the Fall.

The Commission continued with Article 3. Ms. Gerald suggested modification to Section 3.3: (1) to include "and the Village Clerk." Vice Mayor Pariser suggested "and all employees of the Office of the Village Clerk." Manager Williams remarked that it may be difficult to define a position of the Clerk's office since the positions are of a budgetary nature. Mr. Lovely suggested including "and Village Clerk" and ending the sentence.

Following conclusion of Article 3, the Commission continued with Article 4.

Vice Mayor Pariser questioned Article 4.1(C), as the language seems to suggest there is a rule compelling attendance. Attorney Boutsis stated that she would review that section.

The Commission held a brief discussion regarding what would occur if three or more Council members are excused from a meeting due to abstaining. The Commission concurred to leave the section as is, since the situation is unlikely.

Mr. Zisman questioned Section 4.2(A), stating that the language seems contradictory, as a member of the Council cannot dictate the appointment or removal of an employee, but the council person can express their opinion freely. Ms. Gerald remarked that the final decision concerning personnel is up to the manager. Vice Mayor Pariser remarked that the council can express an opinion, not dictate the hiring or firing. Mr. Lovely stated that he believes the language is appropriate.

Mr. Zisman suggested adding "Village Clerk" at Section 4.2(B)(1). Discussion ensued regarding the process of handling inquiries and investigations. Mr. Ringel noted that the purpose of this section is to prevent the Council from interfering in these types of matters unless the matter is serious. Mr. Lovely concurred.

Mr. Ringel asked for clarification regarding 4.2(B)(2). Attorney Boutsis explained that this section addresses charter violations. She suggested that the Commission may wish to consider whether it wants the entire charter to be enforced by the State Attorney's office. Mr. Ringel asked if this could be done. Attorney Boutsis replied that they would. Vice Mayor Pariser asked for clarification. Attorney Boutsis advised that currently, only ethics code violations are enforced by outside agencies, not charter provisions, but some municipalities have the State Attorney's office be the enforcer and Attorney Centorino informed her they would. Mr. Lovely and Ms. Pegram remarked that they concurred. Brief discussion ensued. Mr. Ringel suggested the Commission consider this section in the future.

Ms. Gerald asked what would prevent an elected official from getting work done for the village without notifying the village manager. Brief discussion ensued with Manager Williams stating that Council people are permitted to work on issues and bring them forward to the full Council when they are ready. Manager Williams noted that an individual council member cannot incur expenses on behalf of the village.

The Commission discussed Section 4.2(C) "Holding Other Office". The Commission decided to consider this matter at the town hall workshop.

Concerning Section 4.3(A)(1), Manager Williams noted that the Village adopts ordinances to abolish a board. Attorney Boutsis noted that the ordinance defines the "sunsetting".

Mr. Ringel asked for clarification regarding emergency ordinances. Attorney Boutsis noted that there are procedures in place for emergencies. Clerk Alexander noted that an emergency declaration begins the process. Mr. Ringel remarked that he would defer modifying it at this time.

Vice Mayor Pariser asked for clarification regarding the 90-day provision in Section 4.10. Attorney Boutsis replied that if an auditor finds an error, the Manager has 90 days to respond to the finding. Ms. Gerald noted that if there is a major issue, it may require more than 90 days to have a response. Mr. Ringel remarked that if there is a serious issue, the Council will direct the Manager to respond immediately. The Commission determined that the section did not require modification.

4. Adjourn

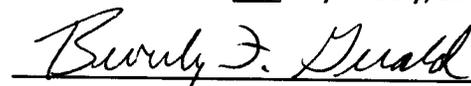
The Commission decided to meet again on July 25 at 6 pm

The meeting adjourned at 7:30 pm.

Respectfully submitted:

  
Meighan J. Alexander, CMC  
Village Clerk

Approved by the Charter Revision  
Commission this 25 day of July, 2011.

  
Beverly Gerald, Chairperson