

Minutes of the Charter Revision Commission Meeting  
July 25, 2011  
17641 Old Cutler Road, Palmetto Bay, FL

1. Call to Order: The meeting was called to order at 6:05 p.m.

The following members of the Charter Review Commission were present:

Beverly Gerald

Warren Lovely – not present (arrived at 6:15 p.m.)

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 May 23, 2011

Mr. Ringel moved to approve the Minutes. Seconded by Ms. Pegram. Attorney Boutsis noted that spelling of Attorney Collier's name should be corrected. All voted in favor of the corrected Minutes (4-0.)

Discussion ensued regarding the process of the public workshop. Vice Mayor Pariser stated that the outstanding items should be raised for public input.

3. Review of Charter (Commencing at Article 5)

Mr. Lovely entered the meeting.

Attorney Boutsis reviewed the revisions. Mr. Lovely suggested changing the word "deal" to "communicate" in Section 4.2 (B)(1). The members of the Commission concurred. Discussion ensued regarding interference with administration. Attorney Boutsis explained that if there was such a significant personnel issue that the Council felt they should get involved, a resolution should be passed by the Council. Mr. Lovely suggested removing the word "Except" from the beginning of the paragraph. Ms. Pegram asked if the language is written to prevent council persons from speaking to the staff. Mr. Ringel stated that a council member should be able to ask simple questions. Vice Mayor Pariser advised that a strong manager form of government is what the village was founded upon and there can be difficulties if a council member has

the ability to question employees. Ms. Gerald concurred. Manager Williams noted that the council is a legislative body and has to act as a body. Vice Mayor Pariser concurred, adding that there would have to be a resolution.

Attorney Boutsis continued. With regard to item 4.2(C) "Holding other office", she noted that Coral, Cutler Bay and Miami Gardens have the same language as Palmetto Bay's charter; however, many other cities do not address this issue. Mr. Ringel suggested asking for public input regarding whether the prohibition should be one or two years, as there is an election every two years. Attorney Boutsis advised that lobbying by a former elected official is not allowed for two years throughout Miami-Dade County, per County Code. Vice Mayor Pariser and Mr. Ringel suggested insuring that the charter does not conflict with County Code. Attorney Boutsis stated that she would provide the language from the County Code at the next meeting.

Discussion ensued regarding Sections 5.1(B) and 2.3(D) concerning the definition of "slate" and running "independently" Mr. Lovely suggested revising the language to be very clear. Mr. Ringel suggested including "of any other Village candidate" at the end of the sentence in Section 2.3(D). Mr. Lovely remarked that non-partisan should also be specifically prohibited and defined in Section 5.1(B).

Attorney Boutsis, returning to earlier discussion, clarified that the prohibition of two years was specifically for lobbying, not employment. She noted that prohibition of hiring a former elected official is not prohibited by the County. Mr. Zisman expressed that he was in favor of only a one year prohibition. Mr. Ringel concurred. Ms. Pegram and Mr. Lovely expressed that they prefer two. Mr. Zisman remarked that the Commission should only consider changing provisions that are necessary. Mr. Ringel concurred. The Commission decided to ask for public input on this matter.

Attorney Boutsis advised that State law defines non-partisan. Mr. Lovely suggested that there should be a definition included. Ms. Gerald stated that the section should include prohibition of partisan campaigning on campaign literature. Mr. Ringel moved to include the state law definition in Section 5.1(B). Seconded by Mr. Lovely. The motion carried (5-0.)

Attorney Boutsis stated that she would be reviewing Section 6.03 of the Home Rule Charter of Miami-Dade County (Section 6.1 of the Palmetto Bay Charter) to insure that the Village is not conflicting with home rule provisions for how the charter can be revised by the Council.

Clerk Alexander suggested the Commission consider removing the word “except” from Section 7.2(B), as the state mandates which boards have to file disclosures, for example a Planning & Zoning Board. Vice Mayor Pariser suggested Attorney Boutsis check with other cities’ Charters.

Mr. Ringel remarked that under Section 7.6 lobbyists the four year prohibition is overly restrictive. Ms. Gerald concurred. Mr. Lovely opined that it should remain as is. Attorney Boutsis advised that many cities have a two year prohibition. Ms. Gerald stated that Miami Beach does not have this language in their charter, but they do have an ordinance. Attorney Boutsis stated that she would review the ordinance. The Commission asked her to bring the ordinance to the next meeting. Mr. Zisman suggested bringing this item forward for public input.

Manager Williams noted that the last sentence of the section, which reads, “any violation...shall render the issue...voidable” is not practicable. He stated that some issues can’t be voided, such as a police contract. Attorney Boutsis was instructed to return with language, such as “may” instead of “shall”.

The Commission determined that Section 8, 9, and 10 remain as is.

The Commission discussed the public workshop. The members decided they would meet on October 24<sup>th</sup> at 6 pm at the same location to review all items for public input.

Discussion ensued regarding the public workshop. Mr. Zisman suggested having the speakers be timed and they be permitted to speak without interruption. Ms. Pegram stated that the public should be encouraged to attend and provide their input, call, email, or write. Mr. Lovely also noted that the public can always speak to the members of the Commission after the meeting.

#### 4. Public Comments

A resident, later identified as Chris Salisbury, asked how the Charter Commission will address subjective words, such as replacing “shall” with “may”. Attorney Boutsis explained that substantive changes will require a separate ballot question.

5. Adjourn: The meeting adjourned at 7:25 pm.

Respectfully submitted:

  
Meighan J. Alexander, CMC  
Village Clerk

Approved by the Charter Revision  
Commission this 24 day of October,  
2011.

  
Beverly Gerald, Chairperson