

**Minutes of the Charter Revision Commission Meeting
October 24, 2011
9705 E. Hibiscus Street, Palmetto Bay, FL**

1. Call to Order: The meeting was called to order at 5:35 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 July 25, 2011: Mr. Ringel moved to approve the Minutes, as submitted. Seconded by Ms. Pegram. All voted in favor.
3. Review of suggested items seeking public input in anticipation of public workshop: Attorney Boutsis provided a document that contained a list of the items.
 - a. Vice mayor Pariser concurred that the County Attorney should comment on Article X, as the County is the final authority for annexation.

The Commission discussed the voting process. Vice Mayor Pariser noted that annexation should require a super majority vote by the Council or no action, as the cost of a special election could be significant. Attorney Boutsis remarked that current Village Ordinance requires super majority vote for changes to Parks Master Plan.

Vice Mayor Pariser remarked that if the super majority vote sends the action forward, then the residents of Palmetto Bay should vote, then a vote from the area that wishes to be annexed.

Chairperson Gerald stated that she believed the resident who raised this issue wanted the Council to hear the will of the residents before the Council votes.

Manager Williams remarked that if the election results show that most are against the annexation, the Council will have difficulty voting in favor of the matter. Attorney Boutsis remarked that if the Council voted in favor, it would "trigger the pre-vote calendar." Discussion ensued regarding straw vote or mail-in ballot.

Ms. Pegram remarked that residents should be informed first before the Council is able to vote. Mr. Lovely noted that many residents are not involved in the operation of the Village, no matter how much notice is provided. He opined that the expense of having a special election is nonsensical.

Vice Mayor Pariser concurred with Mr. Lovely, noting that the process begins with only a small number of people presenting a petition.

Mr. Lovely opined that the annexation issue is not probable, as the Falls area is trying to work on its own incorporation. He stated that the only area left is West Perrine and he believes that that community would not be interested in joining Palmetto Bay.

Mr. Ringel remarked that the Council should be the body that decides. Vice Mayor Pariser remarked that the residents could vote following 4/5 vote of the Council.

Following discussion, the Commission felt that the Council vote should include a Resolution requiring public hearing.

- b. Attorney Boutsis reviewed Section 2.3(D) concerning running independently. All agreed that the language for public input was sufficient.
- c. Attorney Boutsis noted that the next discussion item regarding extending the Council terms of office. All agreed that the language for public input was sufficient.
- d. Chairperson Gerald suggested that the word "except" should remain. All agreed.
- e. Attorney Boutsis reviewed the public input discussion concerning the prohibition for elected officials changing from one year to two years.
- f. Attorney Boutsis discussed the Independent Audit revision – Section 4.10. The Commission felt that the 90 day time table should remain, but the item would remain for public input.

- g. Chairperson Gerald remarked that party affiliation while campaigning is not appropriate in non-partisan races; however, she understands the statutes define non-partisan, but contain no penalty.

Mr. Ringel asked how the matter would be enforced. Chairperson Gerald stated that the State Attorney would enforce Charter violations.

Mr. Lovely suggested adding a line to state that "violations of any of the above requirements shall be enforced by actions by the state attorney, including, but not limited to disqualification or removal from office." Mr. Ringel added that "disqualification" should be included. Vice Mayor Pariser suggested removal from office, as resolution could take 4 to 5 months.

Attorney Boutsis stated that she would research the Statutes to see the definition of party affiliation.

Mr. Lovely suggested that the ballot and campaign materials should be non-partisan.

- h. Attorney Boutsis suggested removing the Section 7.2-Conflict of Interest from public input, as this language is not dissimilar from other municipalities and is governed by State law.
- i. Section 7.6 - relating to vendors and disclosures: Attorney Boutsis noted that the revision would be "may make voidable" instead of "shall" when it comes to contracts. She explained that there are some contracts that should not be immediately voided, such as a safety projects.

Discussion ensued regarding definition of a lobbyist. Attorney Boutsis clarified that an individual can lobby on their own behalf.

Mr. Lovely remarked that the word "firm" should be changed to "company." Mr. Ringel stated that a vague definition actually can make the interpretation stricter. Attorney Boutsis stated that the modification of prohibiting lobbying after campaign contribution from four years to two years will be a public discussion.

Brief discussion ensued regarding the term of office of elected officials and when the term commences. Vice Mayor Pariser asked what would occur if a legal action is filed over run-off election results. Mr. Ringel remarked that there should be "catch all" phrase. Mr. Lovely suggested adding language that the term "not exceed eight years or swearing in of elected official, whichever is greater."

4. Determination of date/time/format of public workshop

Chairperson Gerald suggested two meetings. The Committee decided that the first meeting should be scheduled for January 25th. Mr. Ringel and Mr. Zisman suggested having one meeting and then discussing the meeting and, if necessary, having another public meeting. Mr. Lovely concurred.

The Committee decided to hold a public town hall meeting on January 25th at 7 pm and then a Committee meeting on February 27th to discuss whether a second workshop is necessary and to review the issues following the town hall meeting.

5. Public Comments

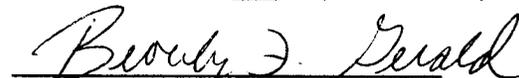
Mr. Jerry Templar, 8120 SW 182 Street, thanked the Committee. He remarked that public comments should be at the beginning of the meeting.

6. Adjourn: The meeting adjourned at 6:35 pm.

Respectfully submitted:


Meighan J. Alexander, CMC
Village Clerk

Approved by the Charter Revision
Commission this 21st day of February, 2012.


Beverly Gerald, Chairperson